RESOLUTION ACCEPTING THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT, FOR A JOINT AWARD WITH THE COUNTY OF STANISLAUS AND THE CITY OF MODESTO IN THE AMOUNT OF $235,816; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, on May 25, 2010, the City Council, by Resolution 2010-205, approved a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application to the Edward Byrne Memorial Justice Assistance Grant Formula Program in the amount of $235,816, and

WHEREAS, the City of Modesto will use its allocation of $153,093 to offset police overtime costs, and

WHEREAS, the County of Stanislaus will use its allocation of $82,723 for the Probation Department and the Sheriff’s Operations Division, and

WHEREAS, the Memorandum of Agreement states that the City agrees to provide the County with a quarterly financial and programmatic report not later than fifteen calendar days after the end of each quarter, and

WHEREAS, the project start period is July 1, 2010, and there is a statutory four-year period within which to spend the funds, and

WHEREAS, the Memorandum of Agreement was approved at the Board of Supervisors meeting on May 25, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Edward Byrne Memorial Justice Assistance Grant, for a joint award with the County of Stanislaus and the City of Modesto in the amount of $235,816.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-424

RESOLUTION AMENDING THE MULTI-YEAR 2010/11 OPERATING
BUDGET, ESTIMATING REVENUE OF $153,093 FROM THE EDWARD
BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, AND
APPROPRIATING FUNDS IN ORGANIZATION 0420-190-2003

WHEREAS, on May 25, 2010, the City Council, by Resolution No. 2010-205,
approved a Memorandum of Agreement between the County of Stanislaus and the City of
Modesto for a joint application to the Edward Byrne Memorial Justice Assistance Grant
Formula Program in the amount of $235,816, and

WHEREAS, recommended distribution of the 2010 grant is as follows:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stanislaus County Probation</td>
<td>$17,988</td>
</tr>
<tr>
<td>Stanislaus County Sheriff</td>
<td>$60,000</td>
</tr>
<tr>
<td>Stanislaus County (Admin Fee)</td>
<td>$4,735</td>
</tr>
<tr>
<td>Modesto Police Department</td>
<td>$153,093</td>
</tr>
</tbody>
</table>

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves amending the Multi-Year 2010/2011 Operating Budget as
indicated in Attachment A, which is attached hereto.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is
hereby authorized to take the necessary steps to implement the provisions of this
resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SIGNATURE)

APPROVED AS TO FORM:

By: 

(SIGNATURE)

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-425

RESOLUTION DECLARING THE CITY-OWNED PROPERTY LOCATED AT 309 MENSINGER AVENUE (APN: 113-004-022) AS SURPLUS PROPERTY, AUTHORIZING THE CITY’S PROPERTY AGENT TO PROCEED WITH THE SALE OF THIS PROPERTY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY SALE DOCUMENTS

WHEREAS, the City of Modesto owns the property at 309 Mensinger Avenue (APN 113-004-022), and

WHEREAS, this former well site is no longer used by the City and there are no other uses for this property by the City, and

WHEREAS, due to its small size and being below the minimum lot size for the area’s R-1 residential zoning, this property does not fall within the scope of the Surplus Land Act, and

WHEREAS, the property located at 309 Menginger Avenue (APN: 113-004-022) has been appraised at $50,000, and

WHEREAS, staff recommends the site be sold as surplus property, and

WHEREAS, an adjoining property owner has expressed a desire to purchase the property, and

WHEREAS, staff recommends the City’s property agent proceed with the sale of this property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares the City-owned property (APN 113-004-022), known as 309 Mensinger Avenue, as surplus property.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City’s property agent to proceed with the sale of this property.
BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager, or his designee, to execute all necessary sale documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, 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 NO. 2010-426

RESOLUTION APPROVING A NEW CAPITAL IMPROVEMENT PROGRAM ACCOUNT FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT TITLED, “NORTH POINT BASIN - RECONSTRUCTION”, WHICH DID NOT APPEAR IN THE ADOPTED CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2010-2011

WHEREAS, in 1999, as part of the Northgate Offsite Improvement Plans, the NorthPointe detention basin (Costco Basin/Lift Station) was built to accommodate the storm runoff from the Costco Shopping Center on Pelandale Avenue, and

WHEREAS, in the past few years, there have been numerous issues at the basin due to the vineyard located on the northern border during flood irrigation causing the basin walls to erode, and

WHEREAS, in 2008, a small portion of the top of the northeast wall of the basin collapsed, and in May of 2009, staff found a larger collapse at the same location, and

WHEREAS, Blackburn Consulting conducted geotechnical testing and recommended solutions to the basin issues, and

WHEREAS, staff decided that the installation of a cut-off wall would be the best option, and

WHEREAS, the CIP Task Force reviewed and approved the installation of a cut-off wall and repair of the basin at its June 22, 2010 meeting, and

WHEREAS, the total amount of funding expected for both design and construction, including contingency and construction administration, of this project is $209,000, and

WHEREAS, this project was not included in the adopted CIP for Fiscal Year 2010-2011, and
WHEREAS, City staff recommends approving a new CIP Account 2750-140-X002 for the project titled, “NorthPointe Basin – Reconstruction”,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a new Capital Improvement Program Account 2750-140-X002 for the project titled, “NorthPointe Basin – Reconstruction.”

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING AN AGREEMENT WITH BLACKBURN CONSULTING (BLACKBURN) FOR DESIGN SERVICES FOR NORTHPOINTE BASIN - RECONSTRUCTION, NORTHPOINTE CFD 2002-1 PROJECT IN AN AMOUNT NOT TO EXCEED $30,255 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $3,026 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $33,281, AND AUTHORIZING THE DISTRICT ADMINISTRATOR, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in 1999, as part of the Northgate Offsite Improvement Plans, the NorthPointe detention basin (Costco Basin/Lift Station) was built to accommodate the storm runoff from the Costco Shopping Center on Pelandale Avenue, and

WHEREAS, in the past few years, there have been numerous issues at the basin due to the vineyard located on the northern border during flood irrigation causing the basin walls to erode, and

WHEREAS, in 2008, a small portion of the top of the northeast wall of the basin collapsed, and in May of 2009, staff found a larger collapse at the same location, and

WHEREAS, in August of 2009, the Public Works Director approved a short list of local geotechnical and design firms to conduct a geotechnical investigation of the collapse and to provide recommendations of mitigating measures to prevent future erosion of the basin, and

WHEREAS, Request for Proposals were sent to the three local consultants on the short list: Blackburn Consulting, Kleinfelder, Inc., and Geological Technics, Inc., and

WHEREAS, only one proposal was received for the geotechnical and design services which was from Blackburn Consulting, and

WHEREAS, after reviewing their proposal, Blackburn was deemed qualified to perform the work, and
WHEREAS, on November 12, 2009, the City entered into an agreement with Blackburn to perform the geotechnical services for the NorthPointe Basin repair project, and

WHEREAS, a final draft of the report was submitted in March 2010, and after careful consideration, City staff decided that the installation of a cut-off wall would be the best option, and

HEREAS, City staff recommends an agreement with Blackburn Consulting as the City does not have the staffing level or subject matter expertise to complete the design services for the NorthPointe Basin – Reconstruction, NorthPointe CFD 2002-1 project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement for Design Services for NorthPointe Basin – Reconstruction, NorthPointe CFD 2002-1 with Blackburn Consulting, for an amount not to exceed $30,255 for the identified scope of services, plus $3,026 for additional services (if needed), for a maximum total amount of $33,281.

BE IT FURTHER RESOLVED that the District Administrator, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, 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 THE APPEAL OF SANDERS CONSTRUCTION COMPANY TO A BOARD OF ZONING ADJUSTMENT DECISION DENYING A CONDITIONAL USE PERMIT FOR A FREESTANDING FREEWAY-ORIENTED SIGN FOR A RESTAURANT LOCATED AT 3037 SISK ROAD

WHEREAS, on July 8, 2010, Sanders Construction Company applied for a Conditional Use Permit (File No. CUP-10-003) for a 65-foot high, 150-square foot freestanding freeway-oriented sign for property at the southwest corner of Sisk and Beckwith Roads at 3037 Sisk Road, and

WHEREAS, Sections 10-1.202(a) and 10-2.2504 of the Municipal Code authorize the Board of Zoning Adjustment to grant Conditional Use Permits and Section 2.2114(g) authorizes the Board of Zoning Adjustment to grant a freestanding sign under certain conditions, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on August 26, 2010, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which time the Board of Zoning Adjustment, by Resolution No. 2010-03, found and determined that the applicant had failed to demonstrate the necessary findings for a freeway-oriented sign at the subject location as required by Section 10-2.2114(g)(3) of the Modesto Municipal Code, specifically, that the use is not a freestanding use but is part of a shopping center, and

WHEREAS, on September 9, 2010, Sanders Construction Company filed an appeal with the City Clerk of the City of Modesto to the decision of the Board of Zoning Adjustment denying an application for a conditional use permit for a freestanding
freeway-oriented sign 65 feet in height and 150 square feet in area, at the southeast corner of Beckwith overpass and Freeway 99, and

WHEREAS, said appeal was set for public hearing before the City Council at its regular meeting place in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at 5:30 p.m. on October 5, 2010, at which time evidence both oral and documentary was taken and introduced, and

WHEREAS, Council heard evidence from appellant establishing that the restaurant is considered a freestanding use and not part of a shopping center, because the uses in the center do not share a single merchants’ association, and the restaurant does not attract customers by its proximity to other businesses, and that the restaurant acts as an independent, regional draw; and

WHEREAS, the evidence presented to the Council shows that the use or occupancy cannot be adequately identified by other signs permitted within the applicable zone, because the business cannot be seen from the freeway as it is blocked from view by the retail building located along the freeway off ramp; and

WHEREAS, based on the above, the Council determined that the findings for a Conditional Use Permit for a freeway-oriented sign for the proposed restaurant, as required by Section 10-2.2114(g)(3) of the Modesto Municipal Code, can be made, specifically that:

(a) the restaurant is considered a freestanding use; and

(b) the use or occupancy cannot be adequately identified by other signs permitted within the applicable zone.
NOW, THEREFORE, BE IT RESOLVED by the City Council that based on the above findings the appeal of Sanders Construction Company to the decision of the Board of Zoning Adjustment denying an application for a Conditional Use Permit in the C-3 Zone for a freestanding, 65-foot-high, 150-square-foot freeway-oriented sign be granted and the Conditional Use Permit for said sign be approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2010, by Mayor Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, 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 AMENDING THE FISCAL YEAR 2010-2011 CAPITAL IMPROVEMENT PROGRAM BUDGET IN ORDER TO SET UP THE CIP ACCOUNT TO FULLY FUND DESIGN AND CONSTRUCTION, INCLUDING CONTINGENCY AND CONSTRUCTION ADMINISTRATION, FOR THE NORTHPOINTE BASIN - RECONSTRUCTION PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $209,000, in order to set up the CIP account to fully fund design and construction, including contingency and construction administration, for the NorthPointe Basin - Reconstruction project, and

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

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

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION ACCEPTING THE ASSISTANCE TO FIREFIGHTER'S GRANT, IN THE AMOUNT OF $1,079,500, ON BEHALF OF THE MODESTO FIRE DEPARTMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY NECESSARY GRANT ACCEPTANCE DOCUMENTS

WHEREAS, in 2009, the Modesto Fire Department applied for the 2009 Assistance to Firefighters Grant, using a regional approach, for the mobile data computer (MDC) needs countywide, and

WHEREAS, this approach allows for the City of Modesto to host the grant activity, which will include the purchasing and distribution of 170 MDC’s, antenna and the installation of same to seventeen (17) Fire Departments and Fire Protection Districts countywide, and

WHEREAS, this grant provides for the replacement of the Modesto Fire Department’s outdated and unreliable units which are currently in service, and

WHEREAS, the new MDC’s will allow the use of tracking capabilities by Dispatch allowing for the dispatch of the closest resource ensuring the fastest response times possible, and

WHEREAS, this grant provides a mechanism for departments/districts which were previously unable to purchase MDC’s the ability to procure this equipment, thus increasing that agency’s ability to communicate with dispatch, and

WHEREAS, this grant has a twenty percent (20%) match and as such, other departments/districts which have elected to be a part of this grant purchase will fund their match in advance of products being ordered,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that it hereby authorizes acceptance of the Assistance to Firefighter's grant, in the amount of $1,079,500, on behalf of the Modesto Fire Department,

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2010, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ___________________________

(SEAL)

APPROVED AS TO FORM:

By: ___________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-431

A RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 MULTI-YEAR OPERATION GRANTS FUND TO ESTABLISH A NEW MULTI-YEAR BUDGET FOR THE ASSISTANCE TO FIREFIGHTER’S GRANT

WHEREAS, in 2009, the Modesto Fire Department applied for the 2009 Assistance to Firefighters Grant, using a regional approach, for the mobile data computer (MDC) needs countywide, and

WHEREAS, this approach allows for the City of Modesto to host the grant activity, which will include the purchasing and distribution of 170 MDC’s, antenna and the installation of same to seventeen (17) Fire Departments and Fire Protection Districts countywide, and

WHEREAS, this grant provides for the replacement of the Modesto Fire Department’s outdated and unreliable units which are currently in service, and

WHEREAS, the new MDC’s will allow the use of tracking capabilities by Dispatch allowing for the dispatch of the closest resource ensuring the fastest response times possible, and

WHEREAS, this grant provides a mechanism for departments/districts which were previously unable to purchase MDC’s the ability to procure this equipment, thus increasing that agency’s ability to communicate with dispatch, and

WHEREAS, this grant has a twenty percent (20%) match and as such, other departments/districts which have elected to be a part of this grant purchase will fund their match in advance of products being ordered,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2010-2011 Multi-Year Operation Grants Fund is hereby
amended to establish a new multi-year budget for the Assistance to Firefighters Grant.

Revenue Account: 0410-180-2850-3550 and 0410-180-2850-3708

Expense Account: 0410-180-2850-5400

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2010, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature] SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-432

A RESOLUTION AMENDING THE FISCAL YEAR 2010-11 OPERATING BUDGET BY TRANSFERRING $39,000 FROM 0100-180-1810-0308 TO THE NEW MULTI-YEAR OPERATIONS GRANT FUND BUDGET ESTABLISHED FOR THE ASSISTANCE TO FIREFIGHTERS GRANT FOR MOBILE DATA COMPUTERS

WHEREAS, in 2009, the Modesto Fire Department applied for the 2009 Assistance to Firefighters Grant, using a regional approach, for the mobile data computer (MDC) needs countywide, and

WHEREAS, this approach allows for the City of Modesto to host the grant activity, which will include the purchasing and distribution of 170 MDC’s, antenna and the installation of same to seventeen (17) Fire Departments and Fire Protection Districts countywide, and

WHEREAS, this grant provides for the replacement of the Modesto Fire Department’s outdated and unreliable units which are currently in service, and

WHEREAS, the new MDC’s will allow the use of tracking capabilities by Dispatch allowing for the dispatch of the closest resource ensuring the fastest response times possible, and

WHEREAS, this grant provides a mechanism for departments/districts which were previously unable to purchase MDC’s, the ability to procure this equipment thus increasing that agency’s ability to communicate with dispatch, and

WHEREAS, this grant has a twenty percent (20%) match and as such, other departments/districts which have elected to be a part of this grant purchase will fund their match in advance of products being ordered,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2010-11 Operating Budget by transferring $39,000 from 0100-180-1810-0308 to the new Multi-Year Operations Grant Fund budget established for the Assistance to Firefighter’s Grant.

From: GF Operating Account 0100-180-1810-0308
To: MY Operational Grant Fund Expense Account: 0410-180-2850-5400

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of October, 2010, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-433

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE PROJECT TITLED, “TRAFFIC OPERATIONS BUILDING – TENANT IMPROVEMENTS;” ACCEPTING THE BID; APPROVING A CONTRACT WITH D. M. ALEGRE CONSTRUCTION, INC., OF TRACY, CALIFORNIA, IN THE AMOUNT OF $183,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Traffic Operations Building Tenant Improvements project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Traffic Operations Building-Tenant Improvements project were opened at 11:00 a.m., on September 14, 2010, and later tabulated by the Director of Utility Planning & Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning & Projects has recommended that the bid of $183,000 received from D. M. Alegre Construction, Inc., be accepted as the lowest responsible bid and the contract be awarded to D. M. Alegre Construction, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Traffic Operations Building-Tenant Improvements project, accepts the bid of D. M. Alegre Construction, Inc., of Tracy, California, in the amount of $183,000, and awards D. M. Alegre Construction, Inc., the contract for the Traffic Operations Building-Tenant Improvements project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 12th day of October, 2010, by Councilmember Lopez,
who moved its adoption, which motion being duly seconded by Councilmember Hawn,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: [Signature]

SUSANNA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A FINANCIAL ADVISORY SERVICES AGREEMENT BETWEEN THE CITY OF MODESTO AND PUBLIC FINANCIAL MANAGEMENT FOR FINANCIAL MANAGEMENT CONSULTING SERVICES, FOR A NOT TO EXCEED AMOUNT OF $45,000 PER FISCAL YEAR; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, it is desirable for the City to retain a financial advisor and consult with said advisor on various topics including but not limited to the following;

• Future bond issuance strategies
• Emerging and existing financing mechanisms
• Management of swap agreements and collateral postings
• Various other questions related to financial management being posed by the Mayor, Council and the City Manager’s Office, and

WHEREAS, the expertise in the above-mentioned financial areas does not currently exist within the Finance Department of the City, and

WHEREAS, it would not be fiscally prudent to fund a full-time position to try and bring the expertise in-house, and

WHEREAS, the proposed contract will allow the City to access the financial expertise as needed when the specific issues arise,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Financial Advisory Services Agreement between the City of Modesto and Public Financial Management, San Francisco, CA, for a not to exceed amount of $45,000 per fiscal year.
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 12th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-435

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF A TROMMEL SCREEN FOR THE PARKS, RECREATION, AND NEIGHBORHOODS DEPARTMENT, SOLID WASTE DIVISION, COMPOST FACILITY, TO EIREANN MACHINERY, SAN FRANCISCO, CA, FOR AN ESTIMATED TOTAL COST OF $312,120

WHEREAS, Council authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the lease/purchase of a trommel screen, for the Parks, Recreation, and Neighborhoods Department, Solid Waste Division, Compost Facility, and

WHEREAS, the Purchasing Division issued RFB No. 0910-12, purchase or lease/purchase of a trommel screen to sixteen (16) prospective bidders, posted the bid on the City’s website and formally advertised as required by law, and

WHEREAS, RFB’s were formally opened in the City Clerk’s office. Eight (8) companies chose to respond, none of the eight (8) prospective bidders were local vendors.

Six (6) companies did not meet the minimum technical specifications required in the RFB and were disqualified. Two companies provided responsive and responsible bids.

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of a trommel screen for the Parks, Recreation, and Neighborhoods Department, Solid Waste Division, Compost Facility, to Eireann Machinery, San Francisco, CA, for an estimated total cost of $312,120.

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of a trommel screen for the Parks,
Recreation, and Neighborhoods Department, Solid Waste Division, Compost Facility, to Eireann Machinery, San Francisco, CA, for an estimated total cost of $312,120 conforms to the Modesto Municipal Code, and

WHEREAS, funds shall be budgeted for the purchase of a trommel screen in Solid Waste field equipment fund (6290-355-5222-5600).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of a trommel screen for the Parks, Recreation, and Neighborhoods Department, Solid Waste Division, Compost Facility, to Eireann Machinery, San Francisco, CA, for an estimated total cost of $312,120.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated total cost of $312,120.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, 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

10/12/2010/Finance/MForres/Item 8
RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 OPERATING BUDGET TO MOVE $184,120 FROM SOLID WASTE FUND RESERVES TO THE OPERATING BUDGET AND TO MOVE $128,000 FROM THE CURRENT BUDGET ACCOUNTS INTO THE FIELD EQUIPMENT ACCOUNT (6290-355-5222-5600)

WHEREAS, a budget adjustment is required to move $184,120 from Solid Waste Fund Reserves to operating budget and to move $128,000 from current budget accounts into the field equipment account (6290-355-5222-5600) to fully purchase a trommel screen for the Solid Waste Division for a total estimated cost of $312,120 and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2010-2011 Operating Budget in order to fully purchase a trommel screen for the Parks, Recreation, and Neighborhoods Department, Solid Waste Division, Compost Facility.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October 12, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: SUSANA ÁLCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 ANNUAL OPERATING BUDGET

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
COMMUNITY AND ECONOMIC DEVELOPMENT

An adjustment is necessary to adjust the FY2010-11 Operating Budget to match the operating budget set forth in the Annual Engineer’s Report approved by the City Council on June 9, 2010. Reserve funds in the amount of $5,823 for Landscape Maintenance Assessment District No. 1 will be appropriated to cover the operating expenses for FY2010-11.

FIRE

An adjustment is necessary to recognize previously unbudgeted revenues in the amount of $1,800 for On-Site Fire Main Test fees.

PARKS, RECREATIONS AND NEIGHBORHOODS

An adjustment is necessary to recognize additional Entitlement Grant Revenue in the amount of $2,445 in the Emergency Shelter Program Fund (1180) and appropriate the same amount for Direct Grant expense in FY2009-10. The revenue was received by the department as a part of the revised annual action plan but was inadvertently not budgeted.

PUBLIC WORKS/UTILITY PLANNING & PROJECTS

An adjustment is necessary to recognize unbudgeted revenue in the amount of $34,960 from the California Emergency Management Agency and re-appropriate these funds for the addition of a surveillance system at the Transportation Center and Bus Yard.

The City of Modesto received $1,903,473 of Prop 42 funding in FY 2009-10. This funding came with the stipulation that it must be spent by June 30, 2011. Receipt of these funds required the Surface Transportation Fund task group to revise the allocation of expenditures in the Surface Transportation Fund (0700) to include slurry seal project and adjust transfers between the main fund (0700) and two sub funds (0720 and 0730). This adjustment will create the $1,149,397 expense budget for the slurry seal project and increase the transfers from the sub funds (0720 and 0730) to the main fund (0700) by $307,093. These adjustments are necessary to ensure that the City is adhering to funding restrictions.

An adjustment is necessary to transfer funds from Wastewater Reserves to Objects 6040-Construction and 6060-Construction Administration in Capital Improvement Project A049-Celeste/Rose/Scenic Sewer Improvement to fund the legal settlement and expenses of the project. This transfer includes a Legal Settlement with contractor, California Trenchless Inc. in the amount of $165,000 approved by Council in closed session, and legal expenses in the amount of $75,000 to the law firms of Davidovitz & Bennett and to TR&A, Inc. for the project. There are sufficient funds in Wastewater Reserves to cover the costs of the required re-appropriation of funds to Objects 6040 and 6060.
RESOLUTION ACCEPTING THE ASSISTANCE TO FIREFIGHTERS GRANT FOR PULSE-CARBON MONOXIDE OXIMETERS, IN THE AMOUNT OF $22,000, ON BEHALF OF THE MODESTO FIRE DEPARTMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY NECESSARY GRANT ACCEPTANCE DOCUMENTS

WHEREAS, in 2009, the Modesto Fire Department applied for the 2009 Assistance to Firefighters Grant, for pulse-carbon monoxide oximeters, and

WHEREAS, these meters will be used to confirm, in a timely manner, the presence of carbon monoxide poisoning, and

WHEREAS, timely diagnosis is critical and treatment is critical to prevent long term risk of cardiac and neurological impediments, and

WHEREAS, typically, carbon monoxide poisoning is associated with house fires and automobile exhaust fumes. We are now finding more carbon monoxide poisoning, due to economic reasons, related to the use of portable gas powered generators, stoves and barbeques being used as heating options, and

WHEREAS, the signs and symptoms of carbon monoxide poisoning are vague and non-specific. For that reason it is easy to miss in the diagnostic process. This tool will allow for an instant reading of those levels during routine patient evaluations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes acceptance of the Assistance to Firefighters grant for pulse-carbon monoxide oximeters, in the amount of $22,000, on behalf of the Modesto Fire Department,

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute any necessary grant acceptance documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 MULTI-YEAR OPERATION GRANTS FUND TO ESTABLISH A NEW MULTI-YEAR BUDGET FOR THE ASSISTANCE TO FIREFIGHTERS GRANT

WHEREAS, in 2009, the Modesto Fire Department applied for the 2009 Assistance to Firefighters Grant, for pulse-carbon monoxide oximeters, and

WHEREAS, these meters will be used to confirm, in a timely manner, the presence of carbon monoxide poisoning, and

WHEREAS, timely diagnosis is critical and treatment is critical to prevent long term risk of cardiac and neurological impediments, and

WHEREAS, typically, carbon monoxide poisoning is associated with house fires and automobile exhaust fumes. We are now finding more carbon monoxide poisoning, due to economic reasons, related to the use of portable gas powered generators, stoves and barbecues being used as heating options, and

WHEREAS, the signs and symptoms of carbon monoxide poisoning are vague and non-specific. For that reason it is easy to miss in the diagnostic process. This tool will allow for an instant reading of those levels during routine patient evaluations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2010-2011 Multi-Year Operation Grants Fund is hereby amended to establish a new multi-year budget for the Assistance to Firefighters Grant.

Revenue Account: 0410-180-2851-3550
Expense Account: 0410-180-2851-0308

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSAN ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 MULTI-YEAR OPERATING BUDGET BY TRANSFERRING $4,400 FROM THE FIRE DEPARTMENT, FINANCE AND LOGISTICS, TOOLS, SHOP AND FIELD ACCOUNT #0100-180-1810-0308 TO THE NEW MULTI-YEAR OPERATIONS GRANT FUND BUDGET ESTABLISHED FOR THE ASSISTANCE TO FIREFIGHTERS GRANT FOR PULSE-CARBON MONOXIDE OXIMETERS

WHEREAS, in 2009, the Modesto Fire Department applied for the 2009 Assistance to Firefighters Grant, for pulse-carbon monoxide oximeters, and

WHEREAS, these meters will be used to confirm, in a timely manner, the presence of carbon monoxide poisoning, and

WHEREAS, timely diagnosis is critical and treatment is critical to prevent long term risk of cardiac and neurological impediments, and

WHEREAS, typically, carbon monoxide poisoning is associated with house fires and automobile exhaust fumes. We are now finding more carbon monoxide poisoning, due to economic reasons, related to the use of portable gas powered generators, stoves and barbecues being used as heating options, and

WHEREAS, the signs and symptoms of carbon monoxide poisoning are vague and non-specific. For that reason it is easy to miss in the diagnostic process. This tool will allow for an instant reading of those levels during routine patient evaluations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that amending the Fiscal Year 2010-11 Operating Budget is hereby amended by transferring $4,400 from the Fire Department, Finance and Logistics, Tools, Shop and Field Account #0100-180-1810-0308 to the new Multi-Year Operations Grant Fund budget established for the Assistance to Firefighters Grant for pulse-carbon monoxide oximeters.

From: GF Operating Account 0100-180-1810-0308 (Modesto Fire Department, Finance and Logistics, Tools, Shop and Field)

To: MY Operational Grant Fund Expense Account: 0410-180-2851-0308
BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH AEG CYCLING, LLC FOR THE CITY OF MODESTO TO BE A HOST CITY FOR A STAGE FINISH FOR THE 2011 AMGEN TOUR OF CALIFORNIA; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS for the past four years the Amgen Tour of California has traveled through the State of California generating over $100 million of economic impact to the Host Cities and over one billion marketing impressions created worldwide, and

WHEREAS, on August 10, 2010 the Council, by Resolution No. 2010-361, approved a Request for Proposal (RFP) application for the City of Modesto to apply to become a “Host City” for the 5th Annual Amgen Tour of California, and

WHEREAS, in October, the City of Modesto was notified that it had been selected to host a stage finish of the 2011 Amgen Tour of California to be held on May 17, 2011, and

WHEREAS, an agreement between the City of Modesto and AEG Cycling, LLC is required,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with AEG Cycling, LLC for Modesto to be a Host City for a stage finish for the 2011 Amgen Tour of California, to be held on May 17, 2011.

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 12th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH CALIFORNIA CONSULTING, LLC FOR ON-CALL GRANT RESEARCHING AND WRITING SERVICES FOR VARIOUS CITY UTILITY-RELATED PROJECTS, IN AN AMOUNT NOT TO EXCEED $30,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto is working with Turlock Irrigation District (TID) and other participating cities on a joint project, known as the Regional Surface Water Supply Project (RSWSP), to supply each agency with treated TID-supplied surface water, and

WHEREAS, the RSWSP would be an augmentation to the existing groundwater and Modesto Irrigation District-supplied surface water the City currently receives, and

WHEREAS, the City is also working with Del Puerto Water District and the other participating cities on a proposed regional project, known as the North Valley Regional Recycled Water Project (NVRRWP), to supply tertiary-treated recycled water to the West side, and

WHEREAS, additionally, the City is working with the cities of Turlock, Ceres and Hughson to develop an Integrated Water Resources Management Plan (IRWMP) for our region, and

WHEREAS, the IRWMP is required for our projects to compete effectively for state funding related to water, wastewater and storm water programs, and

WHEREAS, the costs associated with the RSWSP, the NVRRWP and projects identified through the IRWMP process make it prudent to seek grant funding and other alternative funding to help reduce costs to the ratepayers, and
WHEREAS, in accordance with Administrative Directive 3.1, the Director of Utility Planning & Projects allowed an accelerated selection process in which a short list of pre-qualified consultants was established to receive an RFP, in lieu of going through the longer Request for Qualifications process, and

WHEREAS, this accelerated consultant selection process was based on the fact that there are a very limited number of firms providing these targeted services, and

WHEREAS, City staff from the Utility Planning and Projects Department reviewed the statements for compliance with the general scope of work, and recommended approving an agreement for grant researching and writing services with California Consulting, LLC, and

WHEREAS, California Consulting offers general grant writing, and also has specialized relations with the Governor’s Office, the State Legislature, and state government agencies that issue grant monies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with California Consulting, LLC for on-call Grant Researching and Writing Services for various City utility-related projects, in an amount not to exceed $30,000.

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 12th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

**AYES:**

Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, 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 APPROVING AN AGREEMENT WITH RMC WATER AND ENVIRONMENT FOR ON-CALL GRANT RESEARCHING AND WRITING SERVICES FOR VARIOUS CITY UTILITY-RELATED PROJECTS, IN AN AMOUNT NOT TO EXCEED $30,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto is working with Turlock Irrigation District (TID) and other participating cities on a joint project, known as the Regional Surface Water Supply Project (RSWSP), to supply each agency with treated TID-supplied surface water, and

WHEREAS, the RSWSP would be an augmentation to the existing groundwater and Modesto Irrigation District-supplied surface water the City currently receives, and

WHEREAS, the City is also working with Del Puerto Water District and the other participating cities on a proposed regional project, known as the North Valley Regional Recycled Water Project (NVRRWP), to supply tertiary-treated recycled water to the West side, and

WHEREAS, additionally, the City is working with the cities of Turlock, Ceres, and Hughson to develop an Integrated Water Resources Management Plan (IRWMP) for our region, and

WHEREAS, the IRWMP is required for our projects to compete effectively for state funding related to water, wastewater and storm water programs, and

WHEREAS, the costs associated with the RSWSP, the NVRRWP and projects identified through the IRWMP process make it prudent to seek grant funding and other alternative funding to help reduce costs to the ratepayers, and
WHEREAS, in accordance with Administrative Directive 3.1, the Director of Utility Planning & Projects allowed an accelerated selection process in which a short list of pre-qualified consultants was established to receive an RFP, in lieu of going through the longer Request for Qualifications process, and

WHEREAS, this accelerated consultant selection process was based on the fact that there are a very limited number of firms providing these targeted services, and

WHEREAS, City staff from the Utility Planning and Projects Department reviewed the statements for compliance with the general scope of work, and recommended approving an agreement for grant researching and writing services with RMC Water and Environment, and

WHEREAS, RMC Water and Environment has experience in obtaining grant funding for recycled water programs and integrated regional water management programs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a one-year Agreement with RMC Water and Environment for on-call Grant Researching and Writing Services for various City utility-related projects, in an amount not to exceed $30,000.

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 12th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSAN ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-444

A RESOLUTION ACCEPTING THE WORK BY EBERT MCGUIRE AND HESTER FOR THE “PRIMARY OUTFALL PROJECT – PHASE I” 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 $3,835,698.50

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Primary Outfall Rehabilitation Project – Phase I project has been completed by Ebert McGuire and Hester in accordance with the contract agreement dated December 14, 2009,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Primary Outfall Rehabilitation Project – Phase I project is hereby accepted as complete from said contractor Ebert McGuire and Hester, 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 $3,835,698.50 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 12th day of October, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-445

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007072023): AMENDING SECTION 8-3-9 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(131), TO HIGHWAY COMMERCIAL ZONE, C-3, PROPERTY LOCATED AT 3737 MCHENRY AVENUE. (MODESTO COMMERCE BANK)

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

WHEREAS, Modesto Commerce Bank has proposed that the zoning designation for the property located at the southwest corner of McHenry Avenue and West Union Avenue, be amended to rezone from Planned Development Zone P-D (131), to Highway Commercial Zone (C-3), and

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

WHEREAS, the City’s Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED 2010-22 (“Initial Study”) reviewed the proposed rezone from Planned Development P-D(131) to Highway Commercial (C-3) to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR (“Master EIR”), and concluded that the
The proposed project is within the scope of the Master EIR and will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no new additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines beginning on September 22, 2010 the City caused to be published a 20-day notice of the City’s intent to make a finding that the proposed project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on October 12, 2010, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezoning from Planned Development Zone P-D(131) to Highway Commercial (C-3), a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 2007072023) as being within the scope of the Master EIR.

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

3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.

5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of October, 2010, by Councilmember Olsen, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Geer, Hawn, Lopez, Muratore, Olsen, Mayor Ridenour

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Marsh

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
EXHIBIT A

Initial Study

EA/C&ED 2010-22
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2010-22

For the proposed:

Rezone from Planned Development Zone P-D (131) to the C-3 "Highway Commercial" Zone to Facilitate Development Potential of the Vacant Commercial Site Located at 3737 McHenry Avenue (SW Corner of McHenry Avenue and W. Union Avenue) APN: 055-038-019

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

August 16, 2010

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

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City’s Master Environmental Impact Report (“Master EIR” or “MEIR”). This Initial Study Environmental Checklist (“Initial Study”) is used in determining whether the Rezone from Planned Development P-D(131) to C-3 Highway Commercial Zone is “within the scope” of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

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

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

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

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

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

II. PROJECT DESCRIPTION

A. Title: Rezone from Planned Development Zone P-D (131) to the C-3 Highway Commercial Zone

B. Address or Location: 3737 McHenry Avenue, Modesto, CA 95356 (SW Corner of McHenry Avenue and W. Union Avenue) APN: 055-038-019

C. Applicant: Modesto Commerce Bank; PO Box 1110, Stockton, CA 95201

D. City Contact Person: Katharine Martin, Associate Planner

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

E. Current General Plan Designation(s): C “Commercial”

F. Current Zoning Classification(s): Planned Development Zone P-D(131) for Automotive Dealership Uses
G. Surrounding Land Uses:
North: Planned Development Zone P-D(120), Automotive Dealership
South: R-1 Low-Density Residential Zone, apartment complex; C-3 Highway Commercial Zone, Modesto Promenade Shopping Center (sporting goods store and bookstore anchors)
East: C-3 Highway Commercial Zone uses with convenience store, automotive dealership, Planned Development Zone P-D(320) with bowling alley
West: R-2 Medium-Density Residential Zone uses, duplexes

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

The applicant proposes to rezone an existing 5.19-acre lot zoned as Planned Development Zone P-D(131) to the C-3 "Highway Commercial" Zone. Under the current Planned Development zoning, potential for the property is limited to automotive dealership uses. The site is vacant and in order to facilitate reuse opportunities that would be consistent with the C-3 Zone uses to the north, south and east, the applicant proposes to rezone the property from Planned Development Zone P-D(131) to the C-3 "Highway Commercial" Zone. This would allow for a variety of uses including retail, restaurant, professional and/or medical offices and automotive services as permitted in the C-3 Zone, subject to Development Plan Review by the Director of the Community and Economic Development Department as provided by Article 30 of the City of Modesto Municipal Code. Any future development would be assessed for consistency to applicable City Zoning Ordinances, Design Guidelines and City Standards. The site is developed with four existing buildings previously utilized as an automotive dealership.

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.

Project Manager

Associate Planner

August 16, 2010

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.

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</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>
<td></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>
<td></td>
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<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>
<td></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>
<td></td>
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<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>
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<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>
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</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.

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</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>
<td></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>
<td></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>
<td></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>
<td></td>
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<tr>
<td></td>
<td>(c) Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.</td>
<td></td>
</tr>
</tbody>
</table>
**IV. ENVIRONMENTAL ANALYSIS**

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

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

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

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

1. **TRAFFIC AND CIRCULATION**

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

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

**Direct Impacts**

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

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

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

**Cumulative Impacts**

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

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

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

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

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

Discussion:

The application is a proposal to rezone the subject property from Planned Development Zone, P-D(131) to the C-3 Zone. The appropriate mitigation to be applied to any future development of the site includes: TC-42 and TC-47 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

<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>
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<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>
</tbody>
</table>
### Discussion:

(1-7) The proposed project to rezone from Planned Development Zone P-D(131) to C-3 Highway Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of C "Commercial", which assumed traffic generation consistent with the type and intensity of uses that would be permitted by this rezoning. The site is already developed with four existing buildings previously used as an automotive dealership. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards for site access to and from adjacent streets, internal circulation and parking.
2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

**Effect:** Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO\textsubscript{x}) (see MEIR Table 2-8, page V-2-27).

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

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

**Cumulative Impacts**

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO\textsubscript{x}, PM\textsubscript{10}, and PM\textsubscript{2.5}.

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

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

**Discussion:**

The application is a proposal to rezone the subject property from Planned Development Zone P-D(131) to the C-3 Zone. The appropriate mitigation to be applied to any future development of the site includes: AQ-17 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>Impact Level</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></td>
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<tr>
<td></td>
<td>The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO&lt;sub&gt;x&lt;/sub&gt;, PM&lt;sub&gt;10&lt;/sub&gt;, and PM&lt;sub&gt;2.5&lt;/sub&gt; by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.</td>
<td>☐</td>
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<td>☐</td>
</tr>
<tr>
<td>2)</td>
<td>The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO&lt;sub&gt;x&lt;/sub&gt;, PM&lt;sub&gt;10&lt;/sub&gt;, and PM&lt;sub&gt;2.5&lt;/sub&gt;.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>3)</td>
<td>The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>4)</td>
<td>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>
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<tr>
<td>5)</td>
<td>The proposed project would create objectionable odors affecting a substantial number of people.</td>
<td>☐</td>
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</tbody>
</table>

Discussion:

(1) The proposed project to rezone from Planned Development Zone P-D(131) to C-3 Highway Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of C “Commercial”, which assumed traffic volumes and emissions consistent with the type and intensity of uses that would be permitted by this rezoning. The site is already developed with four existing buildings previously used as an automotive dealership.

(2) Any future development at the site will be required to adhere to applicable City Zoning Ordinances, Standards, and applicable best management practices during the construction process.

(3) The proposed project to rezone from Planned Development Zone P-D(131) to C-3 Highway Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of C “Commercial”. The Commercial land use designation allows for uses as permitted within the C-3 Zone, subject to Development Plan Review by the Director.

(4-5) Any future development at the site will be required to adhere to applicable City Zoning Ordinances, Standards, and applicable best management practices during the construction process.
3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

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

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

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

**Cumulative Impacts**

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

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

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

**Discussion:**

The application is a proposal to rezone the subject property from Planned Development Zone P-D(131) to the C-3 Zone. The appropriate mitigation to be applied to any future development of the site includes: N-4 and N-7 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>Impact Description</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 will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.</td>
<td>☐</td>
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<td>☑</td>
</tr>
<tr>
<td>2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.</td>
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<td>☑</td>
</tr>
<tr>
<td>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.</td>
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</table>

Discussion:

(1) The proposed project is to rezone an existing development from Planned Development Zone P-D(131) to C-3 Highway Commercial Zone uses to facilitate future development of the site. Any future development would be required to adhere to the City’s noise ordinance.

(2-4) The proposed project to rezone from Planned Development Zone P-D(131) to C-3 Highway Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of C “Commercial”. The site is already developed with four existing buildings previously used as an automotive dealership.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

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

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

Discussion: No new or additional mitigation measures or alternatives are required.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination thresholds. The project-specific effects will be less than significant unless:

1. The proposed project is inconsistent with the 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.

<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>
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</thead>
<tbody>
<tr>
<td>1)</td>
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<td>2)</td>
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<td>3)</td>
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<td>4)</td>
<td>☐</td>
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</tbody>
</table>
Discussion:

1. The proposed project to rezone from Planned Development Zone P-D(131) to C-3 Highway Commercial Zone is consistent and the site’s General Plan Land Use designation of C “Commercial”. The site is already developed with four existing buildings previously used as an automotive dealership. The site is surrounded by urban uses and would not result in development of land outside of the City’s General Plan boundary.

2. The project site is not zoned for agricultural use. There is no existing Williamson Act contract on the property. The site is surrounded by urban uses and would not cause the conversion of additional farmland to a non-agricultural use.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

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

Discussion:

The application is a proposal to rezone the subject property from Planned Development Zone P-D(131) to the C-3 Zone. The appropriate mitigation to be applied to any future development of the site includes: WS-11 and WS-13 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.
c. Project-Specific Effects

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

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

<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>
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<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>
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</tr>
<tr>
<td>3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.</td>
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</table>

Discussion:

(1-3) The proposed project to rezone from Planned Development Zone P-D(131) to C-3 Highway Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of C “Commercial”, which assumed water demand to be consistent with the type and intensity of development that would be permitted by this rezoning. The Commercial land use designation allows for uses as permitted within the C-3 Zone, subject to Development Plan Review by the Director. The site is developed with four buildings previously used as an automotive dealership and is surrounded by existing urban uses. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

Cumulative Impacts

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

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

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

Discussion:

The application is a proposal to rezone the subject property from Planned Development Zone P-D(131) to the C-3 Zone. The appropriate mitigation to be applied to any future development of the site includes: SS-8 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

<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 water supply policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>2)</td>
<td>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>
</tr>
<tr>
<td>3)</td>
<td>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>
</tr>
</tbody>
</table>

Discussion:

(1-3) The proposed project to rezone from Planned Development Zone P-D(131) to C-3 Highway Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of C “Commercial”, which assumed wastewater generation to be consistent with the type and intensity of development that would be permitted by this rezoning. The Commercial land use designation allows for uses as permitted within the C-3 Zone, subject to Development Plan Review by the Director. The site is developed with four buildings previously used as an automotive dealership and is surrounded by existing urban uses. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and 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 less than that which has occurred in the past or that is expected in the future would minimize the City’s contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.
b. Master EIR and/or New Mitigation Measures Applied to the Project

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

Discussion: There are no mitigation measures applicable to this project regarding sensitive wildlife and plant habitat.

c. Project-Specific Effects

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

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

<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 determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td></td>
<td>Potentially Significant Impact</td>
<td>Less Than Significant with Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------------</td>
<td>-------------------------------</td>
<td>-----------------------------------------------</td>
<td>-----------------------------</td>
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</tr>
<tr>
<td>5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The proposed project to rezone from Planned Development Zone P-D(131) to C-3 Highway Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of C “Commercial”. The site is already developed with four existing buildings previously used as an automotive dealership.

(2-4) The project site is located within the Baseline Developed Area of the City and is therefore completely surrounded by developed urban area. It is not a biologically sensitive site as defined by Figure V-7-1 of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.

(5-6) The proposal to rezone the property is not in conflict with any local policies or ordinances protecting biological resources, nor is in conflict with any adopted habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

Effect: Construction in an area of high archaeological sensitivity.
Cumulative Impacts

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

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

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

Discussion: There are no mitigation measures applicable to this project.

c. Project-Specific Effects

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

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

<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>
<tr>
<td>2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would modify or demolish a structure more than 50 years in age.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
Discussion:

(1) The proposed project to rezone from Planned Development Zone P-D(131) to C-3 Highway Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of C "Commercial". The site is already developed with four existing buildings previously used as an automotive dealership.

(2-4) The existing buildings at the project site are not eligible for listing as a historic resource, nor are categorized as an existing historic landmark. The existing buildings were constructed in 1976 for use as an automotive dealership.

(5) The proposal to rezone the property would not be in conflict with any policy or ordinance protecting biological resources.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

The application is a proposal to rezone the subject property from Planned Development Zone P-D(131) to the C-3 Zone. The appropriate mitigation to be applied to any future development of the site includes: SD-7 and SD-9 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.
c. Project-Specific Effects

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

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

<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>X</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>X</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>X</td>
</tr>
</tbody>
</table>

Discussion:

(1-3) The proposed project to rezone from Planned Development Zone P-D(131) to C-3 Highway Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of C “Commercial”, which assumed stormwater runoff to be consistent with the type and intensity of development that would be permitted by this rezoning. The Commercial land use designation allows for uses as permitted within the C-3 Zone, subject to Development Plan Review by the Director. The site is developed with four buildings previously used as an automotive dealership and is surrounded by existing urban uses. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.
10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:
The application is a proposal to rezone the subject property from Planned Development Zone P-D(131) to the C-3 Zone. The appropriate mitigation to be applied to any future development of the site includes: FWQ-13 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

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

<table>
<thead>
<tr>
<th>10. FLOODING AND WATER 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 is inconsistent with the flooding and water quality policies 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 the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td></td>
<td>Potentially Significant Impact</td>
<td>Less Than Significant with Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
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</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:

(1-2) The proposed project to rezone from Planned Development Zone P-D(131) to the C-3 Highway Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of C “Commercial”. The Commercial land use designation allows for uses as permitted within the C-3 Zone, subject to Development Plan Review by the Director.

(3-4) The proposed project is to rezone the property from Planned Development Zone P-D(131) to the C-3 Highway Commercial Zone. The site is outside of the 100-year flood zone as defined by the FEMA 2008 Flood Insurance Rate Maps (FIRM).

(5-8) Any future development would be subject to Development Plan Review by the Director and will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

RZN-10-002: Finding of Conformance
City of Modesto General Plan Master EIR
Initial Study EA No. 2010-22
City of Modesto General Plan Master EIR
August 16, 2010
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

Discussion:

There are no mitigation measures applicable to the project.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>11. INCREASED DEMAND FOR PARKS AND OPEN SPACE</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>Potential</td>
<td>Less Than</td>
<td>Less Than</td>
<td>No</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Significant Impact</td>
<td>Significant with Mitigation Incorporated</td>
<td>Significant Impact</td>
<td>Impact</td>
<td></td>
</tr>
</tbody>
</table>

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.

**Discussion:**

(1-3) The proposed project to rezone from Planned Development Zone P-D(131) to the C-3 Highway Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of C “Commercial”. The site is already developed with four existing buildings previously used as an automotive dealership.

12. **INCREASED DEMAND FOR SCHOOLS**

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

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

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

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

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

<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>12. INCREASED DEMAND FOR SCHOOLS</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:

(1-2) The proposed project to rezone from Planned Development Zone P-D(131) to the C-3 Highway Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of C “Commercial”. The site is already developed with four existing buildings previously used as an automotive dealership.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

Discussion: There are no mitigation measures applicable to this project.

c. Project-Specific Effects

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

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

<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 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>
</tbody>
</table>

Discussion:

(1-2) The proposed project to rezone from Planned Development Zone P-D(131) to the C-3 Highway Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of C “Commercial”. The Commercial land use designation allows for uses as permitted within the C-3 Zone, subject to Development Plan Review by the Director. The site is developed with four buildings previously used as an automotive dealership and is surrounded by existing urban uses.
14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion: No mitigation measures are applicable to this project.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

<table>
<thead>
<tr>
<th>Potential 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>14. INCREASED DEMAND FOR FIRE SERVICES</td>
<td></td>
<td></td>
<td></td>
</tr>
<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>
</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>
</tr>
</tbody>
</table>
### 15. GENERATION OF SOLID WASTE

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

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

**Discussion:** No mitigation measures are applicable to this project.

#### c. Project-Specific Effects

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

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

---

### Table of Impact

<table>
<thead>
<tr>
<th>Impact Description</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>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>
15. GENERATION OF SOLID WASTE

| 1) The project is inconsistent with the solid waste policies in the Urban Area General Plan. |
| 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. |

Discussion:

(1-2) The proposed project to rezone from Planned Development Zone P-D(131) to the C-3 Highway Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of C “Commercial”, which assumed solid waste generation to be consistent with the type and intensity of development that would be permitted by this rezoning. The Commercial land use designation allows for uses as permitted within the C-3 Zone, subject to Development Plan Review by the Director. The site is developed with four buildings previously used as an automotive dealership and is surrounded by existing urban uses. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

Discussion: No mitigation measures are applicable to this project.
c. Project-Specific Effects

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

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

<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 proposed project to rezone from Planned Development Zone P-D(131) to the C-3 Highway Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of C “Commercial”. The Commercial land use designation allows for uses as permitted within the C-3 Zone, subject to Development Plan Review by the Director.

(2) The site is developed with four buildings previously used as an automotive dealership and is surrounded by existing urban uses. No schools exist or are proposed within one-quarter mile of the project site. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

(3) The project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

(4) The project site is not known to contain any contaminants.
17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

**Discussion:** No mitigation measures are applicable to this project.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>17. GEOLOGY, SOILS, AND MINERAL 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 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>
<tr>
<td>2) The proposed project would expose people or structures to potential substantial adverse effects including the risk off loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
</tbody>
</table>
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.

<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>

Discussion:

1. The proposed project to rezone from Planned Development Zone P-D'(131) to the C-3 Highway Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of C “Commercial”. The Commercial land use designation allows for uses as permitted within the C-3 Zone, subject to Development Plan Review by the Director.

2. The project would not be located on soil that is unstable, or that would become unstable as a result of the project. The project site is already developed with four buildings previously used as an automotive dealership.

18. ENERGY

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

**Discussion:** No mitigation measures are applicable to this project.
c. Project-Specific Effects

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

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

<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>18. ENERGY</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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:

(1-2) The proposed project to rezone from Planned Development Zone P-D(131) to the C-3 Highway Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of C “Commercial”. The Commercial land use designation allows for uses as permitted within the C-3 Zone, subject to Development Plan Review by the Director.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

Discussion:  No mitigation measures are applicable to this project.

c. Project-Specific Effects

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

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

<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 proposed project to rezone from Planned Development Zone P-D(131) to the C-3 Highway Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of C “Commercial”. The Commercial land use designation allows for uses as permitted within the C-3 Zone, subject to Development Plan Review by the Director.

(2-3) The project site is not in the vicinity of parks or riverside areas. No views into parks or riverside areas would be blocked or degraded from roadways or properties adjacent to the site.

20. LAND USE AND PLANNING
**a. Significant Effects Identified in the Master EIR**

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

**Discussion:** No mitigation measures are applicable to this project.

**c. Project-Specific Effects**

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

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

<table>
<thead>
<tr>
<th>20. LAND USE AND PLANNING</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 land use and planning policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>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.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
Discussion:

(1) The proposed project to rezone from Planned Development Zone P-D(131) to the C-3 Highway Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of C “Commercial”. The Commercial land use designation allows for uses as permitted within the C-3 Zone, subject to Development Plan Review by the Director. Any future development would be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

(2) The site is developed with four buildings previously used as an automotive dealership, and is surrounded by urban uses. The project would not divide an established community.

(3) The proposed rezoning does not represent a conflict with any land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.

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

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.
Discussion: No mitigation measures are applicable to this project.

**c. Project-Specific Effects**

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

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

<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:

(1-3) The proposed project to rezone from Planned Development Zone P-D(131) to the C-3 Highway Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of C “Commercial”. The Commercial land use designation allows for uses as permitted within the C-3 Zone, subject to Development Plan Review by the Director. Any future development would be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.
V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

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

A. Master EIR Mitigation Measures Applied to the Project

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

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

B. New or Additional Mitigation Measures or Alternatives Required

Where the project’s effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect: None

Traffic and Circulation:

None

Degradation of Air Quality:

None

Generation of Noise:

None

Effects on Agricultural Lands:

None

Increased Demand for Long-Term Water Supplies:

None
Increased Demand for Sanitary Sewer Services:
None

Loss of Sensitive Wildlife and Plant Habitat:
None

Disturbance of Archaeological/Historic Sites:
None

Increased Demand for Storm Drainage:
None

Flooding and Water Quality:
None

Increased Demand for Parks and Open Space:
None

Increased Demand for Schools:
None

Increased Demand for Police Services:
None

Increased Demand for Fire Services:
None

Generation of Solid Waste:
None

Generation of Hazardous Materials:
None

Geology, Soils, and Mineral Resources:
None
Energy:
None

Effects on Visual Resources:
None

Land Use and Planning:
None

Climate Change:
None
A RESOLUTION APPROVING THE 2011 CITY COUNCIL MEETING CALENDAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the 2011 City Council Meeting Calendar, attached hereto as Exhibit “A”, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCAJA WOOD, City Attorney
# City Council Calendar 2011

<table>
<thead>
<tr>
<th>January 2011</th>
<th>July 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>4th</td>
<td>Council Meeting (regular)</td>
</tr>
<tr>
<td>11th</td>
<td>5th Council Meeting (regular)</td>
</tr>
<tr>
<td>18th</td>
<td>12th Council Meeting (regular)</td>
</tr>
<tr>
<td>25th</td>
<td>19th NO MEETING</td>
</tr>
<tr>
<td></td>
<td>26th NO MEETING</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>February 2011</th>
<th>August 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>3rd Council Meeting (special)***</td>
</tr>
<tr>
<td>8th</td>
<td>9th Council Meeting (regular)</td>
</tr>
<tr>
<td>15th</td>
<td>16th NO MEETING</td>
</tr>
<tr>
<td>22nd</td>
<td>23rd NO MEETING</td>
</tr>
<tr>
<td>29th</td>
<td>30th NO MEETING – 5th Tuesday</td>
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<tbody>
<tr>
<td>1st</td>
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<td>10th</td>
<td>9th Council Meeting (special)****</td>
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<td>22nd CANCELLED****</td>
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<td>28th</td>
<td>27th CANCELLED per MMC 2-1.01</td>
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*January 4th due to Winter Break
**April 26th due to Spring Break
***August 3rd Wednesday Meeting due to National Night Out on August 2nd
****November 9th Wednesday Meeting due to Election Day on November 8th
*****November 22nd due to Proposed Furlough
A RESOLUTION APPROVING AMENDMENT NO. 2 TO TASK ORDER NO. 1 TO THE MASTER PROFESSIONAL SERVICES AGREEMENT FOR CONSULTANT SERVICES WITH OMNI-MEANS, LTD. IN THE AMOUNT OF $29,340, FOR A TOTAL AMOUNT NOT TO EXCEED $144,120, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AMENDMENT #2 TO TASK ORDER NO. 1 TO THE MASTER PROFESSIONAL SERVICES AGREEMENT

WHEREAS, on December 12, 2007, by Resolution No. 2007-734, the Council approved a Master Professional Services Agreement for Consultant Services (“Master Agreement”) with OMNI-MEANS, ltd. (“Consultant”) for the preparation of various technical studies as well as on-call consultant services relating to the City’s transportation and circulation system, and

WHEREAS, on December 12, 2007, by Resolution No. 2007-735, the Council approved Task Order No. 1 to the Master Agreement with Omni-Means for the update of the streets portion of the Capital Facilities Fees Program (CFF), and

WHEREAS, on July 7, 2009, by Resolution No. 2009-280, the Council approved Amendment No. 1 to Task Order No. 1 to the Master Agreement with Omni-Means for the update of the streets portion of the Capital Facilities Fees Program, and

WHEREAS, the City desires to refine the initial scope of work to reflect the Community & Economic Development Department Planning Division’s revised growth and land absorption schedules which reflect more realistic growth and development over the next twenty years instead of the General Plan’s projections which are not likely to occur within the next twenty to thirty years;

WHEREAS, it is in the City’s best interest to complete the streets update to the CFF program as there are a number of changes to the fee update that would not be
ratified and would leave the validity of the current fee outdated and inconsistent with current planning and proposed capital improvement planning, and

WHEREAS, there are sufficient appropriations in the CFF operating budget to fund the cost of the tracking system and to complete the update,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Amendment #2 to Task Order No. 1 to the Master Professional Services Agreement for Consultant Services with OMNI-MEANS, Ltd. for the update of the streets portion of the Capital Facilities Fees Program, in an amount not to exceed $29,340 is hereby approved.

IS IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute Amendment #2 to Task Order No. 1 to the Master Professional Services Agreement for Consultant Services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2010, Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:
By: SUSAN ALCALA WOOD, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 OPERATING BUDGET FOR THE UPDATE OF THE STREETS PORTION OF THE CAPITAL FACILITIES FEE PROGRAM AND APPROPRIATING $29,340, FROM CFF FUND 1390-140-0260-0242 TO MY ACCOUNT 1390-140-0266-0242

WHEREAS, the City has determined that the Capital Facilities Fee Program should be updated every five years to ensure that fees are in place for the construction of infrastructure to serve development, and

WHEREAS, on December 12, 2007, by Resolution No. 2007-736, the Council of the City of Modesto approved a Master Professional Services Agreement for Consultant Services ("Master Agreement") with OMNI-MEANS, Ltd. for the preparation of various technical studies as well as on-call consultant services relating to the City’s transportation and circulation system, and

WHEREAS, on December 12, 2007, by Resolution No. 2007-737, the Council of the City of Modesto approved Task Order No. 1 to the Master Agreement for the preparation of the streets portion of the Capital Facilities Fee update, and

WHEREAS, on July 7, 2009, by Resolution No. 2009-2009-280, the Council of the City of Modesto approved Amendment No. 1 to Task Order No. 1 to the Master Agreement, and

WHEREAS, on October 26, 2010, by Resolution No. 2010-447, the Council of the City of Modesto approved Amendment No. 2 to Task Order No. 1 to the Master Agreement,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby amends the Fiscal Year 2010-2011 operating budget for the preparation of
the streets portion of the Capital Facilities Fee program and transfer $29,340 from 1390-140-0260-0242 to 1390-140-0266-0242 for professional services.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: (SEAL)

STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING A PREQUALIFIED VENDOR LIST OF CONSULTANTS FOR SURVEYING AND PLAN LINE DEVELOPMENT SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS

WHEREAS, the Community and Economic Development Department anticipates developing several Capital Improvement Projects that require surveying and plan line development services that are beyond the City’s current staffing levels and workload to accomplish in a timely manner, and

WHEREAS, Community and Economic Development Department has found it necessary to utilize a vendor list for surveying and plan line development services, and

WHEREAS, retaining prequalified consultants allows the division to have quick access to specific surveying and plan line development services when needed, and

WHEREAS, using experienced consultants provides a quick turnaround, which is essential for an efficient response to the large undertaking of projects, and

WHEREAS, the goal in having a vendor list is to promote project cost savings, which is a positive budget impact to the Capital Improvement Program, and

WHEREAS, all five consultant firms are located within Stanislaus County and are familiar with the layout of the City as well as City Standards, and

WHEREAS, all five consultant firms have established experience and were the most qualified consultants from those who submitted Statement of Qualifications, and

WHEREAS, City staff recommends approving the prequalified vendor list, and

WHEREAS, the selected consultant will be determined on a project basis once a scope of work and contract have been negotiated with the most qualified firm(s) from the vendor list,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the prequalified vendor list of consultants for surveying and plan line development services for three years, with the option of revising or renewing the vendor list after three years 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 26th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, 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 AUTHORIZING THE AWARD OF BID FOR THE PURCHASE AND INSTALLATION OF CISCO CATALYST 4500 SERIES SWITCHING EQUIPMENT FOR THE INFORMATION TECHNOLOGY DEPARTMENT TO TELCION COMMUNICATIONS GROUP, MODESTO, CA, FOR AN ESTIMATED TOTAL COST OF $48,579, AND AUTHORIZING THE CITY MANAGER TO ACCEPT $2,174 AS THE TRADE-IN VALUE OF TWO (2) CISCO CATALYST 4006 SWITCHES, TOWARDS THE PURCHASE OF SAID EQUIPMENT

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for Cisco Catalyst 4500 Series Switching Equipment, and

WHEREAS, the Purchasing Division issued RFB No. 1011-02 Cisco Catalyst 4500 Series Switching Equipment to eight (8) prospective bidders, posted the bid on the City’s website and formally advertised as required by law. Two (2) of the eight (8) prospective bidders were local vendors, and

WHEREAS, bids were formally opened in the City Clerk’s office. Nine (9) companies chose to respond, two (2) of which were local vendors. All nine (9) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase and installation of Cisco switching equipment to Telcion Communications Group, Modesto, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase and installation of Cisco switching equipment to Telcion Communications Group, Modesto, CA, conforms to the Modesto Municipal Code, and
WHEREAS, Modesto Municipal Code 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 Cisco 4006 switching equipment conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted for the purchase and installation of Cisco Catalyst 4500 Switching Equipment in Appropriation Unit: 7130-070-0744-5452,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase and installation of Cisco Catalyst 4500 Series switching equipment for the Information Technology Department to Telcion Communications Group, Modesto, CA, and authorizes the City Manager to accept $2,174 as trade-in value of two (2) Cisco Catalyst 4006 switches, towards the purchase of said equipment.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase order for an estimated total cost of $48,579.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 26, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

(Seal)

(Seal)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE AND DELIVERY OF AGGREGATE BASE MATERIAL ¾” CLASS II VIRGIN GRADE FOR THE PUBLIC WORKS DEPARTMENT, WATER QUALITY CONTROL DIVISION, JENNINGS ROAD TERTIARY TREATMENT PLANT, TO DESTINATION ANYWHERE, INC., TRACY, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $75,187

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for aggregate base material, and

WHEREAS, the Purchasing Division issued RFB No. 1011-06 Aggregate Base Material ¾” Class II Virgin Grade to fifteen (15) prospective bidders, posted the bid on the City’s website and formally advertised as required by law. Eight (8) of the fifteen (15) prospective bidders were local vendors, and

WHEREAS, bids were formally opened in the City Clerk’s office. Five (5) companies chose to respond, two (2) of which were local vendors. All five (5) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase and delivery of aggregate base material to Destination Anywhere, Inc., Tracy, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase and delivery of aggregate base material to Destination Anywhere, Inc., Tracy, CA, conforms to the Modesto Municipal Code, and
WHEREAS, funds shall be budgeted for the purchase and delivery of aggregate base material in Appropriation Unit: 6210-480-5214-0223.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase and delivery of aggregate base material for the Public Works Department, Water Quality Control Division, Jennings Road Tertiary Treatment Plant, to Destination Anywhere, Tracy, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase order for an estimated total cost of $75,187.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 26, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: \[Signature\]

APPROVED AS TO FORM:

By: \[Signature\]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE POSITION ALLOCATION FOR THE MODESTO POLICE DEPARTMENT TO ADD ONE ADMINISTRATIVE ANALYST II (EXEMPT) POSITION, ORGANIZATION 1901

WHEREAS, the Modesto Police Department eliminated an Administrative Analyst II (Exempt) position as part of the Department reductions in the Fiscal Year 2010/2011 budget, and

WHEREAS, the Fiscal Year 2010/2011 budget was adopted on July 6, 2010, with the elimination of an Administrative Analyst II (Exempt) position to occur at mid-year and would recognize a savings of $46,062 to the General Fund, and

WHEREAS, the Fiscal Year 2010/2011 budget was also adopted with grant funding from the Office of Traffic Safety (OTS) for a Community Service Officer position for three months, but it was scheduled to end on September 30, 2010, and

WHEREAS, the City’s existing Financial Policies require Council to authorize the appropriation of all new revenue, and

WHEREAS, that position was then slated to be absorbed into the General Fund, and

WHEREAS, on August 10, 2010, Council approved accepting the OTS Grant Funding and the Police Department was awarded another year of grant funding from OTS to continue funding of the Community Service Officer position, and

WHEREAS, the General Fund will have a nine-month salary savings for the Administrative Analyst II (Exempt) position of approximately $50,680 (salary and benefits), and
WHEREAS, the Police Department is requesting to use the General Fund savings from Community Service Officer position to retain the Administrative Analyst II (Exempt) position,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Position Allocation for the Police Department to add one Administrative Analyst II (Exempt) position, Organization 1901.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Position Allocation to add one Administrative Analyst II (Exempt).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

WHEREAS, the Modesto Police Department eliminated an Administrative Analyst II (Exempt) position as part of the Department reductions in the Fiscal Year 2010/2011 budget, and

WHEREAS, the Fiscal Year budget was adopted on July 6, 2010, with the elimination of an Administrative Analyst II (Exempt) position to occur at mid-year, and would recognize a savings of $46,062 to the General Fund, and

WHEREAS, the Fiscal Year 2010/2011 budget was also adopted with grant funding from the Office Of Traffic Safety (OTS) for a Community Service Officer position for three months, but it was scheduled to end on September 30, 2010, and

WHEREAS, the City’s existing Financial Policies require Council to authorize the appropriation of all new revenue, and

WHEREAS, that position was then slated to be absorbed into the General Fund, and

WHEREAS, on August 10, 2010, Council approved accepting the OTS Grant Funding and the Police Department was awarded another year of grant funding from OTS to continue funding of the Community Service Officer, and

WHEREAS, the General Fund will have a nine-month salary savings for the Administrative Analyst II (Exempt) position of approximately $50,680 (salary and benefits) as shown in Exhibit A, Budget Adjustment (attached).
WHEREAS, the Police Department is requesting to use the General Fund savings from Community Service Officer position to retain the Administrative Analyst II (Exempt) position,

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
REQUEST FOR BUDGET ADJUSTMENT

Organization 0100-190-1966 programmed funding to cover salary and benefits costs for one CSO for the period of October 2010 - June 2011 pending the expiration of a grant that ended on September 30, 2010. The Police Department following the adoption of the FY 2010-11 operating budget, was notified that it had received a subsequent grant that would cover the CSO's salary for this same time period. This budget adjustment is being made to decrease the salary and benefits programmed to offset that portion of a CSO's salary for the remainder of the fiscal year in Org. 1966 and transfer these funds to offset the costs of reinstating one Administrative Analyst II (Exempt) in Organization 0100-190-1901 that was due to be eliminated, effective January 1, 2011. This action will provide the necessary complement of funding to cover salary and benefit expenses (6 mos.) for the Admin. Analyst II through the end of the current FY.

DEPARTMENTAL REVENUES

FROM

TO

APPROPRIATIONS

FROM

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TO

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TRANSFERS BETWEEN FUNDS

FROM

TO

COMMENTS/JUSTIFICATION

AUTHORIZATION (check if required) SIGNATURE DATE

PUBLIC SAFETY BUSINESS SERVICES ANALYST

DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT

TRANFERS TO/FROM INTERNAL SERVICE CHARGES

FINANCE DIRECTOR (Al1 items requiring City Manager's Approval)

CFO/CED ADMINISTRATOR

WHEN NECESSARY FOR CIP

CITY MANAGER

TRANSFERENCE NO.: 

SIGNATURE DATE: 

PW: AT w/interfund Template 7/28/2005
RESOLUTION AMENDING THE FISCAL YEAR 2010/2011 OPERATING
BUDGET ESTIMATING REVENUE OF $67,524 FROM ASSET FORFEITURES
TO POLICE INVESTIGATIONS AND TRAINING FOR POLICE EQUIPMENT
AND TRAINING

WHEREAS, the Modesto Narcotic Enforcement Team (MNET) is the primary
narcotics unit within the City of Modesto responsible for handling all drug-related
investigations, and

WHEREAS, MNET and the special Investigations Division (SID) utilize the ISD
Fund to pay for the expenses that arise in prostitution and alcohol related investigations,
and

WHEREAS, undercover operations equipment is crucial to accomplishing this
task and our current equipment is worn out and needs to be replaced, and

WHEREAS, staff would like to recommend the transfer of funds in the amount of
$67,524 from Asset Forfeiture Trust Fund to Police Investigations and Training for police
equipment and training, and

WHEREAS, the Asset Forfeiture Trust Fund has monies available for this
purchase,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Fiscal Year 2010/11 Operating Budget is hereby amended as indicated below:

Appropriate:
To: 0100-190-1921-0209 $ 2,500.00 Police Support Division
0100-190-1941-0225 $65,024.00 Police Investigations Division

Revenue:
From: 0100-190-1961-7202 $67,524.00 Seized Forfeitures
BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSAN ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AGREEMENT BETWEEN THE SOUTH BAY REGIONAL PUBLIC SAFETY TRAINING CONSORTIUM AND THE MODESTO POLICE DEPARTMENT FOR IN-SERVICE TRAINING COURSES FOR POLICE AND OTHER CRIMINAL JUSTICE SYSTEM OCCUPATIONAL TRAINING; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, In 1994, the South Bay Regional Public Safety Training Consortium was created by Evergreen Valley and Gavilan Colleges through a California Community College Chancellor’s Office Grant in order to pool resources, reduce costs, and eliminate duplication of efforts, while at the same time committing to deliver high-quality training, and

WHEREAS, in 1995, a Joint Powers Agreement (JPA) was established to provide governance between South Bay and the member Community Colleges, and

WHEREAS, through the JPA, the colleges work with The Commission on Peace Officer Standards and Training (POST) that was established by the California Legislature in 1959 to set minimum selection and training standards for California law enforcement, and

WHEREAS, the Community Colleges, in turn serve as vehicles to establish course content, college credit, manage apportionment of funds amongst the participating agencies, and issue transcripts to the students, and

WHEREAS, the Modesto Police Department is required to comply with various mandated training requirements by federal and state law, to ensure proper knowledge, skills, and abilities by its employees to complete its mission, and
WHEREAS, this funding will allow the Department to have more flexibility in providing training, training material (e.g., books, projectors, training aids, etc.), or provide instruction for training, and

WHEREAS, South Bay will credit Modesto Police Department $1.50 per student contact hour or number of actual students, multiplied by the number of hours of attendance, and

WHEREAS, payment will be calculated at the conclusion of each course based on the actual and eligible attendance, and payments will be held in a secure account with South Bay Consortium, and

WHEREAS, payments will be made for eligible training materials or services directly, or may be made to the Modesto Police Department upon request, and

WHEREAS, the Safety & Communities Committee reviewed this item at its October 4, 2010 meeting, and

WHEREAS, the term of this Agreement will be July 1, 2010 to June 30, 2011, and may be renewed each year,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement between the South Bay Regional Public Safety Training Consortium and the Modesto Police Department for in-service training courses for police and other criminal justice system occupational training.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN APPLICATION FOR A HABITAT
CONSERVATION FUND RIPARIAN HABITAT GRANT IN THE AMOUNT OF
$150,000 FOR THE RESTORATION OF 11 ACRES OF RIPARIAN HABITAT IN
THE TUOLUMNE RIVER REGIONAL PARK GATEWAY 6 PARCEL PHASE 2

WHEREAS, the people of the State of California have enacted the California
Wildlife Protection Act of 1990, which provides funds to the State of California for
grants to local agencies to acquire, enhance, restore or develop facilities for public
recreation and fish and wildlife habitat protection purposes, and

WHEREAS, the State of California Department of Parks and Recreation has been
delegated the responsibility for the administration of the Habitat Conservation Fund
(HCF) Program, setting up necessary procedures governing project application under the
HCF Program, and

WHEREAS, said procedures established by the State of California Department of
Parks and Recreation require the applicant to certify by resolution the approval of
application(s) before submission of said application(s) to the State, and

WHEREAS, the applicant will enter into a contract with the State of California to
complete the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of
Modesto that it hereby approves and authorizes the Parks, Recreation and Neighborhoods
Department Director to file an application for the Tuolumne River Regional Park
Riparian Habitat and:

1. Approves the filing of an application for the Habitat Conservation Fund Program; and
2. Certifies that said applicant has or will have available, prior to commencement of any work on the project included in this application, the required match and sufficient funds to complete the project; and

3. Certifies that the applicant has or will have sufficient funds to operate and maintain the project(s), and

4. Certifies that the applicant has reviewed, understands, and agrees to the provisions contained in the contract shown in the grant administration guide; and

5. Delegates the authority to the Parks, Recreation and Neighborhoods Department Director to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the project.

6. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

7. The delegation of authority will expire September 30, 2016.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 26th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the Resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

(SIGNATURE)

STEFANIE LOPEZ, City Clerk
(SEAL)

APPROVED AS TO FORM:

By:

(SIGNATURE)

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN APPLICATION FOR A RECREATIONAL TRAILS PROGRAM GRANT IN THE AMOUNT OF $490,336 FOR THE DEVELOPMENT OF APPROXIMATELY 1,200 LINEAR FEET OF RIVERWALK TRAIL, INCLUDING THE CONSTRUCTION OF A FISHING DECK AND PEDESTRIAN BRIDGE IN THE TUOLUMNE RIVER REGIONAL PARK GATEWAY PARCEL PHASE 2

WHEREAS, the “Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users” provides funds to the State of California for Grants to federal, state, local and non-profit organizations to acquire, develop and/or maintain motorized and non-motorized trail Projects, and

WHEREAS, the State of California Department of Parks and Recreation has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing Project Application under the program, and

WHEREAS, said procedures established by the State of California Department of Parks and Recreation require the Applicant to certify by resolution the approval of Application(s) before submission of said Application(s) to the State, and

WHEREAS, the Applicant will enter into a Contract with the State of California to complete the Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and authorizes the Parks, Recreation and Neighborhoods Department Director to file an application for the Tuolumne River Regional Park Riverwalk, Phase 2 and:

1. Approves the filing of an Application for the Recreational Trails Program; and
2. Certifies that the Project is consistent with the Applicant’s general plan or the equivalent planning document; and

3. Certifies that said Applicant has or will have available prior to commencement of any work on the Project included in this Application, sufficient funds to operate and maintain the Project; and

4. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and

5. Appoints the Parks, Recreation and Neighborhoods Department Director as agent to conduct all negotiations, execute and submit all documents, including, but not limited to Applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the Project.

6. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

7. The delegation of authority will expire September 30, 2016.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 26th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the Resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN APPLICATION FOR A LAND AND WATER CONSERVATION FUND GRANT TO FUND PAMELA MONTEROSSO TRAILHEAD SHADE STRUCTURE PROJECT

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a federal Land and Water Conservation Fund Grant-In-Aid program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing facilities for public outdoor recreation purposes; and

WHEREAS, the California Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing Applications by local agencies under the program; and

WHEREAS, said adopted procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications and the availability of eligible matching funds prior to submission of said applications to the State; and

WHEREAS, the proposed Pamela Monterosso Trailhead Shade Structure Project is consistent with the most recent California Outdoor Recreation Plan (CORP); and

WHEREAS, the Project must be compatible with the land use plans of those jurisdictions immediately surrounding Project;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto hereby approves and authorizes the Parks, Recreation and Neighborhoods Department Director, to file an application for the Pamela Monterosso Trailhead Shade Structure Project, and:
1. Approves the filing of an Application for Land and Water Conservation Fund assistance; and
2. Agrees to abide by SECTION 6(1)(3) of Public Law 88-578 which states “No property acquired or developed with assistance under this section shall, without the approval of the National Secretary of the Interior, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.”
3. Certifies that said agency has matching funds from eligible source(s) and can finance 100 percent of the project, which up to half may be reimbursed; and
4. Certifies that the project is compatible with the land use plans of those jurisdictions immediately surrounding the Project; and
5. Appoints the Parks, Recreation and Neighborhoods Department Director as agent of the applicant to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned project.
6. The delegation of authority will expire October 30, 2016.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 26th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the Resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature] STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature] SUSANNA RICALALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 CAPITAL IMPROVEMENT PROGRAM BUDGET IN ORDER TO FUND THE ADMINISTRATIVE BUDGET FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROJECT BY TRANSFERRING $20,000 FROM WASTEWATER FUND RESERVES TO CAPITAL IMPROVEMENT PROJECT (6210-430-B119)

WHEREAS, on January 12, 2010, the Council, by Resolution No. 2010-016, approved moving forward with a Regional Recycled Water Delivery System Feasibility Study (feasibility study) in partnership with Del Puerto Water District (DPWD), and

WHEREAS, on April 27, 2010, the Council, by Resolution No. 2010-149, approved an amendment to the Cost Sharing Agreement with DPWD for the City to front fund the expenses related to the cost of the feasibility study, up to $100,000, and

WHEREAS, the proposed project has expanded to include the Cities of Turlock and Ceres, and Stanislaus County as partners, and is now known as the North Valley Regional Recycled Water Project (NVRRWP) and is truly regional in scope, and

WHEREAS, On April 27, 2010, the Council, by Resolution No. 2010-153, approved a Memorandum of Understanding (MOU) with the cities, County, and DPWD establishing a collaborative partnership to explore the benefits of water reuse, the expansion of existing recycled water programs, and the development of a new recycled water program in the North Valley region, and

WHEREAS, the feasibility study and public outreach efforts are intended to move the NVRRWP forward to achieve authorization and receive federal funding, and
WHEREAS, the NVRRWP MOU sets in place a process to administer the project and the City of Modesto is working with the Cities of Turlock and Ceres, the DPWD, and Stanislaus County as the NVRRWP Administrative Agency, and

WHEREAS, the MOU also provides a mechanism for cost sharing to cover project administrative and related expenses, and

WHEREAS, to continue the process, it is necessary to fund the following tasks at a total estimated cost of $20,000: 1) Project administration costs ($14,000); 2) Project website development and domain name ($3,000); and 3) Analysis of project economic impacts through IMPLAN model ($3,000), 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 amending the Fiscal Year 2010-2011 Capital Improvement Program budget in order to front fund the budget for the North Valley Regional Recycled Water Project by transferring $20,000 from Wastewater Fund Reserves to Capital Improvement Project (6210-430-B119) as shown in Exhibit A.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, 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
REQUEST FOR BUDGET ADJUSTMENT

DEPARTMENT: PW

DEPARTMENTAL REVENUES

FROM

TO

APPROPRIATIONS

FROM

TO

TRANSFERS BETWEEN FUNDS

FROM

TO

COMMENTS/Justification

This is requested to create the NARRAV budget to fund staff costs only for the purpose of an IMAP/AN model that is not yet in use. The purpose of the model is to allocate the cost of the project to different funds and departments.

AUTHORIZATION (check if required)

SIGNATURE

DATE

DEPARTMENT DIRECTOR (PW)

DEPARTMENT DIRECTOR (P&P)

DIRECTOR OF FINANCE

CITY MANAGER

TRANSFER NO.

BY

DATE

PW AT winterfund Template 7-26-06
RESOLUTION ACCEPTING THE WORK BY PACIFIC MECHANICAL CORPORATION, INC. FOR THE “PHASE 1A TERTIARY WASTEWATER TREATMENT FACILITY” 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 $20,648,415

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Phase 1A Tertiary Wastewater Treatment Facility project has been completed by Pacific Mechanical Corporation, Inc., in accordance with the contract agreement dated September 23, 2008.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Phase 1A Tertiary Wastewater Treatment Facility project is hereby accepted as complete from said contractor Pacific Mechanical Corporation, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, release securities upon expiration of statutory periods, and that payment of amounts totaling $20,648,415.00 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 26th day of October, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-461

RESOLUTION ADOPTING AN INCREASE TO CURRENT JAIL AND HIGH RISE INSPECTION FEES

WHEREAS, in 2009, the Fire Prevention Bureau conducted 902 annual fire and life safety business inspections. Of the 902 inspections approximately 652 are State mandated by the California Health & Safety Code, and

WHEREAS, the remaining 250 inspections were for businesses that pose a high life safety risk such as assembly occupancies and fireworks booths, and

WHEREAS, the California Fire Code authorizes the Fire Chief to issue permits for these types of occupancies, and

WHEREAS, since annual inspections are not part of the development process, no fees have ever been collected for this service with the exception of jails and high rise buildings, and

WHEREAS, this fee was last updated in 1990, and

WHEREAS, existing jail and high rise fees are increasing from $46.00 per hour to $56.00 per hour, and

WHEREAS, a duly noticed Public Hearing was held by the Council on October 26, 2010, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street Place, Modesto, California, to consider approval of the fee increase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves an increase to current jail and high rise fees.

RESCINDED

JUL 10 2018

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2018-290
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Olsen

ABSENT: Councilmembers: Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION ADOPTING AN INCREASE TO CURRENT FIREWORKS BOOTH PERMIT FEES

WHEREAS, in 2009, the Fire Prevention Bureau conducted 902 annual fire and life safety business inspections. Of the 902 inspections approximately 652 are State mandated by the California Health & Safety Code, and

WHEREAS, the remaining 250 inspections were for businesses that pose a high life safety risk such as assembly occupancies and fireworks booths, and

WHEREAS, the California Fire Code authorizes the Fire Chief to issue permits for these types of occupancies, and

WHEREAS, since annual inspections are not part of the development process, no fees have ever been collected for this service with the exception of jails and high rise buildings, and

WHEREAS, this fee was last updated in 1990, and

WHEREAS, fireworks booth permit fees will increase from $50.00 to $111.00, and

WHEREAS, a duly noticed Public Hearing was held by the Council on October 26, 2010, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street Place, Modesto, California, to consider approval of the fee increase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase to current fireworks booth permit fees.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 26th day of October, 2010, by Councilmember Lopez.
who moved its adoption, which motion being duly seconded by Councilmember
Muratore. was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A FEE STRUCTURE FOR “SPECIAL INSPECTIONS/OCCUPANCY EVALUATION” FOR BUSINESSES THAT DO NOT REQUIRE AN INSPCTION BUT REQUEST AN INSPCTION

WHEREAS, in 2009, the Fire Prevention Bureau conducted 902 annual fire and life safety business inspections. Of the 902 inspections approximately 652 are State mandated by the California Health & Safety Code, and

WHEREAS, the remaining 250 inspections were for businesses that pose a high life safety risk such as assembly occupancies and fireworks booths, and

WHEREAS, the California Fire Code authorizes the Fire Chief to issue permits for these types of occupancies, and

WHEREAS, since annual inspections are not part of the development process, no fees have ever been collected for this service with the exception of jails and high rise buildings, and

WHEREAS, this fee was last updated in 1990. and

WHEREAS, in an effort to recover cost for services, the Fire Prevention Bureau is requesting the following user fees program that is consistent with the Mayor's budget proposal:

1. Special Inspection/Occupancy Evaluation: This fee is intended to recover cost for inspection request on facilities that normally do not require an inspection. This often occurs when an insurance company requires a fire safety inspection report from a client. Traditionally the Fire Department has conducted these inspections at no charge. The proposed fee is $109.00 which includes one reinspection, and
WHEREAS, a duly noticed Public Hearing was held by the Council on October 26, 2010, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street Place, Modesto, California to consider approval of the fee increase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a fee structure for “special inspections/occupancy evaluation” for businesses that do not require an inspection but request an inspection.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Olsen

ABSENT: Councilmembers: Marsh

ATTEST: ________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ____________________________

SUSAN ALCALA WOOD, City Attorney
RESOLUTION APPROVING A FIRE CODE PERMIT AND INSPECTION PROGRAM FEE TO RECOVER COSTS ASSOCIATED WITH HEALTH & SAFETY CODE INSPECTIONS OF STATE MANDATED OCCUPANCIES, AND THE ISSUANCE OF OPERATIONAL USE PERMITS AS OUTLINED IN THE CALIFORNIA FIRE CODE

WHEREAS, in 2009, the Fire Prevention Bureau conducted 902 annual fire and life safety business inspections. Of the 902 inspections approximately 652 are State mandated by the California Health & Safety Code, and

WHEREAS, the remaining 250 inspections were for businesses that pose a high life safety risk such as assembly occupancies and fireworks booths, and

WHEREAS, the California Fire Code authorizes the Fire Chief to issue permits for these types of occupancies, and

WHEREAS, since annual inspections are not part of the development process, no fees have ever been collected for this service with the exception of jails and high rise buildings, and

WHEREAS, this fee was last updated in 1990, and

WHEREAS, in an effort to recover cost for services, the Fire Prevention Bureau is requesting the following user fees program that is consistent with the Mayor’s budget proposal:

1. Fire Code Permit – Annual Renewal: Fire Code permits are typically issued for operations, processes, and/or occupancies that present a high life or property hazard. We propose to establish a program fee to recover the cost for employee’s time expended on inspections of assembly occupancies. The Fire Department has prioritized these inspections based on life safety risk analysis and performed inspections according to available staffing at no cost to the businesses. The proposed fee is $109.00 which includes one re-inspection.

2. Annual Apartment Inspections: The majority of our State mandated inspections are for apartment complexes. The State defines an apartment
complex as: residential occupancies containing sleeping units of more than two dwelling units where the occupants are primarily permanent in nature. Currently there are 594 complexes identified in the City of Modesto that meet this definition. The proposed fee structure is as follows:

- 3 - 20 Units $55.00
- 21 - 60 Units $159.00
- 61 - or more $289.00

All include one re-inspection, and

WHEREAS, a duly noticed Public Hearing was held by the Council on October 26, 2010, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street Place, Modesto, California, to consider approval of the fee increase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Fire Code Permit and Inspection Program Fee to recover costs associated with Health & Safety Code inspections of State mandated occupancies, and the issuance of operational use permits as outlined in the California Fire Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Olsen

ABSENT: Councilmembers: Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSAN CALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 GENERAL FUND OPERATING BUDGET TO INCLUDE AN ESTIMATED $101,192 INCREASE IN ANNUAL REVENUE IN 0100-180-1822-4156

WHEREAS, in 2009, the Fire Prevention Bureau conducted 902 annual fire and life safety business inspections. Of the 902 inspections approximately 652 are State mandated by the California Health & Safety Code, and

WHEREAS, the remaining 250 inspections were for businesses that pose a high life safety risk such as assembly occupancies and fireworks booths, and

WHEREAS, the California Fire Code authorizes the Fire Chief to issue permits for these types of occupancies, and

WHEREAS, since annual inspections are not part of the development process, no fees have ever been collected for this service with the exception of high and high rise buildings, and

WHEREAS, this fee was last updated in 1990, and

WHEREAS, in an effort to recover cost for services, the Fire Prevention Bureau is Requesting the following user fees program that is consistent with the Mayor’s budget proposal:

1. Fireworks Booth: Each year the Fire Department issues approximately 70 permits for fireworks booths throughout the City of Modesto. The permit process starts on April 1st, and ends on July 4th. The current fee of $50.00 was established in 1993, the proposed fee is $111.00.

2. Special Inspection/Occupancy Evaluation: This fee is intended to recover cost for inspection request on facilities that normally do not require an inspection. This often occurs when an insurance company requires a fire safety inspection report from a client. Traditionally the Fire Department has conducted these inspections at no charge. The proposed fee is $109.00 which includes one re-inspection.
3. Fire Code Permit Annual Renewal: Fire Code permits are typically issued for operations, processes, and/or occupancies that present a high life or property hazard. We propose to establish a program fee to recover the cost for employee’s time expended on inspections of assembly occupancies. The Fire Department has prioritized these inspections based on life safety risk analysis and performed inspections according to available staffing at no cost to the businesses. The proposed fee is $109.00 which includes one re-inspection.

4. Annual Apartment Inspections: The majority of our State mandated inspections are for apartment complexes. The State defines an apartment complex as: residential occupancies containing sleeping units of more than two dwelling units where the occupants are primarily permanent in nature. Currently there are 594 complexes identified in the City of Modesto that meet this definition. The proposed fee structure is as follows:
   - 3 – 20 Units $55.00
   - 21 - 60 Units $159.00
   - 61 – or more $289.00

   All include one re-inspection, and

WHEREAS, a duly noticed Public Hearing was held by the Council on October 26, 2010, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street Place, Modesto, California, to consider approval of the fee increase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2010-2011 General Fund Operating Budget is hereby amended to account for an annual increase in fee revenues.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Olsen

ABSENT: Councilmembers: Marsh

ATTEST: 

(Seal)

STEFANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney