RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF BRAD DE LA CRUZ FROM THE ENTERTAINMENT COMMISSION

WHEREAS, Brad de la Cruz was appointed an alternate member of the Entertainment Commission on February 9, 2010, and

WHEREAS, Brad de la Cruz has tendered his resignation from the Entertainment Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts, with regret, the resignation of Brad de la Cruz from the Entertainment Commission.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Olsen, 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:  

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF LES KNOLL FROM THE ENTERTAINMENT COMMISSION

WHEREAS, Les Knoll was appointed an alternate member of the Entertainment Commission on March 10, 2009, and

WHEREAS, Les Knoll has tendered his resignation from the Entertainment Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts, with regret, the resignation of Les Knoll from the Entertainment Commission.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Olsen, 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: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-306

RESOLUTION APPROVING THE CITY COUNCIL OF THE CITY OF MODESTO, ACTING AS THE GOVERNING BODY OF ALL OF ITS COMMUNITY FACILITIES DISTRICTS, TO ORDER JUDICIAL FORECLOSURE OF DELINQUENT SPECIAL TAXES PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982, AND ORDER THAT THE STANISLAUS COUNTY TAX COLLECTOR BE CREDITED WITH THOSE TAXES

WHEREAS, the City of Modesto ("City") has conducted proceedings resulting in the formation of Community Facilities Districts ("CFDs") and the issuance and sale of bonds or debt pursuant to the Mello-Roos Community Facilities Act of 1982 (Cal. Gov. Code Section 53311, et seq.; the "Act"), and

WHEREAS, pursuant to the Act, the City has duly recorded Notices of Special Tax Lien and has duly and regularly levied special taxes, which special taxes and interest and penalties thereon constitute a lien against the parcel of the land against which it was levied until the same are paid, which liens secure in whole or part debt issued pursuant to the Act, and

WHEREAS, certain installments of the special taxes have not been paid when due, and certain special taxes may not be paid when due in the future, and

WHEREAS, pursuant to Section 53356.1(a) of the Act, the CFDs are authorized to order the special taxes collected by an action brought in the Superior Court to foreclose their liens, and

WHEREAS, pursuant to Section 53356.1(b) of the Act, the CFDs covenanted for the benefit of owners of the debt to file such foreclosure actions on behalf of the debt holders and are authorized to order the County Auditor to credit the delinquent special taxes upon the secured tax roll, thus relieving the County Tax Collector of further duty and regard thereto,
and

WHEREAS, on July 3, 2007, the City Council, by Resolution No. 2007-410, authorized the City Manager to execute a legal services agreement (“Agreement”) with Sherman & Feller, a Law Corporation (“Attorney”), a firm experienced and qualified to prosecute such judicial foreclosure actions, and

WHEREAS, Attorney is still under contract to provide said services, and

WHEREAS, in an effort to prevent large delinquencies from accumulating, the City desires to reaffirm an additional administrative foreclosure threshold in the amount of $5,000, and

WHEREAS, this additional threshold will allow foreclosure proceedings to commence on any parcel where the special tax delinquency is $5,000 or greater, regardless of the number of delinquent payments,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto, acting as the Legislative Body of all of the City of Modesto Community Facilities Districts that:

1. The City finds that the Act authorizes the filing of judicial foreclosure lawsuits to collect delinquent special taxes, and hereby orders that the delinquent special taxes listed on the attached Exhibit A, and all future delinquent special taxes as to such property, be collected by action brought in the appropriate Superior Court to foreclose the liens thereof.

2. City staff, in conjunction with special counsel and other City consultants, are authorized and directed if and as applicable, pursuant to Government Code Section 53356.2: 1) to record notices of intent to remove the delinquent special taxes from the tax rolls, and 2) to request that the applicable County officials remove current and future delinquent special
Exhibit "A"

**Delinquent Parcels as of June 30, 2010**

*Missed 3 Installments*

**CFD 2004-1 (Village One #2)**

<table>
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<th>APN</th>
<th>CFD</th>
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<th>Unpaid Taxes</th>
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<td></td>
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<td>2009</td>
<td>882.38</td>
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</tbody>
</table>
taxes from the tax rolls.

3. The Act provides for the payment of the costs and attorneys fees for prosecution of the foreclosure lawsuits on redemption prior to entry of judgment as well as on post-judgment redemption, and hereby authorizes Attorney to require payment on its behalf of all costs and all attorneys’ fees incurred to collect the delinquent special taxes as a condition of such redemption as provided in the Agreement.

4. An additional administrative foreclosure threshold in the amount of $5,000 is reaffirmed. This additional threshold will allow foreclosure proceedings to commence on any parcel where the special tax delinquency is $5,000 or greater, regardless of the number of delinquent payments.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 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, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2009-10 OPERATING BUDGET TO INCREASE EXPENDITURES IN FUND 0480 BY $7,515 (LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1), AND TO APPROPRIATE FUNDS FROM RESERVES TO OFFSET THE INCREASE IN OPERATING EXPENSES

WHEREAS, for Fiscal Year 2009-10, the City Council adopted an operating budget of $20,252 for Landscape Maintenance Assessment District No. 1 (“LMAD No. 1”), and

WHEREAS, the adopted operating budget of $20,252 is insufficient to meet the maintenance requirements of LMAD No. 1 for Fiscal Year 2009-10, and

WHEREAS, the increase in operating expenses resulted from an increase in utility costs, under budgeting of funds for contract landscape maintenance services and a small increase in staff charges due to the transition of management of LMAD No. 1, and

WHEREAS, there are sufficient funds available in the LMAD No. 1 reserve account to appropriate $7,515 for the increased Fiscal Year 2009-10 operating expenses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2009-10 operating budget to increase expenditures by $7,515 in Fund 0480 (LMAD No. 1) and to appropriate funds from reserves to offset the increase in operating expenses.

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 13th day of July, 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, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

(Seal)

ATTEST: STEPHANIE LOPEZ, City Clerk

07/13/2010/C&ED/TRoeha/Item 7 2 2010-307
RESOLUTION MODIFYING THE ANGLED PARKING DESIGN WITH LANDSCAPED BULB-OUT REQUIREMENTS AT NEW BETHANY MISSIONARY BAPTIST CHURCH AND THE MADUXX YOUTH CENTER AND RESCINDING RESOLUTION NO. 2007-452

WHEREAS, Article 10 of Chapter 2 of Title 3 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish angle parking in the City of Modesto, and

WHEREAS, on September 5, 2006, the City Council, by Resolution No. 2006-561, approved angled parking with landscaped bulb outs at the curb returns, and

WHEREAS, the revised landscaped bulb-out curb return was to be designed and constructed before any of the angled parking was installed, and

WHEREAS, staff believes the landscaped bulb outs are an unnecessary financial burden on both New Bethany Missionary Baptist Church and the Maddux Youth Center in these financially challenging times, and

WHEREAS, safety will not be impacted by the removal of these landscaped bulb outs, and

WHEREAS, there are similar angled parking layouts throughout the downtown area without landscaped bulb outs and safety is maintained at an acceptable level,

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

SECTION 1. ANGLE PARKING. Angle parking in the City of Modesto is hereby established at the following locations:

• Portions of 10th Street, between I & K Streets (west side) (diagonal)
- 18th Street, between G and H Streets (west side) (diagonal)
- F Street, between 10th and 11th Streets (south side) (diagonal)
- I Street, between 9th and 12th Streets (both sides) (diagonal)
- P Street, between 9th and Needham Streets (both sides) (diagonal)
- Coldwell Avenue, between Tully Road and College Avenue
- 4th Street, between E Street and G Street (west side)
- 16th Street, between I Street and J Street (east side)
- Elm Street, between Jefferson and Washington Streets (diagonal)
- Jefferson Street, between 8th and Laurel Streets (diagonal)
- 13th Street, between H and L Streets (east side)
- J Street, between 7th Street and 8th Street (north side)
- 10th Street, between G Street and F Street (east side) (diagonal)
- F Street, between 10th Street and 11th Street (north side) (diagonal)
- 15th Street, between K Street and H Street (east side) (diagonal)
- F Street, between 9th Street and 10th Street (north side) (diagonal)
- 8th Street, between J Street and K Street (east side) (diagonal)
- 8th Street, between K Street and L Street (east side) (diagonal)
- Sierra Drive between F Street and 4th Street (north side)
- 8th Street between L Street and Jefferson Street (east side) (diagonal)
- M Street between 7th Street and 8th Street (south side) (diagonal)
- 10th Street between G Street and I Street (east side) (diagonal)
- Sierra Drive between 6th Street and the alley at the west property edge of New Bethany Missionary Baptist Church (diagonal)
• Sierra Drive between 5th Street and 6th Street (north side) (diagonal)
• 6th Street, Sierra Drive to north property line of New Bethany Missionary Baptist Church (west side) (diagonal)
• 13th Street between F and G Streets (east side) (diagonal)

SECTION 2. The Director of Community and Economic Development is hereby directed to implement the provisions of this resolution.

SECTION 3. Resolution No. 2007-452 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 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, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE AND INSTALLATION OF GRANULAR ACTIVATED CARBON FOR THE PUBLIC WORKS DEPARTMENT, WATER DIVISION, TO CALGON CARBON, PITTSBURGH, PA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $215,429

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase and installation of granular activated carbon (GAC), and

WHEREAS, the Purchasing Division issued RFB No. 0910-25 Granular Activated Carbon to eight (8) 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. Three (3) companies chose to respond. All three (3) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid and contract for the purchase and installation of GAC for the Public Works Department, Water Division, to Calgon Carbon, Pittsburgh, PA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of $215,429, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid and contract for the purchase and installation of
GAC for the Public Works Department, Water Division, to Calgon Carbon, Pittsburgh, PA, conforms to the Modesto Municipal Code, and

WHEREAS, the Water Fund has funds budgeted for the purchase and installation of GAC in Appropriation Unit: 6180-480-5013-0223,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for the purchase and installation of GAC for the Public Works Department, Water Division, to Calgon Carbon, Pittsburgh, PA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated annual cost of $215,429.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 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, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND VALLEY OAK PROPERTY MANAGEMENT, MODESTO, CALIFORNIA, FOR PROPERTY MANAGEMENT SERVICES, FOR A TWO-YEAR AGREEMENT, WITH THREE ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on April 26, 2005, by Resolution No. 2005-199, the City Council authorized the Parks, Recreation and Neighborhoods Department to enter into an agreement for property management services for specified City-owned residential rental properties, and

WHEREAS, the existing agreement has been terminated in accordance with its provisions, and

WHEREAS, on March 29, 2010, the Parks, Recreation and Neighborhoods Department issued Request for Proposal (RFP) No. PRN2010-01 for Property Management Services for specified City-owned residential rental properties, and

WHEREAS, an evaluation committee comprised of three City staff members reviewed and evaluated the proposals, and

WHEREAS, based on being ranked highest in total evaluation criteria, the evaluation committee recommended the award of proposal and contract for the furnishing of property management services to Valley Oak Property Management, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Valley Oak Property Management of Modesto, California, for property management services, for a two-year Agreement, with three one-year extension options, at the sole discretion of the City.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 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, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

(Seal)

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
A RESOLUTION INCREASING THE DIRECTOR OF UTILITY PLANNING AND PROJECTS’ AUTHORITY TO ISSUE CHANGE ORDERS ON THE STATE ROUTE 219 FROM WEST OF DALE ROAD TO MORROW ROAD PROJECT BY $284,676.76 FROM 8% ($267,931.07) TO 16.5% ($552,607.83) OF THE ORIGINAL CONTRACT PRICE WITH GEORGE REED, INC. TO FUND THE CHANGE ORDER WORK

WHEREAS, on January 13, 2009, by Resolution No. 2009-045, the City Council awarded a $3,349,138.40 contract to George Reed, Inc. for the State Route 219 from West of Dale Road to Morrow Road project, and

WHEREAS, during the course of construction, additional scope of work was identified and approved by Caltrans, and

WHEREAS, the additional work estimated to complete the project will cost approximately $284,676, and

WHEREAS, the Director of Utility Planning and Projects currently has authority to approve change orders up to a cumulative amount of $267,931.07, and

WHEREAS, due to the anticipated change orders related to the project, staff is requesting Council approval to increase the Director’s Change Order Authority from 8% ($267,931.07) to 16.5% ($552,607.83),

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves increasing the Director of Utility Planning and Projects’ Authority to issue change orders on the State Route 219 from West of Dale Road to Morrow Road project by $284,676.76 from 8% ($267,931.07) to 16.5% ($552,607.83) of the original contract price with George Reed, Inc. to fund the change order work.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 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, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-312

A RESOLUTION ACCEPTING THE PRELIMINARY DESIGN REPORT
DATED JUNE 2010, FOR THE EMERALD TRUNK SEWER RELIEF PROJECT
AS COMPLETE

WHEREAS, the City’s 2007 Wastewater Master Plan (WWMP) identified the need for a relief trunk for the Emerald Trunk Sewer to improve its hydraulic capacity, and

WHEREAS, on April 28, 2009, by Resolution No. 2009-174, the City Council approved an agreement with NorthStar Engineering, Inc. to prepare the Preliminary Design Report (PDR) for the Emerald Trunk Sewer Relief Project, and

WHEREAS, the PDR summarizes existing facilities, details proposed project elements, presents preliminary engineering drawings, and provides estimated cost and schedule projections for project implementation, and

WHEREAS, in accordance with the Public Works Department’s Major Scope Policy approved on September 26, 2006, all projects exceeding $1,000,000 are required to be presented at Council at the 35% PDR report stage, and

WHEREAS, the 35% PDR has been successfully completed and will serve as the basis for the final design of the Emerald Trunk Sewer Relief project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Preliminary Design Report dated June 2010, for the Emerald Trunk Sewer Relief project as complete.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 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, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-313

A RESOLUTION APPROVING AN AGREEMENT WITH NORTHSTAR ENGINEERING, INC. FOR FINAL DESIGN SERVICES FOR THE EMERALD TRUNK SEWER RELIEF PROJECT IN AN AMOUNT NOT TO EXCEED $454,090 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $45,409 FOR ADDITIONAL SERVICES (IF NEEDED) FOR A MAXIMUM TOTAL AMOUNT OF $499,499, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the 2007 Wastewater Master Plan identified the Emerald Trunk Sewer as having insufficient hydraulic capacity and severe interior corrosion, and

WHEREAS, as the 2007 Wastewater Master Plan identified a need for a relief sewer for the Emerald Trunk in order to improve it’s overall hydraulic capacity, and

WHEREAS, on April 28, 2009, by Resolution No. 2009-174, the City Council approved an agreement with NorthStar Engineering to prepare the Preliminary Design Report (PDR) for the Emerald Trunk Sewer Relief Project, and

WHEREAS, the PDR titled “Emerald Trunk Sewer Relief Project,” summarizes existing facilities, establishes project design criteria and method of design, identifies critical project elements and provides an estimated construction cost of $7,137,000 for the Emerald Trunk Sewer Relief Project, and

WHEREAS, NorthStar Engineering, Inc., (NorthStar) successfully completed the PDR, and

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

WHEREAS, City staff recommends approving an Agreement with NorthStar Engineering, Inc. as the City does not have the staffing level to complete the Final Design
Services for Emerald Trunk Sewer Relief Project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with NorthStar Engineering, Inc. for final design services for Emerald Trunk Sewer Relief Project in an amount not to exceed $454,090 for the identified scope of services, plus $45,409 for additional services (if needed), for a maximum total amount of $499,499.

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 13th day of July, 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, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: [Signature]

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-314

A RESOLUTION APPROVING THE INITIAL STEPS TOWARDS REGIONALIZATION OF BUILDING PERMIT INSPECTION AND PLAN CHECK SERVICES IN COOPERATION WITH STANISLAUS COUNTY

WHEREAS, in early 2010, the City of Modesto and County of Stanislaus Building Permits Divisions jointly funded a Feasibility Study of the Regionalization of Building Inspection and Plan Check Services based on recommendations from the City/County Liaison Committee, and

WHEREAS, the Matrix Consulting Group provided a final report in April, 2010, and

WHEREAS, the report included assessments of best practices and current service delivery for both jurisdictions, and

WHEREAS, the report also provided an analysis of regionalization approaches and a summary of alternatives and recommendations, and

WHEREAS, the Executive Summary of the report is provided as Attachment 1, and

WHEREAS, the City/County Liaison Committee recommended staff move forward with a report to each respective government for approval with the following six (6) initial steps to consolidate: approval of reciprocal staffing agreements; issuance of a joint request for proposals for new permit tracking software; evaluation of programs, service levels and performance standards; evaluation of adopting uniform building codes and administrative procedures; development of a cost-based fee system; and JPA board formation and director selection,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the initial steps towards regionalization of building permit, inspection and plan check services in cooperation with Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 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, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
INTRODUCTION AND EXECUTIVE SUMMARY

This section provides the introduction and background for the Feasibility Study of the Consolidation of Building Inspection and Plan Check Services between the City of Modesto (the City) and Stanislaus County (the County), as well as the executive summary which identifies the primary findings and recommendations of the report.

1. INTRODUCTION

Between November 2009 and March 2010, the Matrix Consulting Group conducted the feasibility study for the consolidation of building inspection and plan check services between the City and the County. The comprehensive approach to complete the study included:

- Interviewing key elected officials, City and County executives, and respective Department managers and supervisors to obtain a high-level understanding of current operations, challenges, and improvement opportunities.

- Interviewing key Department staff from both the City and the County, including personnel from building inspections, plan checking, and technical and administrative support to understand processes, roles and responsibilities, etc.

- Collecting extensive data from the permit information management systems to understand workload levels, processing times, etc., as well as budget and financial information to understand funding, revenue, etc.

- Assessing the current service delivery organization and operations and identifying opportunities for improvement assuming no regionalization occurred.

- Reviewing the consolidation efforts of other City / County jurisdictions that have recently combined some number of community development functions and services.

- Development and analysis of consolidation assumptions and alternatives, and examining the associated issues related to staffing, technology, governance, etc.
Throughout the course of the study, there was ongoing collaboration with the Project Steering Committee to review interim deliverables (such as the Profile and Best Management Practices) and discuss opportunities for improvement. The following sections summarizes the findings and recommendations of the report:

2. EXECUTIVE SUMMARY

Although the primary focus of the study was to assess the feasibility of the City of Modesto and Stanislaus County consolidating plan check and building inspection services, the project team evaluated and identified opportunities for improvement assuming the City and/or County maintained existing service delivery approaches. As such, the following sections identify the primary findings and recommendations in order to improve the respective efficiency and effectiveness of the City's and County's current plan check and building inspection services.

(1) There is a Cost Savings for the City in Maintaining an Existing Approach to Service Delivery

The following table summarizes the primary findings and recommendations of the City of Modesto's existing service delivery approach:

<table>
<thead>
<tr>
<th>Primary Finding</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Division's Inspection Function is more than Sufficiently Staffed for Existing Workload Demands</td>
<td>The core staffing level for the Building and Safety Division should be one (1) Senior Building Inspector, and three (3) Building Inspector II/I positions. The Division should eliminate one (1) existing Building Inspector II/I position and backfill with contract Building Inspectors for vacancies.</td>
</tr>
<tr>
<td>The Plan Review and Permit Counter Functions are Not Adequately Staffed for Existing Workload Demands</td>
<td>The Division should eliminate one (1) existing Associate Civil Engineer position and backfill with an as-needed contract staff for structural review.</td>
</tr>
</tbody>
</table>
The project team has recommended minor adjustments to staffing levels and classifications, as well as addressed the issue of permit software replacement needs, with an objective to maintain existing service levels. A summary of total budgetary impacts associated with these recommendations is provided on the following page:
<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Net Cost Increase / (Savings)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elimination of one (1) full time Building Inspector II</td>
<td>($92,000)</td>
</tr>
<tr>
<td>Elimination of one (1) full time Associate Civil Engineer and augmentation of core staffing levels with a contract part-time plan reviewer</td>
<td>($73,500)</td>
</tr>
<tr>
<td>Conversion of Senior Administrative Office Assistant position to an ICC certified Permit Technician</td>
<td>$3,000</td>
</tr>
<tr>
<td>Conversion of one Building Inspector II position to a Plan Review Engineer</td>
<td>$4,500</td>
</tr>
<tr>
<td>Updated User Fee Study</td>
<td>$25,000</td>
</tr>
<tr>
<td>Replacement and maintenance of permit software (annual), offset by permit surcharge</td>
<td>$0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>($133,000)</strong></td>
</tr>
</tbody>
</table>

In addition to these recommendations, there are a number of opportunities for improvement noted in Chapter 3, Best Management Practices Analysis, that could be accomplished with little to no fiscal impact, including:

- Inspection requests should be accepted until 7:00 AM of the day inspections are to be completed.

- The Division should publish better documents for educating contractors and the public on the timing of the construction inspection process.

- A uniform plan check checklist by type of project should be used by all plan reviewers.

- Track data on the number of incomplete or rejected submittals.

- Revise cycle time goals to Best Management practices for Residential Additions and Remodels, and Tenant Improvements. Publish cycle time goals to the Division’s website.

- Establish cycle time agreements with departments external to the Building Division that review plans and provide the Building Division with the authority to enforce agreed upon timelines.
Develop a routing matrix by project type for use at the front counter. Limit the number of reviewing departments to only those which are absolutely critical, to avoid processing delays.

- Publish a list of common plan review defects to the Division’s website.
- Update the Division’s policies and procedures manual to reflect the current organization.

With an objective to maintain existing service delivery levels, the Division should implement the project team’s staffing and organizational change recommendations and focus on opportunities for improvement identified in the Best Management Practices Analysis, Chapter 3, that require little to no monetary investment.

(2) There Is a Significant Cost Increase Required for the County in Maintaining Existing Service Delivery

The following table summarizes the primary findings and recommendations of Stanislaus County’s existing service delivery approach:

<table>
<thead>
<tr>
<th>Primary Finding</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Inspection Function of the Building Permits Division is Understaffed for</td>
<td>Authorize a part-time Building Inspector contract to augment existing staffing levels.</td>
</tr>
<tr>
<td>Existing Workload Demands</td>
<td></td>
</tr>
<tr>
<td>Permit Processing and Plan Review Staffing Levels are not Adequate for Workload</td>
<td>Eliminate one (1) Building Inspector II position.</td>
</tr>
<tr>
<td>Demands</td>
<td>Hire a full-time Permit Technician position and require ICC Certification upon hire or within one</td>
</tr>
<tr>
<td></td>
<td>year of hire.</td>
</tr>
<tr>
<td></td>
<td>Back up the front counter operation with the existing Staff Services Coordinator position and</td>
</tr>
<tr>
<td></td>
<td>existing plan check staff as needed.</td>
</tr>
<tr>
<td></td>
<td>Augment existing plan review staffing capacity with contract services for structural review and</td>
</tr>
<tr>
<td></td>
<td>workload overflow.</td>
</tr>
</tbody>
</table>
CITY OF MODESTO AND STANISLAUS COUNTY, CALIFORNIA  
Feasibility Study of the Regionalization of Building Inspection and Plan Check Services

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Net Cost Increase / (Savings)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase a new, comprehensive permitting software application within the next three to six months.</td>
<td></td>
</tr>
<tr>
<td>Adopt a technology maintenance surcharge on top of building permits or adopt the recent user fee study, which included a cost component for a new system; and allocate appropriate amounts of revenues to a special fund for replacement and maintenance of permitting software.</td>
<td></td>
</tr>
<tr>
<td>Eliminate one Admin Clerk II position once the new permitting software is implemented</td>
<td></td>
</tr>
<tr>
<td>Re-hire or replace the Application Specialist II position.</td>
<td></td>
</tr>
<tr>
<td>Perform a revised study for adoption in the 2010-11 budget year.</td>
<td></td>
</tr>
<tr>
<td>Implement the new fee structure at the same time as the new permit software system in order to achieve an economy of scale in programming costs associated with the change in fee structure methodology.</td>
<td></td>
</tr>
<tr>
<td>Change the Status of the Interim Chief Building Official Position to Permanent.</td>
<td></td>
</tr>
<tr>
<td>Eliminate the vacant Supervising Building Inspector position and upgrade one (1) Building Inspector I/II position to a Building Inspector III.</td>
<td></td>
</tr>
</tbody>
</table>

A summary of total budgetary impacts associated with these recommendations is provided below:

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Net Cost Increase / (Savings)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Services authorization to augment existing building inspection staffing</td>
<td>$60,000</td>
</tr>
<tr>
<td>Eliminate one (1) Building Inspector I/II from counter operations</td>
<td>($92,000)</td>
</tr>
<tr>
<td>Add one (1) full-time Permit Technician</td>
<td>$62,400</td>
</tr>
<tr>
<td>Contract Services authorization to augment existing plan review staffing levels</td>
<td>$88,000</td>
</tr>
<tr>
<td>Cash outlay for new permitting system</td>
<td>$375,000</td>
</tr>
<tr>
<td>Elimination of one Admin Clerk II Position</td>
<td>($48,000)</td>
</tr>
<tr>
<td>Add one (1) Application Specialist II for software implementation and support</td>
<td>$79,000</td>
</tr>
<tr>
<td>Revision to January 2009 fee study</td>
<td>$25,000</td>
</tr>
<tr>
<td>Elimination of one (1) vacant Supervising Building Inspector position and upgrade of an existing Building Inspector I/II to a Building Inspector III</td>
<td>($116,800)</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$432,600</strong></td>
</tr>
</tbody>
</table>
Recommendations made by the project team indicate a cost increase of $432,600 required over the next year required to maintain existing service levels.

In addition to these recommendations, there are a number of opportunities that could be accomplished with little to no fiscal impact, including:

- Accomplish concurrent plan review with other reviewing departments. The Building Division currently waits for the Planning, Engineering and Fire departments to perform their first review of the building plans before starting their review.

- Establish agreed upon cycle time objectives for all reviewing departments by project type as shown in the table below:

| Basic non-structural Residential Alterations and Improvements, Simple Trade (MPE only) permits, |
| All departments perform Over the Counter review |
| Review can be completed in approximately 2 hours |
| Single family additions: |
| Planning – 1 week |
| Engineering – 1 week |
| Building – 1 week |
| Tenant Improvements: |
| Planning – 1 week |
| Engineering – 1 week |
| Building – 1 week |
| Commercial New: |
| Planning – 4 weeks |
| Engineering – 4 weeks |
| Building – 4 weeks |
| Residential New: |
| Planning – 3 weeks |
| Engineering – 3 weeks |
| Building – 3 weeks |

- Website Improvements:
  - Document the timing of the Inspection process according to various types of construction projects. Offer pre-construction meetings to developers of larger projects.
  - Provide sample plan review templates.
- Post cycle time review objectives for first plan submittal review and re-submittals for all reviewing departments.

- Provide a summary of common plan check defects seen on building permit plans.

- Develop a routing matrix for counter personnel by project type. Currently counter staff uses discretion on each project.

- Train counter staff and plan review personnel to perform simple zoning clearances on building permits for items such as repeat production home plans, pools, etc.

- Update existing informational handouts and allocate space to the County for a kiosk in the combined City / County permit counter area.

With an objective to maintain existing service delivery levels, the Division should implement the project team’s staffing and organizational change recommendations, and focus on opportunities for improvement identified in the Best Management Practices Analysis, Chapter 4, that require little to no monetary investment.

(3) **Forming a Joint Powers Authority Would Leverage Resources, Maintain Service Levels, and Balance the Short-Term and Long-Term Needs for Regional Plan Check and Building Inspections.**

Municipalities across the State of California and the United States are continuing to explore alternative service delivery approaches to leverage resources, become cost-effective, and maintain service levels, in order to face a number of challenges, such as:

- Decreasing budgets and resources
- Workforce shortages and planning challenges
- Fragmentation of service delivery to the public
- Advancing citizen expectations
- Increasing and diversifying service demands
The alternative service delivery approaches to address these types of challenges involve regionalizing and consolidating staff resources, technology, services, processes, etc.; as well as contracting for services with other government entities and/or commercial service providers, which includes the following alternatives:

- Remain as separate legal entities and enter a mutual contract to purchase a new permit information system.
- Enter a contracting relationship whereby the City of Modesto contracts with Stanislaus County for services or vice versa.
- Form a Joint Powers Authority (JPA) and completely regionalize services as a separate entity from either the City or the County.

The following table presents a summary of the advantages and disadvantages for each service delivery option:

<table>
<thead>
<tr>
<th>Approach</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
</table>
| Maintain Existing Approach to Services | • No shared transitional costs to City or County. Each entity can continue to focus on their own operations.  
• Small cost savings to the City. | • Missed opportunities to leverage staffing resources, information technology resources and service delivery methods.  
• Higher cost to the County given immediate technology needs. |
| Separate Entities with Mutual Software Purchase | • Shared costs of permit system and technology upgrades. | • Missed opportunities to achieve economies of scale in staffing and other operational procedures.  
• Significant capital outlay required for the purchase of two software systems. |
| City Contracts Services from County | • Leveraging of resources for both entities.  
• City would have flexibility in staffing levels based on need.  
• Significant cost savings for the City.  
• Cooperation on regional challenges and solutions.  
• Self-funded through cost recovery fees for service for plan check and building inspections. | • Potential loss of control or authority by the City (e.g., for employee selection, etc.)  
• Missed opportunities to regionalize building code application and enforcement.  
• Potential resistance from the community.  
• Potential resistance from labor unions.  
• County is behind City technologically and in many best practice areas of service delivery. |
<table>
<thead>
<tr>
<th>Approach</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joint Powers Authority</td>
<td>• Cost savings for both agencies.</td>
<td>• Requires significant mutual trust to form.</td>
</tr>
<tr>
<td></td>
<td>• Flexible and easy to form, also easy to dissolve.</td>
<td>• Removes community development department-head direct management authority over the plan check and building inspection processes.</td>
</tr>
<tr>
<td></td>
<td>• Large economy of scale achieved in purchasing one permitting system.</td>
<td>• May cause additional issues and levels of inter-agency coordination for timely service delivery.</td>
</tr>
<tr>
<td></td>
<td>• Creation of regionalized building regulations/code administration.</td>
<td>• May require a fee increase to fully recover operating and infrastructure costs, beyond the respective policy objectives of the City and County.</td>
</tr>
<tr>
<td></td>
<td>• Leverage of staffing resources.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Self-funded through cost recovery fees for service for plan check and building inspections.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Elimination of general fund subsidy required by City.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Lays groundwork for future consolidation for other development review functions such as fire prevention, and/or other City/County functions such as building related code enforcement.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Flexibility in utilizing contract services to augment core staffing levels.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Limits issues and challenges associated bargaining units and MOUs.</td>
<td></td>
</tr>
</tbody>
</table>

The following presents a summary of each service delivery option from a fiscal impact perspective to the City:

<table>
<thead>
<tr>
<th>Approach</th>
<th>Year One Savings, Increase, or On-Going Savings or Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintain Existing Approach to Service Delivery</td>
<td>Savings of $133,000</td>
</tr>
<tr>
<td></td>
<td>Technology needs of $1 to $1.5 million over 7 years ($200,000 per year)</td>
</tr>
<tr>
<td></td>
<td>Continued general fund subsidy of up to $700,000 per if no fee increase</td>
</tr>
<tr>
<td>Separate Entities with Mutual Software Purchase</td>
<td>$300,000 technology investment</td>
</tr>
<tr>
<td></td>
<td>Technology needs of $1 to $1.5 million over 7 years ($200,000 per year)</td>
</tr>
<tr>
<td></td>
<td>Continued general fund subsidy of up to $700,000 per if no fee increase</td>
</tr>
<tr>
<td>Approach</td>
<td>Year One Savings, Increase, or Transional Costs</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>---------------------------------------------------------------------</td>
</tr>
<tr>
<td>City Contracts Services from County</td>
<td>$300,000 technology investment</td>
</tr>
<tr>
<td></td>
<td>Savings of $600,000 in operating costs.</td>
</tr>
<tr>
<td>Formation of Regionalized Building Department via JPA</td>
<td>$270,000 technology and fee study investment, total of $72,000 investment required after subtracting operating cost savings.</td>
</tr>
</tbody>
</table>

The following presents a summary of each service delivery option from a fiscal impact perspective to the County:

<table>
<thead>
<tr>
<th>Approach</th>
<th>Year One Savings, Increase, or Transional Costs</th>
<th>On-Going Savings or Cost Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintain Existing Approach to Service Delivery</td>
<td>Investment of $407,600 for technology and staffing needs</td>
<td>Technology needs of $1 to $2.7 million over 7 years ($250,000 per year)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Continued revenue shortfall if no fee increase.</td>
</tr>
<tr>
<td>Separate Entities with Mutual Software Purchase</td>
<td>$379,000 technology investment</td>
<td>Technology needs of $1 to $2.7 million over 7 years ($250,000 per year)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Continued revenue shortfall if no fee increase.</td>
</tr>
<tr>
<td>City Contracts Services from County</td>
<td>$379,000 technology investment</td>
<td>Technology needs of $1 to $2.7 million over 7 years ($250,000 per year)</td>
</tr>
<tr>
<td></td>
<td>Increase in operating costs of $1.2 million to acquire staff for City</td>
<td>Continued revenue shortfall if no fee increase.</td>
</tr>
</tbody>
</table>
To address both immediate and long-term needs, the City and County should pursue formation of a JPA, as it would provide cost-effective access to an upgraded permit information system, as well as enhanced leveraging of resources and service delivery. As this assessment has demonstrated, the need for upgrade and replacement of both jurisdictions' permitting systems is the most immediate need for consideration, especially for the County. While there exists an opportunity for the City and County to leverage purchasing power for new respective systems, there are further economies of scale to be gained if one system can be purchased and fully integrated to not only provide plan check, permitting, and building inspections services to the entire region, but also interface with any disparate financial systems currently in place in the City and County.

The following are the key advantages to formation of a JPA as evaluated by the project team:

- Formation of a JPA would allow the City and County to leverage technology resources through the purchase of one software system rather than two. The project team estimates this would provide a combined savings of between $500,000 and $1 million, over 7 years. In addition, the initial cash investment for technology resources would be significantly reduced.

- Most of the County's workload occurs within 20 miles of the City/County building where the jurisdictions' operations are already co-located. It makes sense to combine deployment of inspection resources in this manner.

- Regionalization of the City and County's building permitting operations would require analysis of existing local Building Code ordinances and administrative
codes. Adoption of a regionalized code offers many benefits to the community at large, and paves the way for other jurisdictions in the County to join in the future. The JPA would set the precedence for uniformity in code interpretations between the City and County.

- There are 26 County-owned "islands" of property within Modesto's City limits. Regionalization of the construction approval and building code interpretations would provide a benefit to the community for economic development, as well as leverage building inspector resources better on a daily basis.

- Regionalization of building services paves the way for regionalization of other services and cooperation agreements that could save money and provide further benefits, such as building related code enforcement, and fire code review.

- A slow economic period is an opportune time to enter this venture as a basis for high standards of service delivery as the economy returns.

- JPA formation allows flexibility for labor negotiations, as well as removes the limitation for the County to contract for non-special services such as building inspection, etc. Contractor augmentation for fluctuations in workload are a cost saving mechanism.

- Both the City and County achieve a total cost savings in formation of a JPA of approximately $369,000. Both the City and County achieve savings in year-one which can be applied toward transition costs.

The Matrix Consulting Group recommends that a City and County regionalization committee review, consider, and implement the recommendations in this report as pertaining to formation of a JPA for the delivery of building permitting, plan review, and inspection services.
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-315

RESOLUTION ACCEPTING THE TRANSFER OF WASTEWATER CAPACITY FROM MODESTO TALLOW COMPANY TO THE CITY OF MODESTO IN THE AMOUNT OF 5.45 MILLION GALLONS OF FLOW, 225,317 POUNDS OF BIOLOGICAL OXYGEN DEMAND (BOD), AND 73,228 POUNDS OF TOTAL SUSPENDED SOLIDS (TSS) VALUED AT $812,779 IN LIEU OF A MONETARY PAYMENT

WHEREAS, on January 27, 2009, the Council, by Ordinance 3503-C.S., approved the creation of a City Wastewater Treatment Capacity Banking and Transfer Program (Program) for the purpose of creating incentives for economic development, and

WHEREAS, Ordinance 3503-C.S. added Article 9 titled “Wastewater Permitted Capacity Banking and Transfer” to Chapter 6 of Title 5 of the Modesto Municipal Code, and

WHEREAS, Modesto Tallow Company has agreed to transfer ownership of wastewater capacity to satisfy its final obligation for reservation fees from January 1, 2007, through March 5, 2009, and

WHEREAS, the transferred capacity, consisting of flow, BOD, and TSS, will be placed in the Program for use according to the provision of the Capacity Banking Ordinance, and

WHEREAS, Modesto Tallow Company will be retaining its remaining capacity of 588.49 gallons of flow, 14,574 pounds of BOD, and 4,736 pounds of TSS, which is subject to the use provisions outlined in Section 5-6.906(h) of the Modesto Municipal Code, and

WHEREAS, this transaction will be the first transfer of capacity into the Program providing capacity for qualified users,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the transfer of wastewater capacity from Modesto Tallow Company to the City of Modesto in the amount of 5.45 million gallons of flow, 225,317 pounds of Biological Oxygen Demand (BOD), and 73,228 pounds of Total Suspended Solids (TSS) valued at $812,779 in lieu of a monetary payment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of July, 2010, by Councilmember Olsen, 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, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-316

A RESOLUTION APPROVING THE DESIGN AND SPECIFICATIONS FOR DOWNTOWN CORE SIDEWALK SIGNS

WHEREAS, the City Council has introduced an Ordinance adding Article 8 to Chapter 2 of Title 10 of the Municipal Code and an Ordinance amending Sections 28-3-9, 29-3-9 and 32-3-9 of the Zoning Map to establish a Downtown Core (DC) Zone and reclassify properties located therein at its regularly scheduled meeting on July 13, 2010, and

WHEREAS, the proposed DC Zone allows special signs called Downtown Core Sidewalk Signs, and

WHEREAS, staff prepared design and specifications for the Downtown Core Sidewalk Signs within the proposed DC Zone, and

WHEREAS, the Planning Commission on June 21, 2010, in the Chambers, 1010 Tenth Street, Modesto, California, recommended approval of the proposed design and specifications for the Downtown Core Sidewalk Signs,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it approves the design and specifications for Downtown Core Sidewalk Signs as shown in Exhibit A.

BE IT FURTHER RESOLVED that this resolution shall not become effective unless and until the Ordinance Adding Article 8 to Chapter 2 of Title 10 of the Modesto Municipal Code Relating to Downtown Core first becomes effective.

BE IT FURTHER RESOLVED that the design and specifications for Downtown Core Sidewalk Signs are to be administered by the Downtown Improvement District in accordance with the provisions of the Downtown Core (DC) Zone.
The foregoing resolution was introduced at the regular meeting of the Council of the City of Modesto held on the 13th day of July, 2010, by Councilmember Olsen, 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, Olsen, Mayor Ridenour

Noes: Councilmembers: None

Absent: Councilmembers: Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
EXHIBIT A

Downtown Core Sidewalk Signs

**Sign Size**

Overall Height – 48” max

Overall Width – 28” max

Sign Panel Height – 36” max

Sign Panel Width – 24” max

**Sign Design**

Frame – Wrought iron or stained and sealed wood.

Sign Panel – Blackboard or Black Dry-Erase Board.

Streamers/Balloons – Not permitted.
A RESOLUTION FINDING THAT THE DOWNTOWN CORE ZONE PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007072023)

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

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the Master 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 2010-14 (“Initial Study”) reviewed the proposed Downtown Core Zone project (“Project”) 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 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 July 3, 2010, the City caused to be published a 10-day notice of the City's intent to make a finding that the proposed Project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on July 13, 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 Downtown Core Zone Project, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

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

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

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

4. That there are no specific features which are unique to the proposed Project that require Project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this Project.

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

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2010-14

For the proposed:

Downtown Core Zone (CODE-10-002) and (Rez-10-001)
(Creation of a new Downtown Core, DC, Zone and Rezoning the downtown core area to the new DC Zone)

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

4 June 10

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 Downtown Core Zone (CODE-10-002) 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). This project includes the creation of a new Downtown Core (DC) Zone and rezoning the downtown core area to the newly created DC Zone. When the Initial Study supports this conclusion, the City will issue a finding of conformance.

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

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and
2. no new or additional mitigation measures or alternatives are required.

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

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

This document is tiered from both the 2008 Urban Area General Plan Master EIR (SCH #2007072023) and the Modesto Redevelopment Master Plan Program EIR (SCH # 2006071118).

II. PROJECT DESCRIPTION

A. Title: Downtown Core (DC) Zone

B. Address or Location: Area bounded by L Street from 6th to 11th Street, 11th Street from L to K Street, K Street from 12th to 14th Street, 14th Street from K to G Street, G Street from 14th to 12th Street, 11th Street from G to F Street, F Street from 11th to 6th Street, and 6th Street from F to L Street, as shown on Figure 1.

C. Applicant: City of Modesto, Community and Economic Development Department

D. City Contact Person: H. Brent Sinclair, AICP

Project Manager: Josh Bridegroom
Department: Community and Economic Development
Phone Number: 209.577.5267
E-mail address: jbridegroom@modestogov.com
E. Current General Plan Designation(s):
RPD, Redevelopment Planned District

F. Current Zoning Classification(s):
Zoning in the project area is C-2, C-M, M-1, and P-D (Planned Development). The Planned Development zones are specific to a site; those included in the project area are P-D 165, P-D 190, P-D 322, P-D 372, P-D 389, P-D 578, P-D 582 and P-D 590.

G. Surrounding Land Uses:
   - North: primarily office uses adjacent to the project area
   - South: office, industrial, and some residential uses adjacent to the project area
   - East: primarily office uses adjacent to the project area
   - West: State Route 99

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR:

This project will amend the Modesto Municipal Code to create a new Downtown Core (DC) Zone, and rezone the downtown core area from C-2, C-M, M-1 and P-D Zones Nos. 165, 190, 322, 372, 389, 578, 582 & 590 to the newly created Downtown Core (DC) Zone. The project will also establish a design for sandwich board signs to be used in the downtown core area.

The Downtown Core (DC) Zone emphasizes building form over building function. It focuses on the way buildings interface with the public environment rather than the activities that take place inside of them, thereby facilitating mixed use development. The development provisions consider elements such as parcel size, building placement and configuration, uses, parking provisions and encroachments. The DC Zone proposes to organize the downtown core into three districts, as shown on the Planning District Map (attached): the Central District, the Transition District and the Buffer District.

Central District (CD) – This district is intended to foster the most intensive and active urban environment in the Downtown Core, while ensuring an overall human scale to development. This is accomplished with large, but unobtrusive building envelopes that accommodate a mixture of uses, including residential, with an interface that promotes a very strong public/private connection and lively streetscape. The minimum building height is three stories and the maximum is 15 stories.

Transition District (TD) – This district is intended to foster an intensive and active urban environment, but at a reduced scale from what is found in the Transition District. This is accomplished with medium-large building envelopes that accommodate a mixture of uses, including residential, with an interface that promotes a strong public/private connection and lively streetscape. The minimum building height is two stories and the maximum is eight stories if the site is adjacent to sites in the Central or Transition District, and the maximum height is six stories if the site is adjacent to the Buffer District.

Buffer District (BD) – This district is intended to provide a buffer between the more intensive Central and Transition Districts and the less intensive uses located on the southern and eastern sides of the Downtown Core. This is accomplished with smaller building envelopes that are primarily residential or live/work space. The sense of connection to the public realm is still strong, but there is a more distinctive transition between the public realm and the private realm. The minimum building height is one story and the maximum is three stories.
The Districts include areas of special consideration for high-speed rail, historic preservation and historic resources. Development occurring within or adjacent to these areas will be guided by principles that recognize the unique nature of the sites.

The proposed project falls under the following anticipated subsequent projects from the General Plan Master EIR: II.C-10 (Redevelopment Plan) and II.C-5 (Zoning).

Section II.C-10 (Redevelopment Plan) identifies that the 2007 Redevelopment Master Plan is consistent with the Urban Area General Plan and that the City has the authority to impose land use and development controls pursuant thereto.

The proposed Downtown Core (DC) Zone imposes land use and development controls through implementation of Policy 4.19 of the Redevelopment Master Plan: "Implement a specific area plan that encourages mixed-use development in the Downtown Core."

The Redevelopment Master Plan’s guiding goals and policies pertaining to the development of a specific area plan for the downtown core were used to establish the development provisions for the Downtown Core (DC) Zone, including:

Page 56 – “Application of new development standards should dictate that the Downtown Core will include the highest residential densities and the greatest intensity of land uses in the City.”

The Downtown Core (DC) Zone proposes to establish minimum thresholds for development intensity, including minimum lot coverage and building stories, not otherwise required within the City.

Page 17 – “Encourage a concentration of new retail in the downtown core with an additional 80,000 square feet of food and beverage establishments.”

The Downtown Core (DC) Zone proposes to eliminate or substantially reduce the parking requirement for ground level uses, where retail is anticipated to prefer to locate.

Page 18 – “... density ranges ... as high as 60-80 dwelling units per acre within the Downtown Core.”

The Downtown Core (DC) Zone proposes to allow shared and off-site parking, thereby allowing development at overall higher densities than what was previously permitted.

Section II.C-5 (Zoning) identifies that rezoning is determined to be within the scope of the Master EIR if it is consistent with the Urban Area General Plan or an approved comprehensive plan.

Since the Downtown Core (DC) Zone was developed pursuant to the goals and policies of the Redevelopment Master Plan and the Redevelopment Master Plan, together with its goals and policies, has been deemed consistent with the Urban Area General Plan, as specified above, the Downtown Core (DC) Zone is consistent with the Urban Area General Plan.
Furthermore, the General Plan provides maximum development scenarios for the downtown area in Chapter III (Section B.5, page III-7 & Table III.1). The proposed Downtown Core (DC) Zone limits overall intensity and density within the Downtown Core to that assumed by the associated Community Development Policies of the General Plan.

I. Other Public Agencies Whose Approval is Required:
No agencies other than the City of Modesto are responsible for project approval.

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

1. **X** Within the Scope - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

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

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

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

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

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

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

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

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

   C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.
3. **Focused EIR Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

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

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

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

**Original signed copy on file with CEDD**

Project Manager ____________________________ Title ____________________________ Date ____________________________
4. Within the Scope Analysis of this Document:

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

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

Discussion:

(1) The project area lies entirely within the City of Modesto and no other agency has approval authority over development projects in the project area.

(2,6) No modifications to the 2008 Urban Area General Plan are proposed as part of this project. No significant impacts are expected to occur beyond those identified in the Urban Area General Plan Master EIR and all relevant mitigations/policies will be applied.

(3) The proposed project does not include changes to federal, state, regional, or county regulations.

(4) There is no new information regarding the presence of significant resources in the project area and downtown Modesto has been urbanized since the area was settled, in the mid-19th century.

(5) Downtown Modesto lies within the planning area established by the Urban Area General Plan.

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>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) 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>X</td>
</tr>
<tr>
<td>(2) This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:</td>
<td></td>
</tr>
<tr>
<td>(a) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.</td>
<td>X</td>
</tr>
<tr>
<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>X</td>
</tr>
<tr>
<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>X</td>
</tr>
</tbody>
</table>

Discussion:

(1) The Master EIR was certified in October 2008.

(2) (a) The current economic recession has slowed development substantially, minimizing changes in the built environment.

(b) Staff is unaware of any new information regarding environmental effects or conditions that would affect the adequacy of the Master EIR.

(c) Mitigations/policies in the Master EIR will be applied to new development as anticipated when the Master EIR was certified.

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 appropriate mitigation to be applied to this project includes TC-25, TC-26, TC-43, and TC-47 from the MEIR and Mitigations 4.9-6a and 4.9-6b from the RDA Program 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>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. TRAFFIC AND CIRCULATION</td>
<td></td>
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<tr>
<td>1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR’s mitigation measures.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</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>X</td>
</tr>
<tr>
<td>3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
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<tr>
<td>4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
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<td>5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
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<tr>
<td>6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.</td>
<td>☐</td>
<td>☐</td>
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<td>X</td>
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<tr>
<td>7) The proposed project would result in an increase</td>
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<td>☐</td>
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<td>X</td>
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</table>
The proposed project implements Master EIR mitigations/policies TC-1, TC-5, TC-12, TC-13, TC-15, TC-28, TC-29, TC-34, TC-35, TC-43, and TC-63. As identified under the Project Description Section, the Downtown Core (DC) Zone is consistent with Anticipated Subsequent Projects II.C-10(Redevelopment Plan) and II.C-5(Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, it is within the scope of the General Plan Master EIR analysis.

Discussion:

The proposed project implements Master EIR mitigations/policies TC-1, TC-5, TC-12, TC-13, TC-15, TC-28, TC-29, TC-34, TC-35, TC-43, and TC-63. As identified under the Project Description Section, the Downtown Core (DC) Zone is consistent with Anticipated Subsequent Projects II.C-10(Redevelopment Plan) and II.C-5(Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, it is within the scope of the General Plan Master EIR analysis.

(1) Since, as identified above, this project’s maximum buildout scenario is limited to the Community Development Policies of the General Plan, it would not generate 100 or more peak hour trips beyond those anticipate by the General Plan Master EIR. City Engineering and Transportation staff has not 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. Furthermore, Policies TC-25 and TC-26, articulated in the General Plan Master EIR, recommend the City consider mitigation other than road widening on roadways at Level of Service F and exempt infill and redevelopment projects from the City’s street width and right-of-way standards if safety, operations, and non-motorized transportation are not compromised.

The General Plan Master EIR indicates on Figure V.1.3a that roadway segments in the downtown area operated in 2005 during the PM peak hour at various Levels of Service, from A-B-C to D, E, and F. The daily Level of Service in 2005 (Master EIR Figure V.1.3b) shows that only a portion of K Street operates at Level of Service F. The 2025 PM peak hour (Master EIR Figure V.1.4a) shows that most roadways in the downtown area may operate at Level of Service F. Daily Level of Service in 2025 (Master EIR Figure V.1.4b) shows that the same roadways will operate somewhat better, at Level of Service D or F.

The roadways in the downtown area are generally exempt from Modesto’s current street width and right-of-way standards because safety in the downtown area is good and because bicycle and pedestrian transportation is readily accommodated. Widening of roads would require either reducing sidewalk widths and eliminating plans for bike lanes or building demolition and would result in higher traffic speeds. Road widening would reduce safety and/or capacity for bicyclists and pedestrians and would compromise the project objectives.

(2) As described in the 2008 General Plan Master EIR, the County CMA, StanCOG, has opted out of preparing a Congestion Management Plan since 1996.

(3,4) Since, as identified above, this project’s maximum buildout scenario is limited to the Community Development Policies of the General Plan, it would not cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile

<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>
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<tbody>
<tr>
<td>in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.</td>
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</tbody>
</table>
vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR. Nor would it cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR. The RDA Program EIR identifies two localized mitigations to be applied at specific locations in the Downtown Core: Mitigations 4.9-6a and 4.9-6b.

(5) Staff has determined that the Downtown Core is an excellent example of a mixed-use area in which parking can be shared by different uses. Some uses, such as residential development, require more parking at night, while others, such as office and retail development, require more parking during the day. Sharing parking between these uses makes more efficient use of land. Staff will evaluate each request for shared or reduced parking to determine whether sharing parking or reducing the parking requirements is warranted. No impacts are expected.

(6) The proposed project, when combined with shared parking and reduced parking requirements, is consistent with efforts to encourage the use of modes of transportation other than the private automobile. No impact is expected.

(7) Development under the proposed Downtown Core Zone will facilitate trip length reductions by creating a physical environment that supports and encourages walking, bicycling, and transit use and reduces trip lengths, while discouraging automobile use to some degree. This will help reduce per capita vehicle miles traveled.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

Cumulative Impacts

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

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

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

The appropriate mitigation to be applied to this project includes measures AQ-3, AQ-4, AQ-7, AQ-9, AQ-17, AQ-18, AQ-26, AQ-39, AQ-40, AQ-42, AQ-43, AQ-44, AQ-46, AQ-47, AQ-48, AQ-49, AQ-50, AQ-51, and AQ-52 from the MEIR and Mitigations 4.1-1a, 4.1-1b, 4.1-2, and 4.1-5 from the RDA Program 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:

<table>
<thead>
<tr>
<th>2. DEGRADATION OF AIR QUALITY</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO₅, PM₁₀, and PM₂.₅ by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO₅, PM₁₀, and PM₂.₅.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>5) The proposed project would create objectionable odors affecting a substantial number of people.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

The proposed project implements the following mitigations/policies from the 2008 Urban Area General Plan Master EIR: AQ-1, AQ-3, AQ-4, and AQ-9. As identified under the Project Description Section, the Downtown Core (DC) Zone is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. It is prepared in...
compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, it is within the scope of the General Plan Master EIR analysis.

(1) Since the air quality impacts of this project are anticipated to be primarily traffic-related, and the project establishes a mixed use environment, which is anticipated to reduce the per capita vehicle miles traveled, the project is not anticipated to exceed SJVAPCD thresholds. In addition, as identified above, this project’s maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, the development assumptions for the project site will not be exceeded.

(2,3) All relevant Best Management Practices identified in the UAGP Master EIR will be applied as development policies. These include AQ-3, AQ-4, AQ-7, AQ-9, AQ-17, AQ-18, AQ-26, AQ-39, AQ-40, AQ-42, AQ-43, AQ-44, AQ-46, AQ-47, AQ-48, AQ-49, AQ-50, AQ-51, and AQ-52 and Mitigations 4.1-1a and 4.1-1b from the RDA PEIR will be applied.

(4) Because the project maximum buildout scenario is limited to the Community Development Policies of the General Plan, no impacts on sensitive receptors that were not anticipated in the 2008 UAGP Master EIR are anticipated.

(5) The proposed project, a code amendment shifting the emphasis of development from use to building form in a 42-block area of the Redevelopment Master Plan area, is no more likely than development under the existing zoning code to result in objectionable odors affecting large numbers of people. Nevertheless, Mitigation 4.1-5 from the RDA PEIR will be applied.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

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

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

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

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

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

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

Discussion:
The appropriate mitigation to be applied to this project includes measures N-1, N-2, N-3, N-6, and N-7 from the Master EIR and Mitigations 4.5-1, 4.5-2, 4.5-3, 4.5-4, and 4.5-5 from the RDA Program 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:

<table>
<thead>
<tr>
<th>3. GENERATION OF NOISE</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>
<td>☐</td>
<td>☐</td>
<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>
<td>☐</td>
<td>☒</td>
</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>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<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>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:
As identified under the Project Description Section, the Downtown Core (DC) Zone is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, it is within the scope of the General Plan Master EIR analysis.

The proposed project, a code amendment shifting the emphasis of development from use to building form in a 42-block area of the Redevelopment Master Plan area, is no more likely than development under the existing zoning code to result in exceedances of city noise standards, ambient noise levels, or substantial temporary increases in noise. Relevant general plan mitigations/policies relating to urban noise will be applied to development under the proposed code as it would to development under existing zoning. These measures include N-1, N-2, N-3, N-6, and N-7. Additionally, Mitigations 4.5-1, 4.5-2, 4.5-3, 4.5-4, and 4.5-5 from the RDA Program EIR will be applied.

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:

There are no appropriate mitigations measures from the Master EIR that will be applied to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.
c. Project-Specific Effects

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

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

<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>4. EFFECTS ON AGRICULTURAL LANDS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with the Urban Area General Plan’s policies relating to agricultural land.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>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.</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
<td>☐</td>
</tr>
<tr>
<td>3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>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.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

As identified under the Project Description Section, the Downtown Core (DC) Zone is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, it is within the scope of the General Plan Master EIR analysis.

(1-4) The proposed project, a code amendment shifting the emphasis of development from use to building form in a 42-block area of the Redevelopment Master Plan area, is no more likely than development under the existing zoning code to result in impacts on agricultural land. The affected properties are already urbanized. In addition, the project streamlines the process for development within the downtown core, thereby incentivizing infill as opposed to Greenfield development. The proposed Downtown Core Zone is consistent with Urban Area General Plan Master EIR mitigation/policy AL-15.
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-S-6 through V-S-12 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to development occurring as a result of this project includes WS-1, WS-2, WS-6, WS-11, WS-12, WS-13, WS-14, WS-15, WS-29, WS-30, and WS-33 from the Master EIR and Mitigation 4.8-1 from the RDA Program 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:
The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations/policies:

As identified under the Project Description Section, the Downtown Core (DC) Zone is consistent with the Project Description Section, the Downtown Core (DC) Zone is consistent with the Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, it is within the scope of the General Plan Master EIR analysis.

(1-3) As identified above, this project’s maximum buildout scenario is limited to the Community Development Policies of the General Plan. Consequently, no impacts greater than those disclosed in the 2008 General Plan Master EIR are expected to occur. The project would, therefore, also be consistent with adopted water supply policies in the 2008 Urban Area General Plan Master EIR, which include WS-1, WS-2, WS-6, WS-11, WS-12, WS-13, WS-14, WS-15, WS-29, WS-30, and WS-33 and Mitigation 4.8-1 from the RDA Program EIR.

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

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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 appropriate mitigations to be applied to this project include SS-7, SS-8, SS-11, SS-12, SS-19, and SS-21 from the Master EIR and Mitigation 4.8-1 from the RDA Program 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 | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|-------------------------------------------------|--------------------------------|-----------------------------------------------|-----------------------------|
| 1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan. | ☐ | ☐ | ☐ | X |
| 2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site. | ☐ | ☐ | ☐ | X |
| 3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments. | ☐ | ☐ | ☐ | X |

Discussion:

As identified under the Project Description Section, the Downtown Core (DC) Zone is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, it is within the scope of the General Plan Master EIR analysis.

(1-3) As identified above, this project’s maximum buildout scenario is limited to the Community Development Policies of the General Plan. Consequently, no impacts greater than those disclosed in the 2008 General Plan Master EIR are expected to occur. The proposed project would, therefore, also be consistent with sewer service mitigations/policies in the 2008 Urban Area General Plan Master EIR, which include SS-7, SS-8, SS-11, SS-12, SS-19, and SS-21 and Mitigation 4.8-1 from the RDA Program EIR.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

**Discussion:**

There are no appropriate mitigations/policies to apply to this project 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-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>Effect</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The 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</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Less Than Significant with Mitigation</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
<td></td>
</tr>
<tr>
<td>------------------</td>
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<td></td>
</tr>
<tr>
<td>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>X</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>X</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>X</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>X</td>
<td></td>
</tr>
</tbody>
</table>

Discussion:

(1-6) As shown on Figure V-7-1 of the 2008 Urban Area General Plan Master EIR, the 42-block Downtown Core lies well outside of riparian areas and the project would thus be expected to have no impact on any sensitive habitat or species or movement of migratory or resident species and would have no impact on wetlands. The project would not conflict with any policies or ordinances pertaining to sensitive habitat or species or biological resources. There are no habitat conservation plans or natural community conservation plans and so none would be affected.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

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

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

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

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

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

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

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

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

Discussion:

The appropriate mitigation to be applied to this project includes AH-1, AH-6, AH-7, and AH-16 from the Master EIR and Mitigations 4.3-1 and 4.6-1 (paleontology) from the RDA Program EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES</td>
<td></td>
<td></td>
<td></td>
</tr>
<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>
</tr>
<tr>
<td>2) The proposed project would demolish a building eligible for listing as a historic resource or remove a</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
The proposed project specifically seeks to preserve historic resources. It implements mitigation/policy AH-1 and encourages preservation of historic resources consistent with mitigations/policies AH-2 and AH-5. In addition, as identified under the Project Description Section, the Downtown Core (DC) Zone is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, it is within the scope of the General Plan Master EIR analysis.

(1-4) As identified above, this project’s maximum buildout scenario is limited to the Community Development Policies of the General Plan. Building footings are expected to be no deeper than the depth to which soil is currently disturbed by footings and infrastructure and the project area lies outside the archaeological resource area, so no impacts greater than those disclosed in the 2008 General Plan Master EIR are expected to occur. The proposed Downtown Core Zone would be consistent with historical and archaeological mitigations/policies in the 2008 Urban Area General Plan Master EIR, which include AH-1, AH-6, AH-7, and AH-16.

(5) The City has no policies or ordinances that protect biological resources aside from those stated in Chapter V, Section 7, of the Master EIR. The Downtown Core lies outside biological resource areas and is expected to have no impact on those areas. Mitigation 4.6-1, addressing the possibility of discovering paleontological resources (RDA Program EIR) will also be applied.

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**

<table>
<thead>
<tr>
<th>Potential 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>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>
</tr>
<tr>
<td>Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance or paleontological resources.</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
</tr>
</tbody>
</table>

**Discussion:**

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigations/policies:
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 appropriate mitigation to be applied to this project include SD-2, SD-3, SD-4, SD-5, SD-6, SD-7, SD-8, SD-9, and SD-11 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</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
</tbody>
</table>
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.

Discussion:

As identified under the Project Description Section, the Downtown Core (DC) Zone is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, it is within the scope of the General Plan Master EIR analysis.

(1) As identified above, this project’s maximum buildout scenario is limited to the Community Development Policies of the General Plan, and the following GP MEIR mitigations/policies would be applied to development in the Downtown Core: SD-2, SD-3, SD-4, SD-5, SD-6, SD-7, SD-8, SD-9, and SD-11 and Mitigation 4.8-1 from the RDA Program EIR.

(2-3) The 42-block Downtown Core area is fully urbanized. New development will not increase the amount or rate of runoff or cause flooding, as compared to existing conditions. The City will be responsible for approving the design of new infrastructure and ensuring that new development is consistent with Low Impact Development policies. No additional impact is expected, as compared to that disclosed in the Urban Area General Plan Master EIR.

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 appropriate mitigation to be applied to this project includes FWQ-2, FWQ-4, FWQ-11, FWQ-12, FWQ-13, and FWQ-15 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

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>3) 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>
<td>☒</td>
</tr>
<tr>
<td>4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>5) 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>
<td>☒</td>
</tr>
<tr>
<td>6) The proposed project would violate water quality standards or waste discharge requirements.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>7) The proposed project would substantially alter</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Impact</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>
<td>-----------</td>
</tr>
<tr>
<td>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>
<td></td>
</tr>
<tr>
<td>8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

(1-8) The 42-block Downtown Core lies entirely outside the 100- and 200-year floodplains and is fully urbanized, so new development would not be expected to appreciably increase impervious surfaces or runoff or alter drainage patterns or create new erosion in the project area. The proposed project will comply with mitigations/policies FWQ-2, FWQ-4, FWQ-11, FWQ-12, FWQ-13, and FWQ-15 in the 2008 Urban Area General Plan Master EIR.

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:

The appropriate mitigation to be applied to this project includes POS-6, POS-8, POS-11, and POS-12 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-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></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>11. INCREASED DEMAND FOR PARKS AND OPEN SPACE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would eliminate parks or open space.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

As identified under the Project Description Section, the Downtown Core (DC) Zone is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, it is within the scope of the General Plan Master EIR analysis.

(1-3) In accordance with mitigation/policy POS-6, and with regard to acreage, service area, location and street frontage standards, the existing parks in the Baseline Developed Area, which
The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are the appropriate mitigation to be applied to this project includes S-3, S-8, and S-10 from the Master EIR.

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

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

**Discussion:**

The appropriate mitigation to be applied to this project includes S-3, S-8, and S-10 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-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether...
the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>12. INCREASED DEMAND FOR SCHOOLS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</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>X</td>
</tr>
</tbody>
</table>

**Discussion:**

As identified under the Project Description Section, the Downtown Core (DC) Zone is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, it is within the scope of the General Plan Master EIR analysis.

(1-2) Modesto is represented on Modesto City Schools’ Facilities Planning Committee, consistent with mitigations/policies S-3 and S-8 and communication between the City of Modesto and Modesto City Schools is ongoing. Mitigation/policy S-10 will continue to be applied to new development to ensure compliance with SB 50/Proposition 1A.

**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:

The appropriate mitigation to be applied to this project includes PS-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-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>Less Than Significant</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>13. INCREASED DEMAND FOR POLICE SERVICES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<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>
</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>

Discussion:

As identified under the Project Description Section, the Downtown Core (DC) Zone is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, it is within the scope of the General Plan Master EIR analysis.

(1-2) The project is expected to have no impact on policing services, since development potential under the current zoning code and the proposed project are both constrained to the
assumptions in the general plan. All new development must comply with mitigation/policy PS-8.

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 mitigations/policies from the Master EIR need be applied to the proposed Downtown Core Zone. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>14. INCREASED DEMAND FOR FIRE SERVICES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.</td>
<td>X</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>2) The proposed project would result in the need</td>
<td>X</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
</tbody>
</table>
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.

3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.

Discussion:
As identified under the Project Description Section, the Downtown Core (DC) Zone is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, it is within the scope of the General Plan Master EIR analysis.

(1-3) Because the proposed Downtown Core Zone would not result in development greater than assumed in the 2008 Urban Area General Plan, no impacts to fire service or fireflows is anticipated.

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 mitigations/policies from the Master EIR need be applied to the proposed Downtown Core Zone. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

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

Discussion:

As identified under the Project Description Section, the Downtown Core (DC) Zone is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, it is within the scope of the General Plan Master EIR analysis.

(1-2) Because the proposed Downtown Core Zone would not result in development greater than assumed in the 2008 Urban Area General Plan, no impacts related to solid waste generation or disposal are anticipated.

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:

The appropriate mitigation to be applied to this project includes HM-5 from the Master EIR and Mitigation 4.4-3 from the RDA Program 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-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>X</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>X</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>X</td>
</tr>
</tbody>
</table>
Discussion:

As identified under the Project Description Section, the Downtown Core (DC) Zone is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, it is within the scope of the General Plan Master EIR analysis.

(1-2) The proposed project will have no effect on the applicability of the City’s hazardous materials policies and all future development will be required to comply with applicable mitigations/policies in the Master EIR. Therefore, hazardous waste generation under the proposed project is likely to be more similar to a household hazardous waste stream than to a commercial hazardous waste than would be the case under the existing zoning code.

(3-4) As each development application is processed, the applicant must disclose whether the project is located on a known contaminated site. Master EIR mitigation/policy HM-5 is applicable to all sites that might be contaminated unbeknownst to the State of California.

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:
The appropriate mitigation to be applied to this project includes GSM-1, GSM-2, GSM-6, and GSM-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-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 of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:
As identified under the Project Description Section, the Downtown Core (DC) Zone is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, it is within the scope of the General Plan Master EIR analysis.

(1) The proposed project is not located in an area to which mitigations/policies relating to geology, soils, and mineral resources are applied.
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:**

The appropriate mitigation to be applied to this project includes E-2, E-3, E-4, E-34, E-40, E-41, and E-42 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-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>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>

City of Modesto
General Plan Master EIR

Initial Study EA No. 2010-14
(June 4, 2010)
18. ENERGY

<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 is inconsistent with policies relating to energy in the Urban Area General Plan.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</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>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

Road widths as described in the 2008 Urban Area General Plan will remain as they are, consistent with mitigations/policies E-10, E-15, and E-30. The project will also implement mitigations/policies E-1, E-5, E-6, E-7, E-8, E-9, E-17, and E-31. As identified under the Project Description Section, the Downtown Core (DC) Zone is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, it is within the scope of the General Plan Master EIR analysis.

(1) As under the existing zoning code, new development under the proposed Downtown Core Zone must comply with mitigations/policies E-2, E-3, E-4, and E-41, and encourage compliance with mitigations/policies E-34, E-40, and E-42.

(2) There is no reason to expect that energy used during construction, operation, or maintenance of buildings under the proposed code would be different from construction, operation, or maintenance of buildings constructed under the existing zoning code. No additional impact on energy consumption is anticipated to occur, as compared to that disclosed in the 2008 Urban Area General Plan.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

Discussion:

The appropriate mitigation to be applied to this project includes VR-3 and VR-4 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-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>X</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>X</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>X</td>
</tr>
</tbody>
</table>

Discussion:

As identified under the Project Description Section, the Downtown Core (DC) Zone is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, it is within the scope of the General Plan Master EIR analysis.
Development under the proposed Downtown Core Zone would be required to comply with mitigations/policies VR-3 and VR-4.

Since the provisions of the Downtown Core (DC) Zone were crafted in compliance with the Redevelopment Master Plan, which as identified above, is within the scope of the General Plan, the proposed project would not degrade views to a greater degree than assumed in the Urban Area General Plan.

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 mitigations/policies from the Master EIR must be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Study EA No. 2010-14</td>
<td>(June 4, 2010)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The project is intended to implement mitigations/policies LUP-41, LUP-42, LUP-43, LUP-44, LUP-45, and LUP-48. As identified under the Project Description Section, the Downtown Core (DC) Zone is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, it is within the scope of the General Plan Master EIR analysis.

### Discussion:

1. The proposed Downtown Core Zone is consistent with Goal I.C.6, page I-5 in the Urban Area General Plan because it promotes higher density, mixed-use development to create a balanced, vibrant downtown.

2. The Downtown Core and the adjacent areas of Modesto are generally very well-connected, although the downtown area is divided by State Route 99 and to a much lesser degree, the Union Pacific Railroad. The proposed Downtown Core Zone would take no action to make the Downtown Core less well-connected.

3. The proposed project is intended, in part, to improve compliance with environmental goals, such as energy use, transportation, and air quality by creating a physical environment that supports and encourages walking, bicycling, and transit use and reduces trip lengths, while discouraging automobile use to some degree.

4. There is no habitat conservation plan or natural community conservation plan that will be affected by the proposed change in the Downtown Core from the existing zoning code to the proposed Downtown Core Zone.

<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>X</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>X</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>X</td>
</tr>
<tr>
<td>4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
</tbody>
</table>
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:

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

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>X</td>
</tr>
</tbody>
</table>
The proposed project is expected to facilitate achievement of the goals of AB 32. The project implements mitigations/policies CL-3, CL-4, CL-5, CL-12, and CL-13. As identified under the Project Description Section, the Downtown Core (DC) Zone is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum buildout scenario is limited to the Community Development Policies of the General Plan. Therefore, it is within the scope of the General Plan Master EIR analysis.

(1) As under the existing zoning code, new development under the proposed Downtown Core Zone must comply with mitigation/policy CL-25 compliance with CL-26 will be encouraged.

(2) Development under the proposed Downtown Core Zone will facilitate trip length reductions by creating a physical environment that supports and encourages walking, bicycling, and transit use and reduces trip lengths, while discouraging automobile use to some degree.

(3) There is currently no Sustainable Communities Strategy; the project’s effect cannot be evaluated.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

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

A. Master EIR Mitigation Measures Applied to the Project

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

**B. New or Additional Mitigation Measures or Alternatives Required**

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

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

**Traffic and Circulation:**

The proposed project implements Master EIR mitigations/policies TC-1, TC-5, TC-12, TC-13, TC-15, TC-28, TC-29, TC-34, TC-35, TC-43, and TC-63.

Additional MEIR mitigations/policies to be applied as appropriate to individual development projects proposed pursuant to this Code amendment are TC-25, TC-26, TC-43, and TC-47. The RDA Program EIR identifies two localized mitigations to be applied at specific locations in the Downtown Core: Mitigations 4.9-6a and 4.9-6b.

**Degradation of Air Quality:**

The project implements mitigations/policies AQ-1, AQ-3, AQ-4, and AQ-9.

Additional mitigations/policies to be applied as appropriate to individual development projects proposed pursuant to this Code amendment are AQ-3, AQ-4, AQ-7, AQ-9, AQ-17, AQ-18, AQ-26, AQ-39, AQ-40, AQ-42, AQ-43, AQ-44, AQ-46, AQ-47, AQ-48, AQ-49, AQ-50, AQ-51, and AQ-52 from the MEIR. Mitigations 4.1-1a, 4.1-1b, 4.1-2, and 4.1-5 from the RDA PEIR will also be applied to new development.

**Generation of Noise:**

The appropriate mitigations to be applied as appropriate to individual development projects proposed pursuant to this Code amendment are measures N-1, N-2, N-3, N-6, and N-7 from the Master EIR. Additionally, Mitigations 4.5-1, 4.5-2, 4.5-3, 4.5-4, and 4.5-5 from the RDA Program EIR will be applied.

**Effects on Agricultural Lands:**

The appropriate mitigation to be applied as appropriate to individual development projects proposed pursuant to this Code amendment is measure AL-15 from the Master EIR.

**Increased Demand for Long-Term Water Supplies:**
The appropriate mitigation to be applied as appropriate to individual development projects proposed pursuant to this Code amendment includes WS-1, WS-2, WS-6, WS-11, WS-12, WS-13, WS-14, WS-15, WS-29, WS-30, and WS-33 from the Master EIR and Mitigation 4.8-1 from the RDA Program EIR.

**Increased Demand for Sanitary Sewer Services:**

The appropriate mitigations to be applied as appropriate to individual development projects proposed pursuant to this Code amendment include SS-7, SS-8, SS-11, SS-12, SS-19, and SS-21 from the Master EIR and Mitigation 4.8-1 from the RDA Program EIR.

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

There are no appropriate mitigations/policies to apply to this project from the Master EIR.

**Disturbance of Archaeological/Historic Sites:**

The project implements mitigation/policy AH-1 and encourages preservation of historic resources consistent with mitigations/policies AH-2 and AH-5. Mitigation 4.6-1, addressing the possibility of discovering paleontological resources (RDA Program EIR) will also be applied.

Additional mitigations/policies to be applied as appropriate to individual development projects proposed pursuant to this Code amendment are measures AH-1, AH-6, AH-7, and AH-16 from the Master EIR and Mitigation 4.3-1 from the RDA Program EIR.

**Increased Demand for Storm Drainage:**

The appropriate mitigation to be applied as appropriate to individual development projects proposed pursuant to this Code amendment includes SD-2, SD-3, SD-4, SD-5, SD-6, SD-7, SD-8, SD-9, and SD-11 from the Master EIR and Mitigation 4.8-1 from the RDA Program EIR.

**Floodling and Water Quality:**

The appropriate mitigation to be applied as appropriate to individual development projects proposed pursuant to this Code amendment to this project includes FWQ-2, FWQ-4, FWQ-11, FWQ-12, FWQ-13, and FWQ-15 from the Master EIR.

**Increased Demand for Parks and Open Space:**

The appropriate mitigation to be applied as appropriate to individual development projects proposed pursuant to this Code amendment includes POS-6, POS-8, POS-11, and POS-12 from the Master EIR.

**Increased Demand for Schools:**

The appropriate mitigation to be applied as appropriate to individual development projects proposed pursuant to this Code amendment includes S-3, S-8, and S-10 from the Master EIR.

**Increased Demand for Police Services:**

The project implements mitigations/policies PS-9, PS-10, PS-11, PS-12, and PS-13.
The additional mitigation/policy that will be applied as appropriate to individual development projects proposed pursuant to this Code amendment is PS-8.

**Increased Demand for Fire Services:**

No mitigations/policies from the Master EIR need be applied to the proposed Downtown Core Zone.

**Generation of Solid Waste:**

No mitigations/policies from the Master EIR need be applied to the proposed Downtown Core Zone.

**Generation of Hazardous Materials:**

The appropriate mitigation to be applied as appropriate to individual development projects proposed pursuant to this Code amendment includes HM-5 from the Master EIR and Mitigation 4.4-3 from the RDA Program EIR.

**Geology, Soils, and Mineral Resources:**

The appropriate mitigation to be applied as appropriate to individual development projects proposed pursuant to this Code amendment includes GSM-1, GSM-2, GSM-6, and GSM-9 from the Master EIR.

**Energy:**

The appropriate mitigation to be applied as appropriate to individual development projects proposed pursuant to this Code amendment includes E-2, E-3, E-4, E-34, E-40, E-41, and E-42 from the Master EIR.

**Effects on Visual Resources:**

The appropriate mitigation to be applied as appropriate to individual development projects proposed pursuant to this Code amendment includes VR-3 and VR-4 from the Master EIR.

**Land Use and Planning:**

The project is intended to implement mitigations/policies LUP-41, LUP-42, LUP-43, LUP-44, LUP-45, and LUP-48.

No additional mitigations/policies in the Master EIR need be applied to the project.

**Climate Change:**

When the proposed project is expected to facilitate achievement of the goals of AB 32. The project implements mitigations/policies CL-3, CL-4, CL-5, CL-12, and CL-13.

New development must comply with mitigation/policy CL-25. Compliance with CL-26 will be encouraged.
Figure 1

LOCATION OF PROPOSED DOWNTOWN CORE ZONE
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 13th day of July, 2010, by Councilmember Olsen, 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, Olsen
Noes: Councilmembers: None
Absent: Councilmembers: Marsh

ATTEST:

(SIGNATURE)

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

SUSANA ALCALA WOOD, City Attorney
EXHIBIT A

Initial Study

EA/C&ED 2010-14
WHEREAS, in 2008, the City Council initiated the process to evaluate and prioritize capital improvement projects for the annual preparation of the Capital Improvement Program (CIP), and

WHEREAS, the process includes a CIP Task Force consisting of a City Councilmember, a City Planning Commission member, and Airport Advisory Committee member, two representatives of the public-at-large, and interdepartmental staff, and

WHEREAS, the goal of the CIP Task Force is to obtain the input and participation from a broader range of stakeholders, and

WHEREAS, the CIP Task Force is recommending the membership be modified to provide a balance between the City staff and outside members, and

WHEREAS, the CIP Task Force recommends the outside members serve for two years and that appointments be staggered to allow for continuity on the CIP Task Force, and

WHEREAS, the proposed members for the CIP Task Force are:

**Outside Members:**
- Councilmember
- Planning Commission member
- Citizen-at-Large members:
  - StanCOG Citizen Advisory member
  - Manufacturer’s Council member
  - Chairperson, Land Use & Transportation
  - Modesto Chamber of Commerce

**Brad Hawn**

**Chris Tyler**

**Ron Jeske**

**Dennis Wilson**

**Designee**

**Designee**
Staff members:
Director of Public Works (or designee)
Director of Utility Planning & Projects (or designee)
Director of Community & Economic Development (or designee)
Director of Parks, Recreation & Neighborhoods (or designee)
Director Representing Public Safety (Police Chief, Fire Chief, or designee)
Director of Finance (or designee)

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of Brad Hawn, Chris Tyler, Ron Jeske, Dennis Wilson, Manufacturer’s Councilmember designee, Chairperson, Land Use and Transportation Chamber of Commerce designee, Director of Public Works, Director of Utility Planning & Projects, Director of Community & Economic Development, Director of Parks, Recreation & Neighborhoods, Director Representing Public Safety, and the Director of Finance, or their designees, to the Capital Improvement Program Task Force.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August 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, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALÁ WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE FURNISHING OF WASTE HAULING SERVICES FOR NON-HAZARDOUS BRINE FOR THE PUBLIC WORKS DEPARTMENT, WATER DIVISION, TO ADVANCED CHEMICAL TRANSPORT, INC., MERCED, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT, FOR AN ESTIMATED ANNUAL COST OF $143,220 AND OVER FIVE (5) YEARS OF $716,100

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of waste hauling services for non-hazardous brine, and

WHEREAS, the Purchasing Division issued RFB No. 0910-13 Waste Haul Services for Non-Hazardous Brine to eighteen (18) prospective bidders, posted the bid on the City’s website and formally advertised as required by law. Two (2) of the eighteen (18) prospective bidders were located within Stanislaus County, none were local vendors as there are no local vendors which provide these services, and

WHEREAS, RFB’s were formally opened in the City Clerk’s office. Nine (9) companies chose to respond, one prospective bidder was located in Stanislaus County. 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 furnishing of waste haul services for non-hazardous brine for the Public Works Department, Water Division, to Advanced Chemical Transport, Merced, CA, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, for an estimated annual cost of $143,220, and over five (5) years of $716,100, and
WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the furnishing of waste haul services for non-hazardous brine for the Public Works Department, Water Division, to Advanced Chemical Transport, Inc., Merced, CA, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted each year for this service in Water Division Operating Account #6100-480-5013-0235,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the furnishing of waste haul services for non-hazardous brine for the Public Works Department, Water Division, to Advanced Chemical Transport, Inc., Merced, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated annual cost of $143,220.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 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, 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 AUTHORIZING THE AWARD OF PROPOSAL AND CONTRACT FOR THE FURNISHING OF ELEVATOR MAINTENANCE AND REPAIR SERVICES FOR THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT, BUILDING SERVICES DIVISION, TO THYSSENKRUPP ELEVATOR CORP., WEST SACRAMENTO, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE AN AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $39,600

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for elevator maintenance and repair services, and

WHEREAS, the Purchasing Division issued RFP No. 0910-08 Elevator Maintenance and Repair Services to nine (9) prospective proposers, posted the proposal on the City’s website and formally advertised as required by law, and

WHEREAS, RFP’s were formally opened in the City Clerk’s office. Four (4) companies chose to respond. All four (4) companies provided responsive and responsible proposals, and

WHEREAS, an evaluation committee comprised of City staff members and a member from the Stanislaus County General Services Agency evaluated and graded the proposals, and

WHEREAS, based on being ranked highest in total evaluation criteria the evaluation committee recommends the award of proposal and contract for the furnishing of elevator maintenance and repair services for the Parks, Recreation and Neighborhoods Department, Building Services Division, to ThyssenKrupp Elevator Corp., West Sacramento, CA, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, for an estimated annual cost of $39,600, and
WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of proposal and contract for the furnishing of elevator maintenance and repair services for the Parks, Recreation and Neighborhoods Department, Building Services Division, to ThyssenKrupp Elevator Corp., West Sacramento, CA, conforms to the Modesto Municipal Code, and


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal and contract for the furnishing of elevator maintenance and repair services for the Parks, Recreation and Neighborhoods Department, Building Services Division, to ThyssenKrupp Elevator Corp., West Sacramento, CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue the agreement for an estimated annual cost of $39,600.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 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, 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
WHEREAS, California’s natural resources and wildlife must be preserved and protected for future generations, and

WHEREAS, the California State Park System is essential to protecting these resources for the people of California. Along with the wildlife protection and conservation agencies of the state, the State Park System is responsible for preserving the state’s unique wildlife, natural lands and ocean resources, and

WHEREAS, persistent underfunding of the State Park System and wildlife conservation has resulted in a backlog of more than a billion dollars in needed repairs and improvements, threatens the closure of parks throughout the state, and the loss of protection for many of the state’s most important natural and cultural resources, recreational opportunities and wildlife habitat, and

WHEREAS, California’s State Park System benefits all Californians by providing opportunities for recreation, nature education, preservation of cultural and historic landmarks, and by protecting natural resources that improve the state’s air and water quality, and

WHEREAS, Californians deserve a world-class State Park System that will preserve and protect the unique natural and cultural resources of the state for future generations, and

WHEREAS, rebuilding the State Park System and protecting the state’s wildlife resources will grow California’s economy and create jobs by drawing millions of
tourists each year to contribute to the state’s multibillion dollar tourism economy, and

WHEREAS, the State Parks and Wildlife Conservation Trust Fund Act of 2010 will implement an $18 vehicle license fee on most personal vehicles, which will be specifically dedicated to state parks and wildlife conservation, and

WHEREAS, passage of the Wildlife Conservation Trust Fund Act of 2010 will allow entry into State parks at no charge to California licensed vehicles, and

WHEREAS, by law, 4% of the annual Trust Fund revenue will be allocated for grants to public agencies for the operation, management and restoration of urban river parkways, with priority placed on the most underserved urban communities, and

WHEREAS, the Tuolumne River Regional Park (TRRP), an urban river parkway, is eligible to apply to the Department of Parks and Recreation for annual grants for operation, management and restoration and will specifically benefit from this initiative,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports the State Parks and Wildlife Conservation Trust Fund Act of 2010 on the November 2010 statewide ballot.

BE IT FURTHER RESOLVED that the Council hereby authorizes listing the City of Modesto as a supporter of the State Parks and Wildlife Conservation Trust Fund Act of 2010.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 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: Hawn, Lopez, Marsh, Mayor Ridenour

NOES: Councilmembers: Geer, Muratore, Olsen

ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-322

RESOLUTION APPROVING APPLICATIONS TO THE CALIFORNIA DEPARTMENT OF RESOURCES, RECYCLING AND RECOVERY (CALRECYCLE) FOR ALL USED OIL PAYMENT PROGRAMS, ACCEPTING PAYMENT, AMENDING THE ANNUAL BUDGET, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL RELATED DOCUMENTS, AND RESCINDING RESOLUTION NO. 2010-107

WHEREAS, pursuant to Public Resources Code §48690, the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, has established the Used Oil Payment Program (OPP) to make payments to qualifying jurisdictions for implementation of their used oil programs, and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the Used Oil Payment Program, and

WHEREAS, CalRecycle’s procedures for administering the Used Oil Payment Program require, among other things, an applicant’s governing body to declare by resolution certain authorizations related to the administration of the Used Oil Payment Program,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto that it hereby authorizes submittal of a Used Oil Payment Program application to CalRecycle.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all documents, including but not limited to, applications, agreements, annual reports including expenditure reports and amendments necessary to secure said payments to support our Used Oil Collection Program.

08/04/2010/PR&N/MBeck/Item 8 1 2010-322
BE IT FURTHER RESOLVED that this authorization is effective until rescinded by the Modesto City Council.

BE IT FURTHER RESOLVED that Resolution No. 2010-107 is hereby rescinded.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 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, 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. 2010-323

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH STANISLAUS COUNTY OFFICE OF EDUCATION IN THE AMOUNT OF $112,000 FOR THE SERVICES OF ONE MODESTO POLICE OFFICER/SCHOOL RESOURCE OFFICER AT PETERSEN ALTERNATIVE CENTER FOR EDUCATION CAMPUS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MEMORANDUM OF UNDERSTANDING

WHEREAS, the Stanislaus County Office of Education (SCOE) requires one Modesto police officer to provide direct law enforcement services, expertise and training, and to act as a School Resource Officer at Petersen Alternative Center for Education campus, and

WHEREAS, the Modesto Police Department can provide a specially trained, uniformed police officer who can take any enforcement action at the school site, if warranted, and

WHEREAS, the officer’s presence with the students provides mentoring and protection of youth in our community, and

WHEREAS, the City will be compensated by the SCOE in the amount of $112,000 for the services of one Modesto police officer, and

WHEREAS, the term of this Memorandum Of Understanding is August 12, 2010 to June 2, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding with Stanislaus County Office of Education in the amount of $112,000 for the services of one Modesto Police Officer/School Resource Officer at Petersen Alternative Center for Education campus.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Memorandum of Understanding.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 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, 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 BROWN & CALDWELL FOR ON-CALL ENGINEERING SERVICES FOR THE WATER QUALITY CONTROL DIVISION FOR A ONE-YEAR AGREEMENT, WITH THREE ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $132,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Water Quality Control (WQC) Division performs a number of tasks associated with Wastewater Collections, Wastewater Maintenance and Operations and Environmental Regulations directly related to operations at the WQC Facilities, and

WHEREAS, in the past, staff has approved one consultant for each On-Call Engineering agreement; however, staff has determined that qualifying several consultants will provide broader experience and allow for more competitive costs in the execution of projects under this On-Call Engineering agreement, and

WHEREAS, many of the services required under this agreement are those that relate directly to WQC treatment processes and are not those of which the City’s engineers have expertise such as Certification of Digesters, Ranch Lease Development and Gap Analysis for Wastewater Collections, and

WHEREAS, in accordance with Administrative Directive 3.1, staff solicited and formally advertised Requests for Qualifications (RFQ) for On-Call Engineering for the WQC Division, and

WHEREAS, twenty (20) Statements of Qualifications (SOQ) were received and reviewed by WQC staff and after reviewing all of the SOQs, the top five consultants were selected to be on an On-Call Engineering list for WQC projects, and
WHEREAS, as tasks are identified, a scope of work will be sent to each consultant requesting a scope of services outlining the specific work, schedule and cost estimate associated with the tasks, and

WHEREAS, the scope of services will be reviewed by staff and approval sent to the most responsive bidder, and

WHEREAS, the consultants will perform no work until WQC management has approved the proposed specific task and a written Notice to Proceed is prepared and sent to the consultant prior to commencement of services, and

WHEREAS, staff recommends an On-Call Engineering Services Agreement with Brown & Caldwell be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Brown & Caldwell for On-Call Engineering Services for the Water Quality Control Division for a one-year agreement, with three one-year extension options, at the sole discretion of the City, in an amount not to exceed $132,000 per 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 special meeting of the Council of the City of Modesto held on the 4th day of August, 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: Counci lmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(ApPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS FOR ON-CALL ENGINEERING SERVICES FOR THE WATER QUALITY CONTROL DIVISION FOR A ONE-YEAR AGREEMENT, WITH THREE ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $132,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Water Quality Control (WQC) Division performs a number of tasks associated with Wastewater Collections, Wastewater Maintenance and Operations, and Environmental Regulations directly related to operations at the WQC Facilities, and

WHEREAS, in the past, staff has approved one consultant for each On-Call Engineering agreement; however, staff has determined that qualifying several consultants will provide broader experience and allow for more competitive costs in the execution of projects under this On-Call Engineering agreement, and

WHEREAS, many of the services required under this agreement are those that relate directly to WQC treatment processes and are not those of which the City’s engineers have expertise such as Certification of Digesters, Ranch Lease Development and Gap Analysis for Wastewater Collections, and

WHEREAS, in accordance with Administrative Directive 3.1, staff solicited and formally advertised Requests for Qualifications (RFQ) for On-Call Engineering for the WQC Division, and

WHEREAS, twenty (20) Statements of Qualifications (SOQ) were received and reviewed by WQC staff and after reviewing all of the SOQs, the top five consultants were selected to be on an On-Call Engineering list for WQC projects, and
WHEREAS, as tasks are identified, a scope of work will be sent to each consultant requesting a scope of services outlining the specific work, schedule and cost estimate associated with the tasks, and

WHEREAS, the scope of services will be reviewed by staff and approval sent to the most responsive bidder, and

WHEREAS, the consultants will perform no work until WQC management has approved the proposed specific task and a written Notice to Proceed is prepared and sent to the consultant prior to commencement of services, and

WHEREAS, staff recommends an On-Call Engineering Services Agreement with Carollo be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Carollo Engineers for On-Call Engineering Services for the Water Quality Control Division for a one-year agreement, with three one-year extension options, at the sole discretion of the City, in an amount not to exceed $132,000 per 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 special meeting of the Council of the City of Modesto held on the 4th day of August, 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, 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 ECO:LOGIC FOR ON-CALL ENGINEERING SERVICES FOR THE WATER QUALITY CONTROL DIVISION FOR A ONE-YEAR AGREEMENT, WITH THREE ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $132,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Water Quality Control (WQC) Division performs a number of tasks associated with Wastewater Collections, Wastewater Maintenance and Operations, and Environmental Regulations directly related to operations at the WQC Facilities, and

WHEREAS, in the past, staff has approved one consultant for each On-Call Engineering agreement; however, staff has determined that qualifying several consultants will provide broader experience and allow for more competitive costs in the execution of projects under this On-Call Engineering agreement, and

WHEREAS, many of the services required under this agreement are those that relate directly to WQC treatment processes and are not those of which the City’s engineers have expertise such as Certification of Digesters, Ranch Lease Development and Gap Analysis for Wastewater Collections, and

WHEREAS, in accordance with Administrative Directive 3.1, staff solicited and formally advertised Requests for Qualifications (RFQ) for On-Call Engineering for the WQC Division, and

WHEREAS, twenty (20) Statements of Qualifications (SOQ) were received and reviewed by WQC staff and after reviewing all of the SOQs, the top five consultants were selected to be on an On-Call Engineering list for WQC projects, and
WHEREAS, as tasks are identified, a scope of work will be sent to each consultant requesting a scope of services outlining the specific work, schedule and cost estimate associated with the tasks, and

WHEREAS, the scope of services will be reviewed by staff and approval sent to the most responsive bidder, and

WHEREAS, the consultants will perform no work until WQC management has approved the proposed specific task and a written Notice to Proceed is prepared and sent to the consultant prior to commencement of services, and

WHEREAS, staff recommends an On-Call Engineering Services Agreement with Eco:Logic be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Eco:Logic for On-Call Engineering Services for the Water Quality Control Division for a one-year agreement, with three one-year extension options, at the sole discretion of the City, in an amount not to exceed $132,000 per 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 special meeting of the Council of the City of Modesto held on the 4th day of August, 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, 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. 2010-327

RESOLUTION APPROVING AN AGREEMENT WITH NOLTE ASSOCIATES
FOR ON-CALL ENGINEERING SERVICES FOR THE WATER QUALITY
CONTROL DIVISION FOR A ONE-YEAR AGREEMENT, WITH THREE ONE-
YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN
AN AMOUNT NOT TO EXCEED $132,000 PER YEAR, AND AUTHORIZING
THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Water Quality Control Division performs a number of tasks
associated with Wastewater Collections, Wastewater Maintenance and Operations, and
Environmental Regulations directly related to operations at the WQC Facilities, and

WHEREAS, in the past, staff has approved one consultant for each On-Call
Engineering agreement; however, staff has determined that qualifying several consultants
will provide broader experience and allow for more competitive costs in the execution of
projects under this On-Call Engineering agreement, and

WHEREAS, many of the services required under this agreement are those that
relate directly to WQC treatment processes and are not those of which the City’s
engineers have expertise such as Certification of Digesters, Ranch Lease Development
and Gap Analysis for Wastewater Collections, and

WHEREAS, in accordance with Administrative Directive 3.1, staff solicited and
formally advertised Requests for Qualifications (RFQ) for On-Call Engineering for the
WQC Division, and

WHEREAS, twenty (20) Statements of Qualifications (SOQ) were received and
reviewed by WQC staff and after reviewing all of the SOQs, the top five consultants were
selected to be on an On-Call Engineering list for WQC projects, and
WHEREAS, as tasks are identified, a scope of work will be sent to each consultant requesting a scope of services outlining the specific work, schedule and cost estimate associated with the tasks, and

WHEREAS, the scope of services will be reviewed by staff and approval sent to the most responsive bidder, and

WHEREAS, the consultants will perform no work until WQC management has approved the proposed specific task and a written Notice to Proceed is prepared and sent to the consultant prior to commencement of services, and

WHEREAS, staff recommends an On-Call Engineering Services Agreement with Nolte be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Nolte Associates for On-Call Engineering Services for the Water Quality Control Division, for a one-year agreement, with three one-year extension options, in an amount not to exceed $132,000 per 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 special meeting of the Council of the City of Modesto held on the 4th day of August, 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, 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 WEST YOST ASSOCIATES FOR ON-CALL ENGINEERING SERVICES FOR THE WATER QUALITY CONTROL DIVISION FOR A ONE-YEAR AGREEMENT, WITH THREE ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $132,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Water Quality Control (WQC) Division performs a number of tasks associated with Wastewater Collections, Wastewater Maintenance and Operations, and Environmental Regulations directly related to operations at the WQC Facilities, and

WHEREAS, in the past, staff has approved one consultant for each On-Call Engineering agreement; however, staff has determined that qualifying several consultants will provide broader experience and allow for more competitive costs in the execution of projects under this On-Call Engineering agreement, and

WHEREAS, many of the services required under this agreement are those that relate directly to WQC treatment processes and are not those of which the City’s engineers have expertise such as Certification of Digesters, Ranch Lease Development and Gap Analysis for Wastewater Collections, and

WHEREAS, in accordance with Administrative Directive 3.1, staff solicited and formally advertised Requests for Qualifications (RFQ) for On-Call Engineering for the WQC Division, and

WHEREAS, twenty (20) Statements of Qualifications (SOQ) were received and reviewed by WQC staff and after reviewing all of the SOQs, the top five consultants were selected to be on an On-Call Engineering list for WQC projects, and
WHEREAS, as tasks are identified, a scope of work will be sent to each consultant requesting a scope of services outlining the specific work, schedule and cost estimate associated with the tasks, and

WHEREAS, the scope of services will be reviewed by staff and approval sent to the most responsive bidder, and

WHEREAS, the consultants will perform no work until WQC management has approved the proposed specific task and a written Notice to Proceed is prepared and sent to the consultant prior to commencement of services, and

WHEREAS, staff recommends an On-Call Engineering Services Agreement with West Yost Associates be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with West Yost Associates for On-Call Engineering Services for the Water Quality Control Division for a one-year agreement, with three one-year extension options, at the sole discretion of the City, in an amount not to exceed $132,000 per 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 special meeting of the Council of the City of Modesto held on the 4th day of August, 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, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SIGNATURE)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-329

RESOLUTION AMENDING FISCAL YEAR 10-11 MULTIYEAR OPERATING BUDGET FOR 6210-480-5277-0235 TO INCREASE FUNDING FROM $110,000 TO $132,000 AND REDUCING THE BUDGETS IN 6210-480-5212-0235 BY $44,000, 6210-480-5213-0235 BY $22,000, 6210-480-5214-0235 BY $22,000 AND 6210-480-5217-0235 BY $44,000 FOR A TOTAL OF $132,000

WHEREAS, a budget adjustment in the amount of $22,000 is necessary to increase the funding for the On-Call Engineering WQC Multi-Year Operating Org 6210-480-5277-0235, and

WHEREAS, a budget adjustment is needed to reduce the amount of funding in Wastewater Branch 6210-480-5212-0235 by $44,000, Sutter Plant Maintenance Branch 6210-480-5213-0235 by $22,000, Jennings Plant Maintenance Branch 6210-480-5214-0235 by $22,000 and Pre-Treatment Compliance Branch 6210-480-5217-0235 by $44,000 to fully fund the On-Call Engineering Multi-Year Operating Org 6210-480-5277-0235, and

WHEREAS, the Fiscal Year 2010-2011 Operating Budget must be amended as shown in Exhibit A, which is incorporated by reference herein, and

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

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 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:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
Exhibit A

FUND:

Wastewater Fund

EXPENDITURES:

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<thead>
<tr>
<th>Branch</th>
<th>Phone Number</th>
<th>Amount</th>
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<td>Wastewater Branch</td>
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<tr>
<td>Sutter Plant Maintenance Branch</td>
<td>6210-480-5213-0235</td>
<td>$(22,000)</td>
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<td>Jennings Plant Maintenance Branch</td>
<td>6210-480-5214-0235</td>
<td>$(44,000)</td>
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<tr>
<td>Pre-Treatment Compliance Branch</td>
<td>6210-480-5217-0235</td>
<td>$(44,000)</td>
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<tr>
<td>On-Call Engineering</td>
<td>6210-480-5277-0235</td>
<td>$132,000</td>
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MODESTO CITY COUNCIL
RESOLUTION NO. 2010-330

RESOLUTION APPROVING A ONE-TIME FLAT RATE PARKING FEE OF $10 FOR THE 9TH AND 10TH STREET PARKING GARAGES FOR X-FEST, ON AUGUST 7, 2010

WHEREAS, X-Fest brings approximately 20,000 patrons to downtown Modesto for a one-day event, and

WHEREAS, participants begin to use the parking garages as early as 1:00 p.m. on the day of the event, and

WHEREAS, for the past two years staff has overseen the parking during this event, and

WHEREAS, staff has found it necessary to close early due to safety concerns, resulting in loss of revenue, and

WHEREAS, it is typical of an event of this nature to prepay for parking, and

WHEREAS, the Police Department has recommended that parking staff not remain on the premises as the event winds down, and

WHEREAS, staff has met with X-Fest organizer, Chris Ricci, who supports the $10 prepaid parking plan, and

WHEREAS, parking staff would be available starting at 1:00 p.m. to collect the $10 parking fee as the patrons enter the garages, and

WHEREAS, once the garages are full, staff will leave and the garages will be open for vehicles to exit,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a one-time flat rate parking fee of $10 for the 9th and 10th Street Parking Garages for X-Fest, on August 7, 2010.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2010, by Councilmember Lopez, who moved its adoption, which motion be duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn, Muratore

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-331

A RESOLUTION APPROVING AN AGREEMENT WITH BROWN AND CALDWELL FOR PRELIMINARY DESIGN REPORT FOR NEW ANAEROBIC DIGESTER PROJECT, IN AN AMOUNT NOT TO EXCEED $526,777 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $52,678 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $579,455; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the scope of services to be provided under this agreement include survey and site mapping of the existing digester facilities, geotechnical investigation, digester process systems plan, preparation of the site and structures preliminary design plans, specifications and construction cost estimate, and

WHEREAS, the purpose of this project is to prepare a Preliminary Design Report (PDR) for the construction of a new Anaerobic Digester and new Digester Control Building, and

WHEREAS, the existing Digester #1 shows signs of corrosion and the support facilities, such as the heating and mixing systems are outdated and inadequate, and

WHEREAS, on August 6, 2008, by Resolution No. 2008-446, Council approved an agreement with Carollo Engineers, P.C. (Carollo) to prepare an evaluation report of Digester #1 detailing the existing conditions and proposed measures of repair and rehabilitation, and

WHEREAS, the evaluation report provided the following information: 1) Digester #1 will require the upgrade of several mechanical components such as the mixing and heating systems, as well as the upgrade of the electrical system; 2) Digester #1 will also require seismic and structural repairs and interior and exterior coatings to bring the digester to an upgraded level of performance and reliability; 3) Digester #2 will need
similar upgrades, yet not as intensive as Digester #1, in order to operate as a permanent
duty digester; 4) Existing control building will need to be relocated out of the flood plain,
yet within the Sutter Avenue Facility site constraints, and

WHEREAS, in accordance with the Public Works Department Major Scope
Policy approved on September 26, 2006, all projects exceeding $1,000,000 are required
to be presented at Council at the Preliminary Design Report stage if the projected cost
estimate is expected to exceed the approved project budget by more than 10%, and

WHEREAS, in compliance with Administrative Directive 3.1, Selection
Procedures for Professional Consultants who Provide Architectural and Engineering
Services for Capital Projects, Request for Qualifications (RFQs) were sent to over one
hundred consultants, and

WHEREAS, City staff received nine (9) Statements of Qualifications (SOQs)
from firms with experience in anaerobic digester design, and

WHEREAS, each partnered with local engineering and geotechnical firms to
provide the site civil improvements, survey and geotechnical aspects of the project
design, and

WHEREAS, Stantec was the only local firm to submit an RFQ, and

WHEREAS, in October 2009, after a review of all nine firm’s qualifications, staff
issued Request for Proposals (RFPs) to the three most qualified consultants; Brown and
Caldwell, HDR Engineering Inc., and West Yost Associates, and

WHEREAS, the proposals were reviewed by a Selection Committee comprised of
Public Works Engineering Design and Wastewater Operations staff, and
WHEREAS, following the consultant interviews, the Selection Committee determined that Brown and Caldwell is the most qualified consultant to prepare this PDR, and

WHEREAS, Brown and Caldwell is teamed with local firms of Mid-Valley Engineers and Kleinfelder, and

WHEREAS, using outside professional services will enable this project to be completed in a timely manner, and

WHEREAS, City staff recommends an agreement with Brown and Caldwell as the City does not have the staffing level or subject matter expertise to complete the PDR for the new Anaerobic Digester and new Control Building project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement for Preliminary Design Report for New Anaerobic Digester with Brown and Caldwell for an amount not to exceed $526,777 for the identified scope of services, plus $52,678 for additional services (if needed), for a maximum total amount of $579,455.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 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, 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. 2010-332

RESOLUTION APPROVING AN AGREEMENT WITH NOR-CAL PIPELINE SERVICES FOR CCTV INSPECTION SERVICES FOR THE CANNERY SEGREGATION LINE FOR AN AMOUNT NOT TO EXCEED $38,809.50 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $3,881.00 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $42,690.50, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the scope of services to be provided under this agreement includes completing a Closed Circuit Television (CCTV) inspection for the Cannery Segregation Trunk Line and summarizing the condition of the main line in an inspection report, and

WHEREAS, the intent is to perform a CCTV inspection on the Cannery Segregation Line from the Sutter Avenue Plant to the Beard Brook Park crossing during the non-canning season to determine the condition of the existing trunk, and

WHEREAS, the CCTV inspection will provide locations and conditions of the areas in the trunk line that are in need of cleaning or repair, and

WHEREAS, due to the size of these trunk lines and the type of equipment necessary to perform a CCTV inspection, the City Wastewater Collections staff is unable to perform a CCTV inspection on this trunk line, and

WHEREAS, in compliance with Administrative Directive 3.1, Selection Procedures for Professional Consultants for Capital Projects, Request for Qualifications (RFQs) were sent to sixteen consultants, and

WHEREAS, City staff received six (6) Statements of Qualifications (SOQs) from firms with experience in CCTV inspection services, and
WHEREAS, in August 2009, the six firms were interviewed by a Selection Committee comprised of Public Works Engineering Design and Wastewater Collections staff, and

WHEREAS, following the consultant interviews, the Selection Committee selected the top three ranked firms to be placed on an on-call list for CCTV inspection services, and

WHEREAS, in October 2009, staff issued Request for Proposals (RFPs) to the three on-call consultants, and

WHEREAS, the proposals were reviewed by a Selection Committee comprised of Public Works Engineering Design and Wastewater Collections staff, and

WHEREAS, following the review, the Selection Committee determined that Nor-Cal Pipeline Services is the most qualified consultant to perform this CCTV inspection, and

WHEREAS, using outside professional services will enable this project to be completed in a timely manner, and

WHEREAS, City staff recommends an agreement with Nor-Cal Pipeline Services as the City does not have the staffing level or subject matter expertise to complete the CCTV inspection services for the Cannery Segregation Trunk Line project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement for CCTV inspection services for the Cannery Segregation Trunk Line with Nor-Cal Pipeline Services for an amount not to exceed
$38,809.50 for the identified scope of services, plus $3,881.00 for additional services (if needed), for a maximum total amount of $42,690.50.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 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, 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. 2010-333

A RESOLUTION ACCEPTING THE WORK BY HUFF CONSTRUCTION COMPANY, INC. FOR THE CITY OF MODESTO WATER QUALITY CONTROL LAB REMODEL 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 $705,823.51

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the City of Modesto Water Quality Control Lab Remodel Project has been completed by Huff Construction Company, Inc. in accordance with the contract agreement dated April 7, 2009,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “City of Modesto Water Quality Control Lab Remodel Project” is hereby accepted as complete from said contractor Huff Construction Company, 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 $705,823.51 is authorized as provided in the contract.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 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, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(S Seal)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2010-334  

A RESOLUTION ACCEPTING THE WORK BY PRESTON PIPELINES, INC. FOR THE ELLISON DRIVE SANITARY PIPELINE REPLACEMENT PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $575,694.87

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Ellison Drive Sanitary Pipeline Replacement Project has been completed by Preston Pipelines, Inc. in accordance with the contract agreement dated August 5, 2009,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “Ellison Drive Sanitary Pipeline Replacement Project” is hereby accepted as complete from said contractor Preston Pipelines, 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 $595,694.87 is authorized as provided in the contract.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 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, 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. 2010-335

A RESOLUTION ACCEPTING THE WORK BY MOZINGO CONSTRUCTION, INC. FOR THE “DOWNSTREAM WATER SYSTEM IMPROVEMENTS – PRIORITY 1 & 2 TURNOUTS” PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $2,816,078.99

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the “Downstream Water System Improvements Tier 1 – Priority 1 & 2 Turnouts” project has been completed by Mozingo Construction, Inc. in accordance with the contract agreement dated May 13, 2008,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “Downstream Water System Improvements Tier 1 – Priority 1 & 2 Turnouts” is hereby accepted as complete from said contractor Mozingo Construction, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, release securities upon expiration of statutory periods, and that payment of amounts totaling $2,816,078.99 is authorized as provided in the contract.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 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, 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. 2010-336

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE ARRA OVERLAY AND ADA CURB RAMP IMPROVEMENT PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH DSS COMPANY DBA KNIFE RIVER CONSTRUCTION IN THE AMOUNT OF $2,609,276.96 FOR THE ARRA OVERLAY AND ADA CURB RAMP IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the ARRA Overlay and ADA Curb Ramp Improvement Project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the ARRA Overlay and ADA Curb Ramp Improvement Project were opened at 11:00 a.m. on May 25, 2010, and later tabulated by the Director of Community and Economic Development for the consideration of the Council, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of $2,609,276.96 received from DSS Company dba Knife River Construction be accepted as the lowest responsible bid and the contract be awarded to DSS Company dba Knife River Construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the ARRA Overlay and ADA Curb Ramp Improvement Project, accepts the bid of DSS Company dba Knife River Construction in the amount of $2,609,276.96, and awards DSS Company dba Knife River Construction the contract for the ARRA Overlay and ADA Curb Ramp Improvement Project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2010, by Councilmember Olsen, 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, Marsh, Muratore, Olsen, Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: Hawn, Lopez

ATTEST: ____________________________

(SEAL)

APPROVED AS TO FORM:

By: ____________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-337

A RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 CAPITAL
IMPROVEMENT PROGRAM BUDGET IN ORDER TO FULLY FUND THE
CONSTRUCTION CONTRACT FOR THE ARRA OVERLAY AND ADA CURB
RAMP IMPROVEMENT PROJECT, INCLUDING CONTINGENCY, AND
CONSTRUCTION ADMINISTRATION

WHEREAS, certain budgetary transactions are necessary in the amount of
$402,227, in order to fully fund the construction contract, including contingency and
construction administration for the ARRA Overlay and ADA Curb Ramp Improvement
Project, and

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

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

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is
hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2010, by Councilmember Olsen, 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, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn, Lopez

(Seal)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
REQUEST FOR BUDGET ADJUSTMENT

EXHIBIT A

Contact Person: Gail Clement
Telephone No.: 15538
Department: Utility Planning & Projects
Fund Title: ARRA-PW Streets

Council Action Date: 8/4/10
Resolution Number: ---------------
FY: 10-11
Transfer No. ___________________

DEPARTMENTAL REVENUES

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APPROPRIATIONS

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COMMENTS/JUSTIFICATION

This adjustment is to amend the budget by increasing American Recovery and Reinvestment Act (ARRA) revenues in the amount of $402,227, and appropriating funds to Objects 6040-Construction, 6050-Contingency & 6060-Construction Administration in CIP Account H014-ARRA Street Overlay & ADA Curb Ramp Improvements to provide additional funding for construction activities for the project. A copy of the ARRA Amendment Modification Summary is attached.

AUTHORIZATION (check if required)

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TRANSFER NO. ___________________
BY: _______ DATE: _______
AMENDMENT MODIFICATION SUMMARY

PROJECT LOCATION:
VARIOUS STREETS WITHIN CITY OF MODESTO

TYPE OF WORK:
OVERLAY AND ADA CURB RAMP IMPR

PREV AUTH / AGREE DATES:
PE: 09/23/2009
RW: 12/14/2009

PROJECT NO:
5059(166)

SEQ NO:
3

OVERLAY AND ADA CURB RAMP IMPR

TIP DATA
DT: CAT EXCL-ST DOC
10/27/2009

ENV STATUS
SPR:
STANCOG
09/23/2009

MCS:
08/09

FSTIPYR:
CTIPS# 214-0000-0484

STATE REMARKS
HISTORICAL COMMENTS
09/17/09: Sequence No. 1
The City of Modesto is the responsible agency. This E-76 is Request for Authorization (RFA) to proceed with the Preliminary Engineering phase of this project. The Project Locations are:
Street
From
To
10th St H St I St
11th St I St K St
12th St G St H St
Alice St Olive Ave Magnolia Ave
Beyer Park Dr Sylvan Meadows Dr Forest Glenn Dr

FUNDING SUMMARY

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Authorized C230 federal funds of $380,000 for Preliminary Engineering. No work on PS&E shall begin prior to the approval of the Environmental Document.

NOTE: This ARRA Project received 1511 Certification on September 14, 2009. Certifying Agency: Stanislaus Council of Governments (StanCOG)

StanCOG has confirmed via an email (will be submitted to FHWA as part of the supporting documents) that the City of Modesto is combining the two projects in Lines 1 and 2 of the 1511 Certified Project List into a single project through this RFA.

Sequence #2: 12/02/09
This E-76 is Request for Authorization (RFA) to proceed with Construction phase of the project.

12/04/09: Sequence No. 2
Following completion of the PE phase under the same Federal Project Number, the Agency is now requesting for authorization to proceed with the Construction phase of the project.

Authorized C240 federal funds of $2,899,225 for Construction by Contract and Construction Engineering.

NOTE: This ARRA Project received 1511 Certification on September 14, 2009. Certifying Agency: Stanislaus Council of Governments (StanCOG)

StanCOG has confirmed via an email (will be submitted to FHWA as part of the supporting documents) that the City of Modesto is combining the two projects in Lines 1 and 2 of the 1511 Certified Project List into a single project through this RFA.

06/07/2010 SEQ 3 is to obligate an additional $402,227 from ARRA funds for Construction and Construction Engineering as a result of bid opening. STANCOG concurs with the project funding increase.
AUTHORIZATION

AUTHORIZATION TO PROCEED WITH REQUEST: OTH
FOR CONS. COST ADJUST.
DOCUMENT TYPE: AMOD
PREPARED BY: YOUSEF, YOUSEF
REVIEWED BY: SAMANI, SAAD
AUTHORIZED BY: MLCOC, SHANNON
PROCESSED BY: HUEY, SHUN
LAST FHWA ELECTRONIC SIGNATURE EXECUTED BY: DUSTIN BAILEY

SIGNATURE HISTORY FOR PROJECT NUMBER 5059(166) AS OF 07/07/2010

FHWA FMIS 4.0 SIGNATURE HISTORY

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MODESTO CITY COUNCIL
RESOLUTION NO. 2010-338

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6

WHEREAS, on June 9, 2010, the City Council, by Resolution No. 2010-237, declared its intent to levy charges or assessments for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and areas adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, under the provisions of the "Landscaping and Lighting Act of 1972", and

WHEREAS, the proposed annual assessment for Fiscal Year 2010-11 is $26.00 per residential parcel, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by allocated cost reports prepared by the City Engineer, and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996, and

WHEREAS the City of Modesto has further determined that the charges are in compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders the levy and collection of $26.00 annual assessment per residential parcel within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 for Fiscal Year 2010-11, and that a certified copy of this resolution
shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2010-11 County Tax Roll.

BE IT FURTHER RESOLVED that the diagram of said assessment district and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM: / 

SEAL

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCAÑA WOOD, City Attorney
A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 & 2

WHEREAS, on June 9, 2010, the City Council, by Resolution No. 2010-236, declared its intent to levy charges or assessments for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units No. 1 & 2, under the provisions of the "Landscaping and Lighting Act of 1972", and

WHEREAS, the cost for Fiscal Year 2010-11 is $130.66 per acre for commercial property and $25.76 for each residential property, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by allocated cost reports prepared by City Engineering, and

WHEREAS, in July 2000, the City successfully completed a Proposition 218 Ballot Vote, in accordance with Section 4 of Article XIIID of the California Constitution and with Section 53753 of the California Government Code, which added a cost of living increase based on the Building Cost Index (BCI). This year’s assessment was adjusted by the approved “inflator”, BCI for the San Francisco Bay Area, as reported in the Engineer News Record in the second week of March of this year. The BCI from the March 2, 2010 issue of the Engineer News Record was 4,810.91, which is a 0.9% increase over the prior year, and
WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996, and

WHEREAS the City of Modesto has further determined that the charges are in compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders the levy and collection of $130.66 per acre for commercial property and $25.76 for each residential property within Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2 for the 2010-11 fiscal year, and that a certified copy of this resolution shall be delivered to the Auditor–Controller of the County of Stanislaus for placement of such charges on the 2010-11 County Tax Roll.

BE IT FURTHER RESOLVED that the diagram of said assessment district and amount of levy thereon is hereby confirmed.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2010, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers:  None

ABSENT: Councilmembers:  None

ATTEST:  

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-340

A RESOLUTION FINDING THAT THE ANNEXATION OF THE PARKLAWN NEIGHBORHOOD TO SEWER DISTRICT #1 AND EXTENSION OF SEWER SERVICE TO THE AREA IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE 2008 MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007072023)

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

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

WHEREAS, the City’s Community and Economic Development Department by Environmental Assessment Initial Study EA/C&ED 2010-17 (“Initial Study”) reviewed the proposed Annexation of the Parklawn Neighborhood to Sewer District #1 and Extension of Sewer Service to the Area (“Project”) to determine whether the Project is within the scope of the project covered by the Master EIR, and concluded that the proposed Project is within the scope of the Master EIR and will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no new additional mitigation measures or alternatives are required, and that, therefore, the proposed Project is within the scope of the project covered by the Master EIR, and
WHEREAS, in accordance with CEQA Guidelines beginning on July 24, 2010, the City caused to be published a 10-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 August 4, 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 Project, a copy of which is attached hereto as Exhibit "A," and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

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

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

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

4. That there are no specific features which are unique to the proposed Project that require Project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this Project.

5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the Project shall be incorporated in the Project.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community and Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 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

(ATTTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
EXHIBIT A

Initial Study

EA/C&ED 2010-17
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2010-17

For the proposed:

Parklawn Neighborhood “Measure M” Ballot Measure (ANX-10-002)

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

July 15, 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 Parklawn Neighborhood “Measure M” ballot measure is “within the scope” of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

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

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and
2. no new or additional mitigation measures or alternatives are required.

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

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

This environmental review utilizes the 2008 Urban Area General Plan Master EIR (SCH #2007072023), certified in October 2008, and the Wastewater Plan Master EIR (SCH #2006052076), certified in March 2007.

II. PROJECT DESCRIPTION

A. Title: Parklawn Neighborhood “Measure M” Ballot Measure (ANX-10-002)

B. Address or Location: South of the centerline of Hatch Road, east of Union Pacific Railroad right of way, north of the City of Modesto, and west of the Union Pacific Railroad right of way (see Figure A).

C. Applicant: City of Modesto, 1010 10th Street, Modesto, CA 95354

D. City Contact Person: Cindy van Empel

Project Manager: Cindy van Empel
Department: Community and Economic Development
Phone Number: 209.577.5267
E-mail address: cvanempel@modestogov.com

E. Current General Plan Designation(s): R, Residential (2008 Urban Area General Plan)
F. Current Zoning Classification(s): The entire site lies outside the City of Modesto in unincorporated Stanislaus County and all zoning is in accordance with the Stanislaus County Zoning Code.

All of the property fronting on Hatch Road and Morgan Road is zoned C-2, with the exceptions of the area between Hatch Road and Morgan Road that forms the bridge footing, which is zoned M and the 12 southernmost lots along Morgan Road, which are zoned R-1; the six parcels at the intersection of Midway and Parklawn Avenues (four lie on the east side of Midway Avenue) are zoned C-1; and the remainder of the site is zoned R-1.

G. Surrounding Land Uses:
   - North: residences in unincorporated County and State Route 99
   - South: industrial land in Modesto
   - East: Union Pacific Railroad and State Route 99
   - West: residences in unincorporated County and industrial land in Modesto

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

   This ballot measure would allow the extension of sewer service (annexation to Sewer District 1) to 86.1 acres of developed land for 329 parcels in the City of Modesto’s Sphere of Influence. These parcels are estimated to be comprised of 17 commercial lots, one church, and 312 residential lots with about 340 residences. Annexation to the City of Modesto is not contemplated at this time. The proposed ballot measure would ask Modesto citizens if they want to extend sewer service to this area and is advisory only.

I. Other Public Agencies Whose Approval is Required:
   - Stanislaus County must approve a public improvement agreement with the City of Modesto which will establish financial responsibilities.
   - Stanislaus County Local Agency Formation Commission must approve an Out of Boundary Service Application in order for Modesto to provide sewer service without annexation.

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

1. **Within the Scope** - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

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

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

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

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

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

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

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

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

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

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

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

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

Original signed copy on file with CEDD

Project Manager ___________________________ Title ___________________________ Date _________________
4. Within the Scope Analysis of this Document:

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

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
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<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>X</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>X</td>
</tr>
<tr>
<td>3</td>
<td>Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).</td>
<td>X</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>X</td>
</tr>
<tr>
<td>5</td>
<td>The development will occur within the boundaries of the City’s planning area as established in this Urban Area General Plan.</td>
<td>X</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>
<td>X</td>
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</table>

Discussion:

1. Modesto would be the lead agency for subsequent discretionary actions.

2. No significant impacts other than those related to construction are anticipated to result from extension of sewer service (annexation to Sewer District #1) to the Parklawn Neighborhood.

3. No change to federal, state, or local regulations are expected to occur.

4. The Parklawn Neighborhood is a developed area, therefore, no additional impacts on natural resources is expected to occur.

5. The Parklawn Neighborhood (Area 24 in the 2009 Urban Growth Review) lies wholly within the City of Modesto’s Sphere of Influence.

6. All relevant mitigation measures will be applied to the extension of sewer service (annexation to Sewer District #1) to the Parklawn Neighborhood.
5. Currency of the Master EIR Document

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

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
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<tbody>
<tr>
<td>(1) 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>X □</td>
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<tr>
<td>(2) This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:</td>
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<tr>
<td>(a) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.</td>
<td>X □</td>
</tr>
<tr>
<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>X □</td>
</tr>
<tr>
<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>X □</td>
</tr>
</tbody>
</table>

Discussion:

(1) The 2008 Urban Area General Plan Master EIR was certified in October 2008. The Wastewater Plan Master EIR was certified in March 2007. Both documents are less than five years old.

(2) Due in large part to the recession, there has been little change to the environmental circumstances under which the 2008 Urban Area General Plan and 2007 Wastewater Plan Master EIRs were certified.

(a) No new information has become available that affects the accuracy of either Master EIR upon which this analysis relies.

(b) Policies developed in the 2008 Urban Area General Plan and 2007 Wastewater Plan Master EIRs remain in effect and will be applied to this project, as needed.
IV. ENVIRONMENTAL ANALYSIS

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

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

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

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

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

Cumulative Impacts

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

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

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

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

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

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

Discussion:

No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.
c. Project-Specific Effects

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

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

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<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>1. TRAFFIC AND CIRCULATION</strong></td>
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<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 Master EIR mitigation measures.</td>
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<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>
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<td>3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.</td>
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<td>X</td>
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<td>4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).</td>
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<td>X</td>
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<td>5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.</td>
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<td>X</td>
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<td>6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.</td>
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</table>
7) The proposed project would result in an increase in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.

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Discussion:

(1-7) The proposed ballot measure could result in the extension of sewer service (annexation to Sewer District #1) outside the City of Modesto. Additional development could occur as a result, but this would be consistent with the development regulations already in place. Short-term traffic impacts could result during construction activities.

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_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_{10}) and 2.5 microns or less in diameter (PM_{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_x, PM_{10}, and PM_{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:

No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.
c. Project-Specific Effects

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

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

<table>
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<tr>
<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>Potentially Significant Impact</td>
<td></td>
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</table>

2. DEGRADATION OF AIR QUALITY

1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NOx, PM10, and PM2.5 by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.

2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NOx, PM10, and PM2.5.

3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.

4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.

5) The proposed project would create objectionable odors affecting a substantial number of people.

Discussion:

(1-5) The proposed ballot measure could result in the extension of sewer service (annexation to Sewer District #1) outside the City of Modesto. Additional development could occur as a result, but this would be consistent with the development regulations already in place. Short-term air quality impacts could result during construction activities.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

Cumulative Impacts

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

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

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

Discussion:

No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. GENERATION OF NOISE</td>
<td></td>
<td></td>
<td></td>
</tr>
<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>
<td>☐</td>
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</tr>
</tbody>
</table>

City of Modesto
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<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>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>
<td></td>
<td>X</td>
</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>
<td></td>
<td></td>
<td></td>
<td>X</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>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

(1-4) The proposed ballot measure could result in the extension of sewer service (annexation to Sewer District #1) outside the City of Modesto. Additional development could occur as a result, but this would be consistent with the development regulations already in place. Short-term noise impacts could result during construction activities, but these have been anticipated in the 2008 Urban Area General Plan Master EIR.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

Cumulative Impacts

Effect: Growth within Modesto’s planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.
b. Master EIR and/or New Mitigation Measures Pertinent to the Project

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

Discussion:

No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<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>4. EFFECTS ON AGRICULTURAL LANDS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with the Urban Area General Plan’s policies relating to agricultural land.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>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.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>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.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

Discussion:

(1-4) The proposed ballot measure could result in the extension of sewer service (annexation to Sewer District #1) outside the City of Modesto. The Parklawn Neighborhood lies in a developed area and is completely surrounded by existing development. No impacts on agricultural land would result from this action.
5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

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

Discussion:

No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations/policies:

<table>
<thead>
<tr>
<th>Effect</th>
<th>Mitigation</th>
<th>Mitigation Incorporated</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
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</tbody>
</table>

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.

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Cumulative Impacts

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

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

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

**Discussion:**

No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. **Project-Specific Effects**

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

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

<table>
<thead>
<tr>
<th>6. INCREASED DEMAND FOR SANITARY SEWER 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 sewer policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

**Discussion:**

(1-3) The 2008 Urban Area General Plan Master EIR and the 2007 Wastewater Plan Master EIR contemplated extension of sewer service to all areas within the City’s Sphere of Influence, including the Parklawn Neighborhood. No impacts greater than those disclosed in those environmental documents would be anticipated.
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

**Discussion:**

No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
<table>
<thead>
<tr>
<th>No</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>7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</td>
<td></td>
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<td></td>
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</tr>
<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>x</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>x</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>x</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>x</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>x</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>x</td>
</tr>
</tbody>
</table>

Discussion:

(1-6) The Parklawn Neighborhood lies well outside areas in which significant biological resources would be expected (Dry Creek, Tuolumne River). There are no local policies or ordinances that protect biological resources and no conservation plans that affect the area.
8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

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

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

**Effect:** Construction in an area of high archaeological sensitivity.

**Cumulative Impacts**

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

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

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

**Discussion:**

No mitigation measures would be applied to the project except in the very unlikely event that archaeological resources are discovered during construction. Should that occur, construction activity will cease and an archaeologist will be consulted. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
<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>x</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>x</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>x</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>x</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>x</td>
</tr>
</tbody>
</table>

Discussion:

(1-5) The Parklawn Neighborhood lies well outside areas in which significant archaeological resources would be expected to occur (near Dry Creek, Tuolumne River). Should sewer infrastructure be extended to this area, soil disturbance would occur during construction activities, during which archaeological resources could be discovered. If this were to occur, construction activity would stop and an archaeologist would be consulted. No historic resources are expected to be disturbed.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<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>

City of Modesto
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Discussion:

(1-3) The potential extension of sewer service to the Parklawn Neighborhood may slightly decrease storm water runoff from the area. Many existing privately-owned septic systems are failing and much of the unpaved land in the Parklawn Neighborhood is saturated year-round, reducing or eliminating the ability of the soil to infiltrate rain. Extending sewer service will eventually result in the drying of existing leach fields, which will then be better able to infiltrate rain. No development is expected to occur beyond that which is allowed under current County zoning regulations.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

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

(1-8) The Parklawn Neighborhood lies outside both the 100- and 200-year floodplains, therefore, no significant flooding is expected to occur. Annexing the Parklawn Neighborhood to Sewer District #1 and providing service will likely result in incremental improvements in groundwater quality. Currently, the area has a higher concentration of privately-owned septic systems than would be allowed under existing State regulations, resulting in some groundwater contamination. Should sewer service be extended to the area, it is expected that failing privately-operated septic systems will be abandoned and groundwater quality in the area will gradually improve. No new development is expected to occur beyond that which is currently allowed under existing County zoning regulations. Finally, because the area lies outside the City of Modesto and the City does not intend to annex the area to the City, the area is not subject to the City’s stormwater quality control measures.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:
No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<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 is inconsistent with the parks and open space policies in the Urban Area General Plan.</td>
<td>☐, ☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would eliminate parks or open space.</td>
<td>☐, ☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.</td>
<td>☐, ☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Discussion:**

(1-3) The Parklawn Neighborhood lies outside the City of Modesto and the City does not contemplate annexing the area to the City, only to Sewer District #1, therefore, the area is not subject to the City's parks and open space policies.

### 12. INCREASED DEMAND FOR SCHOOLS

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

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

**Direct Impacts**

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

**Cumulative Impacts**

*Effect:* Similar to direct impacts of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.
b. Master EIR and/or New Mitigation Measures Applied to the Project

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

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

Discussion:

No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>12. INCREASED DEMAND FOR SCHOOLS</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 policies relating to schools in the Urban Area General Plan.</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>X</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>X</td>
</tr>
</tbody>
</table>

Discussion:

(1-2) Any new development that may occur in accordance with the County’s zoning regulations will be subject to schools fees in effect at that time. Collecting those fees will be the responsibility of the County, not the City, as the area is not being contemplated for annexation to the City, only to Sewer District #1.
13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

**Discussion:**

No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<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 possible annexation of the Parklawn Neighborhood to Sewer District #1 and extension of sewer service to the area would not create a demand for police protection services.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
14. INCREASED DEMAND FOR FIRE 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 the fire service policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>2)</td>
<td>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>
<tr>
<td>3)</td>
<td>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>
</tr>
</tbody>
</table>

Discussion:

(1-3) Should additional development occur as a result of the extension of sewer service to the area, a small increase in the demand for fire protection would occur. However, any new development is expected to be consistent with the existing County regulations.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<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>15. GENERATION OF SOLID WASTE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County’s disposal capacity.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

(1-2) Annexing the area to Sewer District #1 and extending sewer service would not directly increase solid waste generation. However, extension of sewer service could indirectly result in increased solid waste generation by allowing new development to occur consistent with existing County zoning. No significant impact or cumulative impact is expected.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

Discussion:

No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

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

Discussion:

(1-4) Potential annexation of the Parklawn Neighborhood to Sewer District #1 and extension of sewer service to the area would not create hazardous materials beyond that which would normally be expected to occur with construction activity. This impact would be temporary and not significant.
17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:
17. GEOLOGY, SOILS, AND MINERAL RESOURCES

<table>
<thead>
<tr>
<th>Impact</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>2) The proposed project would expose people or structures to potential substantial adverse effects including the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
</tbody>
</table>

**Discussion:**

(1-2) No new impacts relating to geologic hazards or mineral resources would be anticipated to result from the extension of sewer service beyond that which has been anticipated by the 2008 Urban Area General Plan Master EIR and Wastewater Plan Master EIR. Furthermore, the soils underlying the Parklawn Neighborhood are incapable of adequately supporting the use of septic tanks at the density at which they are in use. Extending sewer service to the area would result in failing septic tanks to be abandoned and could improve the function of the remaining septic systems.

18. ENERGY

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

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

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

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

Discussion:
No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>18. ENERGY</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</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>X</td>
</tr>
</tbody>
</table>

Discussion:

(1-2) No energy impacts greater than those anticipated in the 2008 Urban Area General Plan Master EIR or Wastewater Plan Master EIR would be expected to result from construction of sewer lines to the Parklawn Neighborhood or system operations.
19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

**Discussion:**

No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1B.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>
</tbody>
</table>
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.

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

Discussion:

(1-3) Construction activities create an unsightly, but temporary impact. A lift station would be installed as part of the extension of sewer service at a location that has not yet been determined. The visual impact of a lift station would not be significant and would be needed for operation of sewer service in this area. No other effects on visual resources would be expected.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.
Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<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>

20. LAND USE AND PLANNING

1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.

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

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

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

Discussion:

(1-4) If the Parklawn Neighborhood is annexed to Sewer District #1 and sewer service is extended to the area, a small amount of new development could be accommodated under the existing County zoning regulations. This level of development is allowed, but is constrained by septic systems that are beyond their capacity and the lack of available sewer service. No other land use impacts beyond those identified in the Master EIR would be expected to occur.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

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

Discussion:
No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

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

Discussion:
(1-3) Extension of sewer service to the Parklawn Neighborhood would allow a small amount of infill development under the existing County zoning regulations, which would help keep the metropolitan area compact, although the amount of development would not be significant. There is no Sustainable Communities Strategy in place at this time. As such, no impact is expected to occur as a result of the extension of sewer service.
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. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Traffic and Circulation:
None

Degradation of Air Quality:
None

Generation of Noise:
None

Effects on Agricultural Lands:
None

Increased Demand for Long-Term Water Supplies:
None

Increased Demand for Sanitary Sewer Services:
None

Loss of Sensitive Wildlife and Plant Habitat:
None
Disturbance of Archaeological/Historic Sites:
None

Increased Demand for Storm Drainage:
None

Flooding and Water Quality:
None

Increased Demand for Parks and Open Space:
None

Increased Demand for Schools:
None

Increased Demand for Police Services:
None

Increased Demand for Fire Services:
None

Generation of Solid Waste:
None

Generation of Hazardous Materials:
None

Geology, Soils, and Mineral Resources:
None

Energy:
None

Effects on Visual Resources:
None

Land Use and Planning:
None

Climate Change:
None
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-341

A RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION AN ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO THE UNINCORPORATED AREA REFERRED TO AS THE “PARKLAWN NEIGHBORHOOD” WHICH IS DESCRIBED AS THE AREA BOUNDED BY HATCH ROAD ON THE NORTH, PEARSON AVENUE/UNION PACIFIC RAILROAD ON THE WEST, NELSON WAY AND A LINE EXTENDING FROM THE CENTERLINE OF NELSON WAY WESTERLY TO THE UNION PACIFIC RAILROAD ON THE SOUTH, AND MORGAN ROAD/UNION PACIFIC RAILROAD ON THE EAST

WHEREAS, on March 6, 1979, the voters enacted the Modesto Citizens’ Advisory Growth Management Act (Measure A) which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for the extension of any sewer trench without first holding an advisory election, and

WHEREAS, on November 4, 1997, the voters enacted the Modesto Citizens’ Advisory Growth Management Act of 1995 (Measure M), which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for sewer improvements without first holding an advisory election, and

WHEREAS, in order to satisfy the requirements of Measure A and Measure M the City Council of the City of Modesto desires to submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 2, 2010 an Advisory measure relating to the provision of sewer service to a certain unincorporated area of the County, within the City’s Sphere of Influence,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. BALLOT MEASURE.

That pursuant to California Elections Code Section 9603, the Council of the City of Modesto proposes to, upon request of the Parklawn Neighborhood Residents, submit to the qualified electors of the City of Modesto at a regular election to be held on November 2, 2010, an Advisory vote relating to the provision of sewer service to a certain unincorporated area known as the “Parklawn Neighborhood” as set forth below, and hereby designates the form of the ballot measure for use at said election as follows:

Shall the City Council provide sewer service to the following described area:

“Parklawn Neighborhood”

The unincorporated area designated “Parklawn Neighborhood” which is described generally as the area bounded by Hatch Road on the north, Pearson Avenue/Union Pacific Railroad on the west, Nelson Way and a line extending from the centerline of Nelson Way westerly to the Union Pacific Railroad on the south, and Morgan Road/Union Pacific Railroad on the east.

SECTION 2. FORM OF BALLOT.

On the ballot to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the advisory question to extend sanitary sewer service:

ADVISORY VOTE ONLY

MEASURE ___

<table>
<thead>
<tr>
<th>Shall the City Council provide sewer service to the following unincorporated county area described below?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐</td>
<td>☐</td>
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</tbody>
</table>

The unincorporated area known as the “Parklawn Neighborhood” which is described generally as the area bounded by Hatch Road on north, Pearson Avenue/Union Pacific Railroad on west, Nelson Way extended from the centerline of Nelson Way westerly to Union Pacific Railroad on south, and Morgan Road/Union Pacific Railroad on east.
SECTION 3. CONDUCT OF ELECTION.

The advisory election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, the advisory election shall be held as provided for in the City Charter, and in all particulars not provided for therein, the advisory election shall be held as provided by law for the holding of advisory elections and regular municipal elections in the city of Modesto and otherwise in accordance with the Elections Code of the State of California.

SECTION 4. CITY CLERK CERTIFICATION.

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Elections Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4\textsuperscript{th} day of August, 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. 2010-342

A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THE ADVISORY MEASURE CONSIDERING THE EXTENSION OF SEWER SERVICE TO A CERTAIN UNINCORPORATED AREA, COMMONLY REFERRED TO AS THE “PARKLAWN NEIGHBORHOOD”, GENERALLY BORDERED ON THE EAST AND WEST BY THE UNION PACIFIC RAILROAD, ON THE SOUTH BY THE CITY OF MODESTO, AND ON THE NORTH BY CENTERLINE OF HATCH ROAD, TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular general election to be held on November 2, 2010, an advisory measure concerning the unincorporated area designated as the “Parklawn Neighborhood” or “Area 24” in the Modesto 2009 Urban Growth Review to the City Attorney for the purpose of preparing an impartial analysis of said measure,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an Impartial Analysis of the measure showing the effect of the measure on existing law on the operation of the measure.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 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

(SIGNATURE)

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO THE PARKLAWN NEIGHBORHOOD AREA

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 2, 2010, an advisory measure concerning the unincorporated area referred to as the “Parklawn Neighborhood Area”, which is generally described as that area bounded by Hatch Road, Pearson Avenue/Union Pacific Railroad on the west, Nelson extended from the centerline of Nelson Way westerly to Union Pacific Railroad on south, and Morgan Road/Union Pacific Railroad on east, to the City Attorney for the purpose of preparing an impartial analysis of said measure

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said measure and to change such arguments until and including the date and time after which no argument may be filed with the City Clerk.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 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. 2010-344

RESOLUTION APPROVING FILING OF AN APPLICATION WITH THE
STANISLAUS LOCAL AGENCY FORMATION COMMISSION TO AMEND
MODESTO’S SPHERE OF INFLUENCE AND ANNEX 4,690 ACRES OF
PROPERTY LOCATED APPROXIMATELY SEVEN MILES SOUTHWEST OF
THE MODESTO CITY LIMITS ON THE SOUTH SIDE OF KEYES ROAD,
WEST OF VIVIAN ROAD (OWNER INITIATED – UNINHABITED)

WHEREAS, the City of Modesto is the owner of approximately 4,793 acres of
real property on which the City’s Jennings Wastewater Treatment Plant (Jennings Plant)
was constructed, located approximately seven miles southwest of the Modesto city limits
on the south side of Keyes Road, West of Vivian Road, and

WHEREAS, a portion of the Jennings Plant totaling 102.7 acres was annexed into
the City on December 30, 1969, and

WHEREAS, the City desires to annex to the City and include in the Modesto
Sphere of Influence, the unincorporated area of the Jennings Plant, and

WHEREAS, the City of Modesto has initiated annexation of the remainder of the
Jennings Plant, 15 parcels totaling 4,690 acres (“property”), to the City of Modesto under
the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government
Code Section 56000, et seq, and

WHEREAS, California Government Code Section 56742 allows the annexation
of noncontiguous territory which is used by a city for the reclamation, disposal and
storage of treated wastewater, and

WHEREAS, Government Code Section 56428 authorizes any person or local
agency to file a written request with the Executive Officer of its Local Agency Formation
Commission (“LAFCO”) to amend a sphere of influence, and
WHEREAS, the request to amend the City of Modesto’s sphere of influence and the Resolution of Application are proposed pursuant to California Government Code Sections 56428, 56650, 56654 and 56700, and

WHEREAS, Government Code Section 56650 provides that proceedings to initiate a change of organization to annex additional territory to a City may be initiated by Resolution of Application or Petition, and

WHEREAS, the Property proposed to be annexed is uninhabited, and a description of the boundaries of the subject Property is set forth in Exhibits “A” and “B”, attached hereto and by this reference incorporated herein, and

WHEREAS, the proposed Property is covered by the Master Property Tax Agreement entered into between the County of Stanislaus and City of Modesto which was approved by Council Resolution No. 96-170 on April 9, 1996, and

WHEREAS, Government Code Section 56425(a) requires that at least thirty (30) days prior to submitting an application to LAFCO to update an existing sphere of influence for a city, representatives from the city shall meet with county representatives to discuss the proposed sphere and its boundaries, and to explore methods to reach agreement on the boundaries, development standards and zoning requirements within the sphere, and

WHEREAS, on August 7, 2009, City of Modesto representatives met with County of Stanislaus representatives to discuss the proposed sphere amendment and its boundaries, and reached a verbal agreement that the parties would support City’s request for an amendment to the City’s sphere of influence and annexation to the City of Modesto, and
WHEREAS, the proposed Property is not subject to a Williamson Act contract, and

WHEREAS, the City of Modesto Police Department has indicated they are able to adequately serve the site, and

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

(a) Said property will continue to be included in the Mountain View and Westport Fire Protection Districts.

(b) Said property will be served by the City of Modesto Police Department.

WHEREAS, the reasons for this proposed sphere of influence amendment and annexation to the City of Modesto are as follows:

(a) The City of Modesto as property owner has initiated the project.

(b) The proposed project is consistent with the Urban Area General Plan.

(c) The proposed project will allow for the future orderly and efficient expansion of the existing Jennings Plant; and

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

WHEREAS, on July 20, 2009, Planning Commission held a duly noticed public hearing in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California to consider the proposed Resolution of Application for an amendment to the City’s sphere of influence and annexation of the Property, and
WHEREAS, after said public hearing, the City of Modesto Planning Commission adopted Resolution No. 2009-19, recommending to the City Council that they adopt the Resolution of Application for an amendment to add the Property to the City’s sphere of influence and annexation of the Property to the City of Modesto, and

WHEREAS, said matter was set for public hearing of the City Council to be held on July 6, 2010, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed annexation and sphere of influence amendment, and

WHEREAS, an Initial Study Environmental Checklist (Environmental Assessment No. EA/C&ED 2009-19) 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 Wastewater Master Plan Update Master EIR,

NOW, THEREFORE, the Council of the City of Modesto hereby finds and determines as follows:

1. The foregoing recitals are true and correct.

2. That the proposed sphere of influence amendment and annexation are consistent with the Modesto Urban Area General Plan, because they are consistent with General Plan Policy III.C.I.e, which calls for the annexation and expansion of the Jennings Plant as appropriate and as needs dictate.

3. The Property proposed to be annexed to the City of Modesto is uninhabited, and a description of the boundaries of the subject Property is set forth in Exhibits “A” and “B,” attached hereto and by this reference incorporated herein.

4. An agreement for the sharing of property taxes for the Property was approved by the Master Property Tax Agreement entered into between the County of Stanislaus and City of Modesto which was approved by Council Resolution No. 96-170 on April 9, 1996.
5. The Property is not subject to a Williamson Act Contract pursuant to Government Code Section 51200, et seq.

6. The proposed annexation will allow for the orderly and efficient expansion of the existing Jennings Plant; and

7. The proposed sphere of influence amendment and annexation is within the scope of the Wastewater Master Plan Update Master EIR (SCH No. 2006052076) and has been adequately analyzed by the EIR.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts this Resolution of Application for an amendment to add the Property to the City of Modesto’s sphere of influence and for annexation of the Property to the City of Modesto.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that:

1. The City of Modesto as the owner of land within the affected Property has given written consent to the annexation and therefore, pursuant to California Government Code Section 56663 (c)(1), the City Council hereby consents to a waiver of conducting authority proceedings.

2. Pursuant to Government Code Section 56653, the City Council submit the plan for providing services as set forth in Exhibit “C,” attached hereto and by this reference incorporated herein.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Olsen, 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

APPROVED AS TO LEGAL DESCRIPTION

By: 
Community & Economic Development Department
Exhibit "A"

Written Legal Description
Exhibit "B"

Annexation Proposal Map
Exhibit "C"

Plan for Service
JENNINGS ROAD ANNEXATION

LEGAL DESCRIPTION

All that certain property situate, lying, and being portions of Sections 32, 33, and 34, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, and portions of Sections 2, 3, 4, 5, 9, 10, 11, 14, 15, 16, 22, and 23, Township 5 South, Range 8 East, Mount Diablo Base and Meridian, lying in the County of Stanislaus, State of California, and being more particularly described as follows:

BEGINNING at the intersection of the northeasterly bank of the San Joaquin River with the north line of Section 5, Township 5 South, Range 8 East, said point being 1940.61 feet west of the Northeast corner of said Section 5, measured along the north line of said Section 5, thence the following twenty three (23) courses:

1) South 89°59'19" East 120.00 feet, along the north line of said Section 5, to the southwesterly corner of that certain tract of land commonly identified as Assessor's Parcel 17-61-14; thence
2) North 31°17'15" East 2196.48 feet, along the northwesterly line of the aforementioned tract of land, to the northerly corner thereof; thence
3) South 57°40'55" East 563.69 feet, along the northeasterly line of the aforementioned tract of land, also being along the southwesterly line of Parcel 1, as shown on that certain Parcel Map filed in Book 9 of Parcel Maps, at Page 93, Stanislaus County Records, to the southerly corner of said Parcel 1, also being a point on the northerly line of the Westport Drain; thence
4) North 47°46'05" East 175.78 feet, along the northerly line of said Westport Drain, to an angle point in said northerly line; thence
5) South 81°49'46" East 965.70 feet, continuing along said northerly line; thence
6) North 77°00'15" East 1979.94 feet, continuing along said northerly line; thence
7) South 52°48'45" East 1635.36 feet, continuing along said northerly line; thence
8) North 84°06'15" East 1220.77 feet, continuing along said northerly line; thence
9) South 46°52'45" East 1616.86 feet, continuing along said northerly line; thence
10) South 89°33'45" East 2608.68 feet, continuing along said northerly line; thence
11) South 80°03'55" East 300.00 feet, continuing along said northerly line; thence

12) South 89°33'45" East 1212.42 feet, continuing along said northerly line, to the intersection of said northerly line and 20.00 feet east, measured at a right angle, of the east line of said Section 2, Township 5 South, Range 8 East; thence

13) South 00°26'32" West 2686.49 feet, along the east right-of-way line of said Jennings Road, being parallel with and 20.00 feet east, measured at a right angle, of the east line of said Section 2, to a point on the south right-of-way line of Zeering Road; thence

14) South 90°00'00" West 20.00 feet, along the south right-of-way line of said Zeering Road, to a point on the east line of said Section 2; thence

15) South 00°26'32" West 2593.63 feet, along the east line of said Section 2, to a point on the north right-of-way line of Monte Vista Avenue, said north right-of-way line being 30.00 feet north, measured at a right angle, of the north line of said Section 11, Township 5 South, Range 8 East; thence

16) South 89°29'02" East 2646.38 feet, along the north right-of-way line of said Monte Vista Avenue, being parallel with and 30.00 feet north, measured at a right angle, of the north line of said Section 11, to a point on the northerly extension of the north-south 1/4 section line of said Section 11; thence

17) South 00°27'47" West 5317.77 feet, along said north-south 1/4 section line, and northerly extension thereof, to the south 1/4 corner of said Section 11; thence

18) South 89°31'26" East 2646.67 feet, along the south line of said Section 11, to the southeast corner of said Section 11; thence

19) South 00°07'48" West 2641.61 feet, along the east line of said Section 14, Township 5 South, Range 8 East, to the east 1/4 corner of said Section 14; thence

20) South 00°08'00" West 2642.52 feet, along the east line of said Section 14, to the southeast corner of said Section 14; thence

21) South 00°26'51" West 5309.76 feet, along the east line of said Section 23, Township 5 South, Range 8 East, to the southeast corner of said Section 23; thence

22) North 89°44'09" West 1759.80 feet, along the south line of said Section 23, to the intersection of the south line of said Section 23 with the northeasterly bank of the aforementioned San Joaquin River; thence
23) Meander downstream in a northwesterly direction along the northeasterly bank of said San Joaquin River 40280 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM all that certain real property annexed to the City of Modesto by the Jennings Addition, filed December 30, 1969, in Volume 2308 of Official Records, at Page 377, Stanislaus County Records.

Containing a total of 4689.6 acres, more or less.

Subject to covenants, conditions, restrictions, reservations, rights, rights-of-way, and easements of record.
SECONDARY WASTEWATER TREATMENT PLANT REORGANIZATION
PLAN FOR PROVIDING SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the Secondary Wastewater Treatment Plant Reorganization.

A. The project site is located east of, and adjacent to, the San Joaquin River. The City of Modesto is proposing to annex 15 City owned parcels totaling approximately 4,690 acres. The City of Modesto’s Secondary Wastewater Treatment Facility is located on the subject property. The area proposed to be annexed is not contiguous with the existing City boundaries and would be annexed pursuant to Government Code 56742, which allows for the annexation non-contiguous territory used for wastewater facilities. The annexation does not include the expansion of any onsite facilities. Staff has prepared an Initial Study, Environmental Checklist No. EA/C&ED 2009-19, which concludes that the proposed annexation is within the scope of the Wastewater Master Plan Update Master EIR (SCH No. 2006052076), and that pursuant to Section 21157.1(b) of CEQA, no new environmental review is required. As part of the approval, community facilities and services were analyzed in detail in Initial Study and Finding of Conformance (C&ED No. 2009-19). These services include traffic and circulation, waste water collection, water delivery, storm water drainage, solid waste disposal, schools, parks, fire protection, and police protection. The City of Modesto is a full service city that intends to provide the following services:

1. **Traffic and Circulation:** The external roadway network is already constructed. The operation of some of the facilities could increase the number of vehicle trips to and from the facility site. The facilities require periodic review and maintenance, but would not generate significant levels of new trips. Overall, any increases in traffic generated by operation and maintenance of these facilities would be minimal, and would not result in noticeable increases in traffic on adjacent streets, and operational impacts are expected to be less than significant.

2. **Waste Water Collection:** The area to be annexed is the site of City’s Secondary Wastewater Treatment Plant. The build out of the treatment facilities will not generate additional wastewater. The site will be used to expand the wastewater treatment capacity for the Modesto urban area.

3. **Water Delivery:** The operation of the Secondary Wastewater Treatment Plant would not result in a substantial increase in the demand for water resources, as the collection system would collect and convey wastewater and would not use any water resources. The advanced treatment facilities proposed for the Secondary Plant would provide water that would be suitable for most uses if any water were needed.
4. **Storm Water Drainage:** The site is currently regulated under the Stanislaus County Storm water Program. Annexing this property to the City of Modesto will cause all activities occurring at this site to be subject to the Modesto Municipal Code Storm water Ordinance Title 5, Chapter 10.

5. **Solid Waste Disposal:** The Secondary Treatment Plant does not generate solid waste that needs to be removed offsite. The advanced treatment process at the Secondary Plant generates biosolids, which are discharged to facultative ponds onsite. The City’s Ranch land included in the proposed annexation is designed to accommodate the disposal of all generated solid waste.

6. **Fire Protection:** Upon reorganization, the annexation area will continue to be served by the Mountain View and Westport Fire Protection Districts. The Westport Fire Protection District serves the areas north of West Monte Vista Avenue, and the Mountain View Fire Protection District serves the areas south of West Monte Vista Avenue. Almost all of the structures at the Secondary Plant and Ranch are located north of West Monte Vista Avenue. Response time for fire service calls that emanate from the Secondary Plant and Ranch north of West Monte Vista Avenue range from 8 to 10 minutes during the day and 3 to 4 minutes at night. The fire station that responds to service calls to this portion of the Secondary Plant and Ranch is located at 5160 S. Carpenter Road and is part of the Westport Fire Protection District.

   Response times for fire service calls that emanate from the Secondary Plant and Ranch south of W. Monte Vista Avenue range from 8 to 10 minutes during the day and from 3 to 4 minutes at night. The fire station that responds to service calls from this portion of the Secondary Plant and Ranch is located in the town of Crows Landing at the intersection of Crows Landing Road and W. Main Street and is part of the Mountain View Fire Protection District.

   The two fire protection districts serving the area currently receive property tax revenues; however, these revenues will be discontinued upon annexation. The Westport Fire Protection District receives $1,500.00 in property tax revenues each year, while the Mountain View Fire Protection District receives $6,000.00 each year. The City and the Districts have established separate agreements where the Westport District will invoice the City $1,500.00 each year to compensate for the lost revenues and the Mountain View District will invoice the City $6,000.00 each year. In return, the Districts will continue to provide fire and emergency medical services.

7. **Police Protection:**
   In the event of an in progress emergency call or alarm activation at the subject site, the Stanislaus County Sheriff’s Department will be dispatched as a first responder. If an investigation is necessary, the Modesto Police Department will handle the investigation.
B. **Level and range of services**
The City of Modesto is a full service provider of municipal services and intends to provide the complete service for those areas identified above.

C. **When services be provided?**
The above-described services can be provided upon the effective date of annexation.

D. **Improvements required as a condition of reorganization**
No improvements are required as a condition of reorganization.

E. **How will services be financed?**
Services will be financed through City fees.
MODESTO CITY COUNCIL  
RESOLUTION NO. 2010-345  

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MT. VIEW FIRE PROTECTION DISTRICT FOR THE PROVISION OF FIRE AND LIFE SAFETY SERVICES FOLLOWING THE ANNEXATION OF THE JENNINGS WASTEWATER TREATMENT PLANT LOCATED AT 7007 JENNINGS ROAD TO THE CITY OF MODESTO; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto has submitted a written request to initiate annexing a portion of the Jennings Road Wastewater Treatment Plant, 15 parcels totaling 4,690 acres, to the City of Modesto under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq, and

WHEREAS, the Mt. View Fire District and Westport Fire District are responsible for fire suppression and prevention within the City’s Jennings Road Wastewater Treatment Plant, and

WHEREAS, the Districts are supported by property tax revenues and will lose these revenues when properties are annexed to the City, and

WHEREAS, City and Mt. View Fire District and Westport Fire District agree it is in the best interests of the City and Districts for the territory to continue to receive fire and life safety services from the Districts, and

WHEREAS, City and Mt. View District and Westport Fire District desire to enter into separate Agreements to compensate the Districts for their continued fire and life safety services following the annexation of the territory within City’s Jennings Wastewater Treatment Plant to the City, and
WHEREAS, City and Mt. View Fire District agree it is their intent to insure the
District is compensated for their provision of fire and life safety services within the
Jennings Wastewater Treatment Plant that is subject to annexation to City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves an Agreement between the City of Modesto and the Mt. View Fire
District for compensation for fire and life safety services following the annexation of the
territory within City’s Jennings Wastewater Treatment Plant to the City, as set forth in
Exhibit “A” attached hereto.

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

The foregoing resolution was introduced at a special meeting of the Council of the
City of Modesto held on the 4th day of August, 2010, by Councilmember Hawn, who
moved its adoption, which motion being duly seconded by Councilmember Olsen, 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
Exhibit “A”

Agreement Between the City of Modesto and Mt. View Fire District
AGREEMENT
Between the
CITY OF MODESTO
And
MT. VIEW FIRE DISTRICT

THIS AGREEMENT is made and entered into this \text{14}\text{th} day of \text{April}, 2009 by and between the CITY OF MODESTO (herein "City") and MT. VIEW FIRE DISTRICT (herein "District").

RECITALS

WHEREAS, the City will be annexing land currently used as the City of Modesto Wastewater Treatment Plant located at 7007 Jennings Road which is approximately 4,400 acres; and

WHEREAS, District provides fire protection services for unincorporated properties located within the WWTP; and

WHEREAS, District is supported by property tax revenues and will lose these revenues when properties are annexed to Modesto; and

WHEREAS, the total revenue for the District is $6,000 per year.

NOW, THEREFORE, the parties agree as follows:

1. After the annexation is complete, District will invoice the City annually in January the amount of $6,000 to compensate for the loss of property tax revenue.

2. District will provide Standard Fire Protection Services including fire and EMS at the City of Modesto's Wastewater Treatment Plant Facility.

3. City and District will meet every three years at the request of either the City or the District to review terms of this agreement and make amendments as needed.
4. Any additional District needs requested or required by the City of Modesto, Police Fire Range, will be not be covered under this agreement.

5. City or District may cancel this agreement 90 days notice to the other party.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by and through their respective officers thereunto duty authorized on the date first hereinabove written.

CITY OF MODESTO

By: Greg Nyhoff, City Manager

Date: ______________________

Print Name: Kevin Blount

Date: 4-14-09

APPROVED AS TO FORM AND LEGALITY:

By: ______________________

Roland Stevens, Asst City Attorney

ATTEST:

By: ______________________

Stephanie Lopez, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE WESTPORT FIRE PROTECTION DISTRICT FOR THE PROVISION OF FIRE AND LIFE SAFETY SERVICES FOLLOWING THE ANNEXATION OF THE JENNINGS WASTEWATER TREATMENT PLANT LOCATED AT 7007 JENNINGS ROAD TO THE CITY OF MODESTO; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto has submitted a written request to initiate annexing a portion of the Jennings Road Wastewater Treatment Plant, 15 parcels totaling 4,690 acres, to the City of Modesto under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq, and

WHEREAS, the Westport Fire District and Mt. View Fire District are responsible for fire suppression and prevention within the City’s Jennings Road Wastewater Treatment Plant, and

WHEREAS, the Districts are supported by property tax revenues and will lose these revenues when properties are annexed to the City, and

WHEREAS, City and Westport Fire District and Mt. View Fire District agree it is in the best interests of the City and Districts for the territory to continue to receive fire and life safety services from the Districts, and

WHEREAS, City and Westport Fire District and Mt. View District desire to enter into separate Agreements to compensate the Districts for their continued fire and life safety services following the annexation of the territory within City’s Jennings Wastewater Treatment Plant to the City, and
WHEREAS, City and Westport Fire District agree it is their intent to insure the District is compensated for their provision of fire and life safety services within the Jennings Wastewater Treatment Plant that is subject to annexation to City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement between the City of Modesto and the Westport Fire District for compensation for fire and life safety services following the annexation of the territory within City’s Jennings Wastewater Treatment Plant to the City.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute the Agreement, as set forth in Exhibit “A” attached hereto.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Olsen, 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

(SIGNATURE)

APPROVED AS TO FORM:

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

Agreement Between the City of Modesto and Westport Fire District
AGREEMENT
Between the
CITY OF MODESTO
And
WESTPORT FIRE DISTRICT

THIS AGREEMENT is made and entered into this ___ day of ________, 2009
by and between the CITY OF MODESTO (herein “City”) and WESTPORT FIRE DISTRICT
(herin “District”).

RECITALS

WHEREAS, the City will be annexing land currently used as the City of Modesto
Wastewater Treatment Plant located at 7007 Jennings Road which is approximately 4,400 acres;
and

WHEREAS, District provides fire protection services for unincorporated properties
located within the WWTP; and

WHEREAS, District is supported by property tax revenues and will lose these revenues
when properties are annexed to Modesto; and

WHEREAS, the total revenue for the District is $1,500 per year.

NOW, THEREFORE, the parties agree as follows:

1. After the annexation is complete, District will invoice the City annually in
January the amount of $1,500 to compensate for the loss of property tax revenue.

2. District will provide Standard Fire Protection Services including fire and EMS at
the City of Modesto’s Wastewater Treatment Plant Facility.

3. City and District will meet every three years at the request of either the City or the
District to review terms of this agreement and make amendments as needed.

4. City or District may cancel this agreement 90 days notice to the other party.
IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by and through their respective officers thereunto duty authorized on the date first hereinabove written.

CITY OF MODESTO

By: Greg Nyhoff, City Manager

Date: __________________

Print Name: __________________

WEST PORT FIRE DISTRICT

By: Gary Thompson, Fire Chief

Print Name: Gary Thompson

Date: 04/14/09

APPROVED AS TO FORM AND LEGALITY:

By: Roland Stevens, Asst City Attorney

ATTEST:

By: Stephanie Lopez, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-347

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS
REGARDING THE DEDICATION OF RIGHT-OF-WAY ALONG WEST MAIN
STREET, THE FUTURE MAINTENANCE OF JENNINGS ROAD AND
COOPERATION ON FUTURE TRANSPORTATION STUDIES FOR THE SOUTH
COUNTY CORRIDOR; AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE MEMORANDUM OF UNDERSTANDING

WHEREAS, the City of Modesto desires to annex to the City the unincorporated
area that includes the Jennings Wastewater Treatment Plant, and

WHEREAS, the City of Modesto is the owner of approximately 4,793 acres of
real property on which the Jennings Wastewater Treatment Plant was constructed, located
approximately seven miles southwest of the Modesto city limits on the south side of
Keyes Road, West of Vivian Road, and

WHEREAS, a portion of the Jennings Wastewater Treatment Plant totaling 102.7
acres was annexed into the City on December 30, 1969, and

WHEREAS, the City of Modesto has submitted a written request to initiate
annexing the remainder of the Jennings Road Wastewater Treatment Plant, 15 parcels
totaling 4,690 acres, to the City of Modesto under the Cortese-Knox-Hertzberg Local
Reorganization Act of 2000, California Government Code Section 56000, et seq, and

WHEREAS, the proposed annexation adjoins or surrounds sections of Jennings
Road, West Main Street, and

WHEREAS, on August 7, 2009, City of Modesto representatives met with County
of Stanislaus representatives pursuant to Government Code Section 56425(a) to discuss
the proposed sphere amendment and its boundaries, and
WHEREAS, the County of Stanislaus and City of Modesto staffs recognize that it would be mutually beneficial if a single agency operated and maintained the section of Jennings Road adjacent to the Jennings Plant, and

WHEREAS, the City agrees to maintain the approximately 2.8 mile section of Jennings Road north of West Main Street to the north property line of City owned property near the Westport Drain Channel, and

WHEREAS, the County of Stanislaus envisions a future South County Corridor which might traverse the Jennings Wastewater Treatment Plant, and

WHEREAS, the City agrees to grant an irrevocable deed of 27 feet on each side of West Main Street so as to enable future widening and participate in transportation studies for the South County Corridor,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding between the City of Modesto and the County of Stanislaus regarding the dedication of right-of-way along West Main Street, the future maintenance of Jennings Road, and cooperation on future transportation studies for the South County Corridor.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute the Memorandum of Understanding, as set forth in **Exhibit “A” attached** hereto.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Olsen, 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
Exhibit “A”

Memorandum of Understanding
Between the City Of Modesto and Stanislaus County
for the Jennings Treatment Plant
MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY
FOR THE
JENNINGS TREATMENT PLANT

This Memorandum of Understanding is made and entered by and between the City of Modesto (“City”), and the County of Stanislaus (“County”) for the Jennings Treatment Plant, on __________, 2010.

WHEREAS, Jennings Road is a collector street, extending between Service Road and West Main Street, currently located entirely in the unincorporated area of Stanislaus County, operated and maintained by the County Public Works; and

WHEREAS, the City of Modesto desires to annex to the City the unincorporated area that includes the Jennings Treatment Plant; and

WHEREAS, the City of Modesto is the owner of approximately 4,793 acres of real property on which the City’s Jennings Treatment Plant was constructed, located approximately seven miles southwest of the Modesto City limits on the south side of Keyes Road, West of Vivian Road; and

WHEREAS, a portion of the Jennings Treatment Plant totaling 102.7 acres was annexed into the City on December 30, 1969; and

WHEREAS, the City of Modesto has submitted a written request to initiate annexation of the remainder of the Jennings Treatment Plant, 15 parcels totaling 4,690 acres, to the City of Modesto under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq; and

WHEREAS, California Government Code section 56742 allows the annexation of noncontiguous territory which is used by a city for the reclamation, disposal and storage of treated wastewater; and

WHEREAS Government Code section 56428 authorizes any person or local agency to file a written request with the Executive Officer of its Local Agency Formation Commission (“LAFCO”) to amend a sphere of influence; and

WHEREAS, the request to amend the City of Modesto’s sphere of influence and the Resolution of Application are proposed pursuant to California Government Code Sections 56428, 56650, 56654 and 56700; and

WHEREAS, Government Code Section 56650 provides that proceedings to initiate a change of organization to annex additional territory to a City may be initiated by Resolution of Application or Petition; and

WHEREAS, the Property proposed to be annexed is uninhabited, and a description of the boundaries of the subject Property is set forth in Exhibits “A” and “B”, attached hereto and by this reference incorporated herein; and
WHEREAS, the Property is covered by the Master Property Tax Agreement entered into between the County of Stanislaus and the nine cities in its jurisdiction, which was approved by the County Board on February 27, 1996; and

WHEREAS, the proposed Property is not subject to a Williamson Act Agreement, and

WHEREAS, the proposed annexation abuts or surrounds sections of Jennings Road, West Main Street and

WHEREAS, the Stanislaus County and City of Modesto staffs recognize that it would be mutually beneficial if a single agency operated and maintained the entire length of Jennings Road; and

WHEREAS, the Stanislaus County envisions a future South County Corridor which might traverse the City of Modesto Jennings Treatment Plant; and

NOW THEREFORE, the County and City mutually agree as follows:

CITY OBLIGATIONS

1. The City shall cooperate and participate in transportation studies for the South County Corridor.

2. The City shall grant the County an irrevocable deed of land to expand the width West Main Street right-of-way to 110 feet to accommodate future widening to County Standard for a four lane road. The Current recorded right-of-way is 90 feet, so the City will provide ten (10) additional feet on each side of West Main Street as it passes through the annexed area.

3. The City shall maintain, according to Stanislaus County Standards, the section of Jennings Road north of West Main Street to the north property line of city owned property near Westport Drain channel. Maintenance shall be performed on a schedule similar to Stanislaus County road maintenance. This road maintenance will be accomplished with City of Modesto funds.

4. All work completed in the West Main Street right-of-way for the installation of a future recycled water line, shall be done in accordance with County Standards in place at the time the work is commenced.

COUNTY OBLIGATIONS

1. The County shall provide advance notice of County road maintenance in the area of Jennings Road for the purpose of collaboration of effort to maintain Jennings Road at the lowest possible cost.

2. The County shall continue to be fully responsible for all work related to operation, maintenance, repair, and improvements to the section of West Main Street that
passes over the annexed area. This work will be accomplished with County funds.

3. At no cost to the City, the County will allow the City access and use of the right-of-way along West Main Street including the bridge that crosses the San Joaquin River for installation of a future recycled water line.

MISCELLANEOUS PROVISIONS

1. **Additional Documents:** Each party shall, at the request of the other, acknowledge and deliver whatever additional instruments and do such other acts as may be reasonably necessary to carry out the intent and purpose of this Agreement.

2. **Entire Agreement:** This Agreement is the entire agreement of the parties. There are no understandings or agreements pertaining to this Agreement except as are expressly stated in writing in this Agreement or in any document attached hereto or incorporated herein by reference.

3. **Amendment:** Any amendment of this Agreement shall be in writing, signed by both parties hereto.

4. **Negotiated Agreement:** This Agreement has been arrived at through negotiation between the parties. Neither party is to be deemed the party that prepared this Agreement within the meaning of California Civil Code Section 1654.

5. **Indemnity:** Neither party, nor any of its officers or employees, shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by the other party under or in connection with any work delegated to that party under this Agreement. The parties further agree, pursuant to Government Code section 895.4, that each party shall fully indemnify and hold harmless the other party and its agents, officers, employees and contractors from and against all claims, damages, losses, judgments, liabilities, expenses and other costs, including litigation costs and attorney fees, arising out of, resulting from, or in connection with any work delegated to or action taken or omitted to be taken by such party under this Agreement.

6. **Notices:** Any notices required herein shall be in writing and be given personally or by certified mail, return receipt requested, addressed to the respective parties as follows:

To **County:** Stanislaus County Public Works Engineering Division

Attention: Matt Machado
1010 10th Street, Suite 3500
Modesto, CA 95354

To **City:** City of Modesto Public Works Department

Attention: Dennis Turner
1.0 **Counterparts:** This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed to be an original. The counterparts shall together constitute one Agreement.
In WITNESS WHEREOF, the parties have executed this Agreement on the date and year first written above.

COUNTY OF STANISLAUS

Richard Robinson
Chief Executive Officer

CITY OF MODESTO

Greg Nyhoff
City Manager

APPROVED AS TO FORM:
John P. Doering
County Counsel

APPROVED AS TO FORM:
Susana Alcala Wood
City Attorney

By: ____________________________
  Thomas E. Boze
  Deputy County Counsel

By: ____________________________
  Roland R. Stevens
  Assistance City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-348

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE WASTEWATER MASTER PLAN UPDATE MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2006052076): FILING OF AN APPLICATION WITH THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION TO AMEND MODESTO’S SPHERE OF INFLUENCE AND ANNEX 4,690 ACRES, AND AMENDING SECTIONS 33-4-8, 32-4-8, 5-5-8, 4-5-8, 3-5-8, 9-5-8, 10-5-8, 11-5-8, 16-5-8, 15-5-8, 14-5-8, 14-5-8, 22-5-8, 23-5-8 OF THE ZONING MAP OF THE CITY OF MODESTO TO: PREZONE FROM GENERAL AGRICULTURE, A-2-20 TO PLANNED DEVELOPMENT ZONE, P-P-D(592), REZONE FROM LOW DENSITY RESIDENTIAL, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(592) AND AMEND PREZONING FROM PLANNED DEVELOPMENT ZONE, P-P-D(506) TO PLANNED DEVELOPMENT ZONE, P-P-D(592), PROPERTY LOCATED APPROXIMATELY SEVEN MILES SOUTHWEST OF THE MODESTO CITY LIMITS ON THE SOUTH SIDE OF KEYES ROAD, WEST OF VIVIAN ROAD (CITY OF MODESTO)

WHEREAS, on March 13, 2007, by Resolution No. 2007-178, the City Council certified the City of Modesto Wastewater Master Plan Update Master Environmental Impact Report (“Master EIR”) (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, the City of Modesto has proposed filing an application with the Local Agency Formation Commission to amend Modesto’s sphere of influence and annex the Jennings Wastewater Treatment Plant, rezone 103 acres from Low-Density Residential, R-1, to Planned Development Zone, P-D(592), prezone 4,639 acres Planned Development Zone, P-P-D(592), and amend the prezoning for 51 acres from Planned Development Zone, P-P-D(506) to Planned Development Zone, P-P-D(592) to allow for: Structures or grounds operated by a government agency, including but not limited to: wastewater treatment and storage facilities, reclaimed water and bio-solids disposal area, agricultural operations, law enforcement firing range, compost facility and other ancillary uses approved by the City Council, 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 2009-19 (“Initial Study”) reviewed the proposed application for annexation, sphere of influence amendment, rezone to Planned Development Zone P-D(592) and prezone to Planned Development Zone, P-P-D(592), to determine whether the project is within the scope of the project covered by the Wastewater Master Plan Update Master EIR (“Master EIR”), and concluded that the proposed project is within the scope of the Master EIR and will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no new additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines beginning on June 16, 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 July 6, 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 application for annexation, sphere of influence amendment, and prezone to Planned Development Zone, P-P-D(592), 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. 2006052076) 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 special meeting of the Council of the City of Modesto held on the 4th day of August, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Olsen, 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 ALCALÁ WOOD, City Attorney
Exhibit “A”

Initial Study

EA/C&ED No. 2009-19
City of Modesto

Finding of Conformance to
Wastewater Master Plan Update Master EIR:

Initial Study Environmental Checklist
EA/C&ED No. 2009-19

For the proposed:

Jennings Road Secondary Wastewater Treatment Facility
Annexation
(City of Modesto (Applicant))

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

Updated June 11, 2010
City of Modesto
Wastewater Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City’s Wastewater Master Plan Master EIR. This Initial Study Environmental Checklist (“Initial Study”) is used in determining whether Jennings Road Secondary Wastewater Treatment Reorganization is “within the scope” of the project analyzed in the Modesto Wastewater Master Plan Master EIR (Sch# 2006052076) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformity.

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. (State CEQA Guidelines Section 15384)

City staff consulted with appropriate Responsible Agencies and City Departments regarding potential environmental impacts associated with this project. Any significant comments and conditions are incorporated into this Initial Study. The City’s Wastewater Master Plan MEIR (Sch# 2006052076) was also consulted which lists mitigation measures for each area of environmental study.

II. PROJECT DESCRIPTION

A. Title: Jennings Road Secondary Wastewater Treatment Facility Reorganization

B. Address or Location: 7007 Jennings Road, Modesto, CA 95358, property located approximately seven miles southwest of the Modesto City limits on south side of Keyes Road, west of Vivian Road.

Applicant: City of Modesto - Public Works Department, Attn: Nicholas Pinhey
1010 Tenth Street,
P. O. Box 642,
Modesto, CA 95353
D. City Contact Person:

Project Manager: David Wage
Department: Community and Economic Development
Phone Number: (209) 577-5302
E-mail address: dwage@modestogov.com

E. Current County General Plan Designation(s): Agriculture

F. Current Zoning Classification(s): Stanislaus County has zoned the property A-2-40 (General Agricultural); the property is proposed to be prezoned/rezoned to Planned Development Zone, P-D(592).

G. Surrounding Land Uses:
   - North: Agricultural
   - South: Agricultural
   - East: Agricultural
   - West: Agricultural

H. Project Description

A portion of the Jennings Wastewater Treatment Plant (three parcels, 103 acres) was annexed into the City on December 30, 1969. This project includes the annexation of the remainder of the Treatment Plant, 15 parcels totaling 4,690 acres. The area to be annexed is not contiguous with the existing City boundaries and would be annexed pursuant to Government Code 56742, which allows for the annexation non-contiguous territory used for wastewater facilities. The project does not include new development or the expansion of any onsite facilities. The City’s compost facility and the Modesto Police Department firing range are also located on the subject property and would be included in the annexation.

The 103 acres which was annexed into the City in 1969 is zoned Low-Density Residential, R-1. In 1995, the City attempted to annex and prezone 51.1 acres of the Jennings Wastewater Treatment Plant. The Council approved the prezoning of 51.1 acres to P-P-D(506); however, the annexation was not completed. As part of the subject application, the 51.1 acres previously prezoned to P-P-D(506) will be amended to a prezone of P-P-D(592). The 103 acres annexed to the City and zoned R-1, will be rezoned to P-D(592). The remainder of the property, 4638.9 acres will be prezoned Planned Development Zone, P-P-D(592). As a result of these actions, the entire 4,793 acre site will be uniformly zoned P-D(592) following the annexation. P-D(592) will allow the following uses: Structures or grounds operated by a government agency, including but not limited to: wastewater treatment and storage facilities, reclaimed water and bio-solids disposal area, agricultural operations, law enforcement firing range, compost facility and other ancillary uses approved by the City Council.

As part of the annexation application, the Sphere of Influence would be amended to reflect the change in City boundaries.
PROPOSED SITE MAP

(Large-format version of plan attached to Commissioners’ agendas)
I. Other Public Agencies Whose Approval is Required:
Local Agency Formation Commission

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

1. X Within the Scope - The project is within the scope of the Wastewater Master Plan Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. The following items are found to be true:

A. The type of project is described in Chapter III 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 Wastewater Master Plan Master EIR. A mitigated negative declaration will be prepared for the project. The following items are found to be true:

A. The type of project is described in Chapter III 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 Wastewater Master Plan Master EIR. A Focused EIR will be prepared for the project. The following items are found to be true:

A. The type of project is described in Chapter III 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.

[Signatures and dates]
4. Within the Scope Analysis of this Document:

The Wastewater Master Plan Master EIR permits projects to be found within the scope of the MEIR if certain criteria are met. Basically, if the following statements are found to be true for all 20 sections of this Initial Study, then the project was covered by the MEIR analysis and is within the scope of the MEIR. Any “No” response must be discussed.

YES NO

(1) The lead agency for subsequent projects is the City of Modesto or a responsible agency identified in the Master EIR.

(2) City policies which reduce, avoid or mitigate environmental effects, will continue to be in effect and therefore would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template.

(3) Federal, State, Regional and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).

(4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.

(5) The project will occur within the boundaries of the planning area as established in the Wastewater Master Plan.

(6) Development within the project will comply with all mitigation measures identified in the Wastewater Master Plan Master EIR.

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed sections 1 through 20 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 discussed.

YES NO

(1) Certification of the Wastewater Master Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.

(2) This project was 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.

(3) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.

(4) 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.
IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the Wastewater Master 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 Wastewater Master Plan 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 a notice of conformity after completion of the Initial Study fulfills the City’s obligation in that situation.

All environmental effects cited reflect buildout of the project as identified in the MEIR.

The Master EIR for the Wastewater Master Plan organizes its analysis of environmental impacts into eleven subject areas plus Effects Found Not to be Significant (and additional five topics). The following analysis is based on the impact analyses contained in Chapter IV of the Master EIR.

1. AESTHETICS (Visual Resources)

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. At that level of detail, no significant effects on Visual Resources were identified. This topic is discussed in Chapter 4.1 of the MEIR

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

No mitigation measures for this topic are identified in the MEIR. Any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

c. Project-Specific Effects

Section IV.I of the MEIR provides analysis of Visual Resources 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 MEIR.

Determination of project effects will be based on the following thresholds. A project-specific effect is less than significant unless:

<table>
<thead>
<tr>
<th>Threshold</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Wastewater Master Plan.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(2) The project would have a substantial adverse effect on a scenic vista or scenic resources.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(3) The project would substantially degrade the existing visual character or quality of the project site and its surroundings.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(4) The project would create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area.</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
Discussion:

This project was anticipated and is consistent with the Modesto Wastewater Master Plan. The project is limited to the annexation, rezoning/prezoning and sphere of influence amendment to include the Jennings Road Secondary Treatment Plant. There are no new buildings or facilities are proposed in conjunction with the project.

2. AGRICULTURAL RESOURCES

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.B of the MEIR.

The Master EIR identified the following significant environmental impacts relative to agricultural lands:

**Effect:** Construction of the Phase IA tertiary treatment facilities at the Secondary Plant would directly result in the permanent loss of Prime Farmland (Significant and Unavoidable).

**Effect:** Construction of the proposed project components within the Planned Urbanizing Area would result in the cumulative loss of Prime Farmland (Significant and Unavoidable).

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

Agricultural Land mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages IV.B.8 and IV.B.11 of the MEIR. All feasible measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

c. Project-Specific Effects

Section IV.B of the MEIR provides analysis of Agricultural Lands 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 MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
(1) The project is inconsistent with the Modesto Urban Area General Plan and/or the
Modesto Wastewater Master Plan. □ X

(2) The project will directly result in the development of land outside the Modesto
Urban Area General Plan planning area boundaries. □ X

(3) The project will conflict with existing zoning for agricultural use, or a Williamson
Act contract. □ X

(4) The project will involve other changes in the existing environment which, due to
their location or nature, could result in additional conversion of Farmland to non-
agricultural use. □ X

Discussion:

(1) The proposed annexation is consistent with the Modesto Wastewater Master Plan.

(2) The project area is located outside of the Modesto Urban Area General Plan; however no new
development will occur in conjunction with the proposed annexation. The project is consistent
with General Plan Policy III-C1(e), which calls for the annexation of the Secondary Treatment
Plant.

(3) Secondary Treatment Plant site is currently zoned A-2-40 (General Agricultural) in the County.
The City will pre-zone the property P-P-D, which will allow for public buildings or grounds
operated by a government agency. The existing Secondary Plant and its associated agricultural
operations would be allowed to continue. The subject property is not Subject to a Williamson
Act Contract.

(4) No new development will occur in conjunction with the proposed annexation.

3. AIR QUALITY

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the
policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic
is discussed in Chapter IV.G of the MEIR.

The Master EIR identified the following significant environmental impacts relative to air quality:

Effect: Emissions of criteria pollutants during construction of wastewater system improvements would
contribute to existing violations of the ambient air quality standards in the region (Significant and
Unavoidable).

Effect: Emissions of criteria pollutants during the operation of the proposed wastewater system
improvements would contribute to existing violations of the ambient air quality standards in the region
(Significant and Unavoidable).
Effect: The Wastewater Master Plan Update would accommodate growth that would cause direct and cumulatively considerable air quality impacts identified in the Modesto Urban Area General Plan (Significant and Unavoidable).

Effect: The wastewater treatment facilities would cause a cumulatively considerable net increase of pollutants for which the San Joaquin Valley is designated as nonattainment (Significant and Unavoidable).

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

Air Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages IV.G.16 through IV.G.28 of the MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

c. Project-Specific Effects

Section IV.G of the MEIR provides analysis of Air 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 MEIR.

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>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
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</tbody>
</table>

1. The project does not incorporate the best management practices for air pollutant reduction established by the SJVUAPCD.

2. The project does not comply with the air quality policies of the Modesto Urban Area General Plan.

3. The project would expose sensitive receptors to substantial pollutant concentrations.

4. The project would create objectionable odors affecting a substantial number of people.

Discussion:

Annexation of this property was anticipated in and is consistent with the Modesto Wastewater Master Plan EIR. The annexation will not have an impact on air quality. Future projects related to the waste facility will require further environmental review. Development projects must comply with General Plan policies and rules established by the San Joaquin Valley Unified Air Pollution Control District for reducing air quality impacts.
4. BIOLOGICAL RESOURCES

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.E of the MEIR.

The Master EIR identified the following significant environmental impacts relative to Biological Resources.

Effect: Construction of project facilities along the Tuolumne River adjacent to the Primary Plant, or in other riparian areas, could damage the habitat of the Valley Elderberry Longhorn Beetle (Less than Significant with Mitigation).

Effect: Construction of project facilities could cause loss of occupied Burrowing Owl habitat (Less than Significant with Mitigation).

Effect: Construction of project facilities could cause disturbance of nesting raptors (Less than Significant with Mitigation).

Effect: Construction of project facilities could cause impacts to biological resources and regulated habitats of Dry Creek (Beard Brook and of the Tuolumne River (Less than Significant with Mitigation).

Effect: Construction of project facilities or development facilitated by construction of project facilities could cause loss of Swainson’s Hawk foraging habitat (Less than Significant with Mitigation).

Effect: Construction during the Swainson’s Hawk breeding season could result in the accidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment (Less than Significant with Mitigation).

Effect: Construction of improvements to the Secondary Plant may cause impacts to regulated habitats (Less than Significant with Mitigation).

Effect: Microtunneling could cause impacts to riparian habitats under the jurisdiction of the California Department of Fish and Game and/or the U.S. Army Corps of Engineers (Less than Significant with Mitigation).

Effect: Growth facilitated by the project would result in cumulative loss of Swainson’s Hawk and Burrowing Owl habitat (Less than Significant with Mitigation).

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

Biological Resources mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages IV.E.25 through IV.E.37. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.
c. Project-Specific Effects

Section IV.E of the MEIR provides analysis of Biological Resources 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 MEIR.

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

1. The project is inconsistent with the Modesto Wastewater Master Plan. □ YES □ NO
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 special status species. □ YES □ NO
3. The project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. □ YES □ NO

Discussion:

Annexation of this property was anticipated in and is consistent with the Modesto Wastewater Master Plan EIR. The proposed annexation will not result in the disturbance of any biological resources. Future projects on the Secondary Wastewater Treatment Facility site will be subject to additional environmental review.

5. CULTURAL RESOURCES

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.L (pp. IV.L.10-13) of the MEIR.

The Master EIR identified no significant environmental impacts relative to Cultural Resources.

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

No Cultural Resources mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project

Discussion:

The Secondary Treatment Plant was built in 1969 and none of the buildings on the site are listed on any local state of federal registers. The proposed project would not involve the demolition or alteration of any historic architectural resource. The Secondary Plant is located along the San Joaquin River, a sensitive riparian corridor; however the proposed annexation would not have a significant impact on any cultural resources. No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.
c. Project-Specific Effects

Section IV.L (pp. IV.L.10-12) of the MEIR provides analysis of Cultural Resources impacts of development of the Wastewater Master 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 MEIR.

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

1. The project is inconsistent with the Modesto Wastewater Master Plan.
2. The project would adversely affect a cultural (historical or archaeological) resource pursuant to § 15064.5.
3. The project would directly or indirectly destroy a unique paleontological resource or site, or disturb any human remains, including those interred outside of formal cemeteries.

Discussion:

Annexation of this property was anticipated in and is consistent with the Modesto Wastewater Master Plan EIR. No development is proposed in conjunction with the proposed project. The project will not have an impact on any cultural resources and any future project will be subject to additional environmental review.

6. GEOLOGY AND SOILS

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.L of the MEIR

The Master EIR identified no significant environmental impacts relative to Geology and Soils.

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

No Geology and Soils mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.
c. Project-Specific Effects

Section IV.L (pp. IV.L.7-9) of the MEIR provides analysis of Cultural Resources impacts of development of the Wastewater Master 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 MEIR.

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

YES  NO
(1) The project is inconsistent with the Modesto Wastewater Master Plan.    X
(2) The project would be located on soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

Discussion:

The project is consistent with the Modesto Wastewater Master Plan. There are no known active faults in the Modesto area and the land slope is very slight. No new facilities or structures are proposed as a part of this project. All future facilities will be constructed in accordance with the Uniform Building Code and would incorporate seismic principles and site-specific geologic data.

7. HAZARDS AND HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.J and IV.K of the MEIR.

The Master EIR identified no significant environmental impacts relative to hazardous materials.

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

Hazard and Hazardous Materials mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages IV.K.11 through IV.K.15. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

c. Project-Specific Effects

Section IV.J and IV.K of the MEIR provides analysis of hazardous materials and contaminated soils and Demolition impacts of development of the Master 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 MEIR.
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>Number</th>
<th>Description</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The project is inconsistent with the Modesto Wastewater Master Plan.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2</td>
<td>The project does not comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>3</td>
<td>The project contains a contaminated site not identified as of March 2003.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>4</td>
<td>The 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>X</td>
</tr>
<tr>
<td>5</td>
<td>The 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>X</td>
</tr>
</tbody>
</table>

Discussion:

The proposed project does not involve the use of additional chemicals or include the expansion of new facilities. There are no significant impacts, which are not mitigated by existing policies and regulations.

8. HYDROLOGY AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.D of the MEIR

The Master EIR identified the following significant environmental impacts relative to Hydrology and Water Quality:

Effect: Excavation and construction activities could cause erosion and/or result in chemical releases causing degradation of water quality in nearby surface water and/or groundwater bodies (Less than Significant with Mitigation).

Effect: Elimination of the cross-connections between the stormwater drainage system and the wastewater collection system could result in localized flooding (Less than Significant with Mitigation).

Effect: Implementation of the proposed project at a rate that does not match projected growth may result in an incremental increase in operation-period surface water quality degradation due to the deficient effluent disposal system (Significant and Unavoidable).

Effect: Implementation of the proposed project may result in operation-period surface water degradation due to pollutant loading associated with treated wastewater discharges (Significant and Unavoidable).

Effect: Implementation of the proposed project may result in operation-period surface water degradation during daily operations and/or during flooding of the Primary Plant and sludge drying area (Significant).
Effect: The project would include construction activities within the San Joaquin River channel and on nearby levees and would include placement of a permanent structure in the San Joaquin River channel. These activities could affect river flow patterns and degrade water quality (Less than Significant with Mitigation).

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

Hydrology and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages IV.D.26 through IV.D.41 of the MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

c. Project-Specific Effects

Section IV.D of the MEIR provides analysis of Hydrology and Water Quality impacts of development of the Master 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 MEIR.

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

YES  NO

1. The project is inconsistent with the Modesto Wastewater Master Plan.  □ X
2. The project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act. □ X
3. The project does not comply with Modesto’s Guidance Manual for New Development Storm water Quality Control Measures. □ X
4. The project would create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. □ X

Discussion:

The proposed project is consistent with the Modesto Wastewater Master Plan. The project will not have an impact on the current operation of the plant or cause a conflict with federal or state law. The project will not result in increased runoff.
9. LAND USE AND PLANNING (Land Use, Plans, and Policies)

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.A of the MEIR.

The Master EIR identified no significant environmental impacts relative to Land Use and Planning.

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

No Land Use and Planning mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less than significant unless:

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

Discussion:

The project site includes the established Secondary Wastewater Treatment Facility, an area specifically set-aside in the City’s plans for this use. General Plan Policy III-C1(e), specially calls for the expansion and annexation of the Secondary Treatment Plant. Portions of the site are currently within the jurisdiction of Stanislaus County, which broadly designated the area as Agriculture in its General Plan and zones the site A-2-40 (General Agriculture). The City is proposing to annex the site, amend its sphere of influence and pre-zone the site (P)P-D, Planned Development Zone. The P-D zone will allow for the operation of the Secondary Plant as well as public buildings or grounds operated by a government agency. The existing secondary treatment plant is consistent with this zoning designation.
10. MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.L (p. IV.L.8) of the MEIR.

The Master EIR identified no significant environmental impacts relative to Land Use and Planning.

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

No Mineral resources mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

c. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less than significant unless:

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

(1) The project is inconsistent with the Modesto Wastewater Master Plan. ☐ X
(2) The project would result in the loss of availability of a known mineral resource, either locally important or of regional/statewide significance. ☐ X

Discussion:

There is no development associated with the proposed project. Future projects on the site will require additional environmental review.

11. NOISE

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.H of the MEIR.

The Master EIR identified the following significant environmental impacts relative to Noise:

Effect: Construction of the proposed project facilities could cause substantial, though intermittent and short-term, increases in noise levels, which would add to noise levels predicted by the City’s General Plan MEIR and the County General Plan (Less than Significant with Mitigation).
Effect: The proposed project would support cumulative development that could increase noise levels in areas where noise levels exceed, or would exceed, the noise and land use compatibility guidelines adopted by the City of Modesto and/or Stanislaus County, or the noise performance standards set by the City and County (Significant and Unavoidable).

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

Noise mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages IV.H.9 through IV.H.9 13 of the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

c. Project-Specific Effects

Section IV.H of the WIEIR provides analysis of noise impacts of development of the Master 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 MEIR.

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>Threshold</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(2) The project will exceed the noise policies of the Modesto Urban Area General Plan.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(3) The project will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(4) The project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

There are no new facilities proposed in conjunction with the project. Future projects on the site will require additional environmental review.
12. POPULATION AND HOUSING

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.L (p. IV.L.13) of the MEIR.

The Master EIR identified no significant environmental impacts relative to population and Housing.

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

No Population and Housing mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

c. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less than significant unless:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

- (1) The project is inconsistent with the Modesto Wastewater Master Plan and/or the Modesto Urban Area General Plan.

Discussion:

There are currently less than a total of five ranch employees living in the two residential buildings on the Secondary Wastewater Treatment site. The project will not provide capacity for new growth of population. The area to be annexed is remote from any existing housing developments and will not result in the displacement of persons on or off site.

13. COMMUNITY SERVICES: PARKS, SCHOOLS, POLICE, AND FIRE

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.C and IV.L (p. IV.L.1-5) of the MEIR.

The Master EIR identified no significant environmental impacts relative to Community Services.
b. Master EIR and/or New Mitigation Measures Applied to the Project

No Community Services mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

The annexation area will continue to be served by the Mountain View and Westport Fire Protection Districts. The Modesto Police Department has indicated that it is able to provide adequate service to the subject site without additional staffing, as industrial property does not require substantial additional policing.

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

c. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less than significant unless:

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

(1) The project is inconsistent with the Modesto Wastewater Master Plan and/or the Modesto Urban Area General Plan.  

Discussion:

The proposed annexation is a public infrastructure project within the context of the established Secondary Wastewater Treatment Facility and it will have no impact on parks or schools. The project is consistent with General Plan Policy III-C1(e), which calls for the expansion and annexation of the Secondary Treatment Plant.

14. TRANSPORTATION/TRAFFIC (Transportation)

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplatred as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.F of the MEIR.

The Master EIR identified the following significant and unavoidable traffic impacts:

Effect: The Wastewater Master Plan Update would accommodate growth that would cause direct and cumulatively considerable traffic impacts identified in the Modesto Urban Area General Plan (Significant and Unavoidable).
b. Master EIR and/or New Mitigation Measures Applied to the Project

Traffic and Circulation mitigation measures that are pertinent to this project are found on MEIR pages IV.F.12. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

c. Project-Specific Effects

Section IV.F of the MEIR 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 previously analyzed in the MEIR.

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

1. The project is inconsistent with the Modesto Wastewater Master Plan and/or the Modesto Urban Area General Plan.
2. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
3. Result in inadequate emergency access.

Discussion:

The project is consistent with General Plan Policy III-C1(e), which calls for the expansion and annexation of the Secondary Treatment Plant. The proposed annexation is a public infrastructure project within the context of the established Secondary Wastewater Treatment Facility and will not generate a significant number of new trips. The Wastewater MEIR included the subject site. No new or additional mitigation measures or alternatives are required for the project.

15. UTILITIES AND SERVICES SYSTEMS: WATER SUPPLY, SANITARY SEWER, STORM DRAINAGE, SOLID WASTE, ENERGY

a. Significant Effects Identified in the Master EIR

The significant effects described in the subject areas contained in the Master EIR are based on the policies, programs, and projects contemplated as part of the Modesto Wastewater Master Plan. This topic is discussed in Chapter IV.L (p. IV.L.5, 9-10) of the MEIR.

The Master EIR identified no significant environmental impacts relative to Community Services.
b. Master EIR and/or New Mitigation Measures Applied to the Project

No Community Services mitigation measures pertinent to the project being analyzed in this Initial Study are included in the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

The site is currently regulated under the Stanislaus County Stormwater Program. Annexing this property to the City of Modesto will cause all activities occurring at this site to be subject to the Modesto Municipal Code Stormwater Ordinance Title 5, Chapter 10. No mitigation measures from the MEIR are required to be applied to the project. No new or additional measures or alternatives are required for the project.

c. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less than significant unless:

1. The project is inconsistent with the Modesto Wastewater Master Plan and/or the Modesto Urban Area General Plan.

Discussion:

There is no new development proposed in conjunction with this project. The annexation will not result in the need for additional solid waste, wastewater or storm water facilities. The Turlock Irrigation District serves the Secondary Wastewater Treatment Plant with electricity. No new or additional measures or alternatives are required for the project.

15. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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:

YES NO

(1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan. ☐ X

(2) The proposed project would result in average automobile trip lengths or CO₂ emissions higher than those assumed in the Master EIR. ☐ X

(3) The proposed project would conflict with the Sustainable Communities Strategy that the Air Resources Board has agreed will achieve the goals of AB 32. ☐ X

Discussion:

(1-2) The proposed project includes the annexation of an existing wastewater treatment plant. There is no new development or expansion proposed as part of this project. The project does not conflict with any General Plan Policies related to climate change and would not result in a greater number of automobile trip lengths or CO₂ emissions.

(3) A Sustainable Communities Strategy has not yet been implemented by the ARB. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.
V. MITIGATION MEASURES APPLIED TO THE 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 CEQA Section 21157.1 (c), in order for a Finding of Conformance to be made, all feasible measures from the Master EIR appropriate to the project shall be incorporated into the project. The following adopted Master EIR Mitigation Measures shall be made part of the 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 specific thresholds defined for each environmental category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against those thresholds set forth in the Master EIR for all applicable categories in this Initial Study.

A Mitigated Negative Declaration or EIR shall be prepared for the project and the additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Aesthetics/Visual Resources Measures:

None.

Agricultural Resources Measures:

None.

Air Quality Measures:

None.

Biological Resources Measures:

None.

Cultural Resources Measures:

None.

Geology and Soils Measures:

None.
Hazard and Hazardous Materials Measures:
None.

Hydrology and Water Quality Measures:
None.

Land Use and Planning Measures:
None.

Mineral Resources Measures:
None.

Noise Measures:
None.

Public Services Measures:
None.

Transportation/Traffic Measures:
None.

Utility and Service System Measures:
None.
RESOLUTION APPROVING THE COMMUNITY DEVELOPMENT REVOLVING LOAN PROGRAM STRATEGIES INCLUDING AUTHORIZING THE COMMUNITY DEVELOPMENT REVOLVING LOAN COMMITTEE TO REVIEW AND APPROVE LOANS OF UP TO $100,000 DOLLARS AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS RELATED THERETO AND DIRECT STAFF TO RETURN IN SIX MONTHS WITH A STATUS REPORT ON THIS PROGRAM

WHEREAS, the City’s Strategic Plan calls for the implementation of activities which promote business opportunities and economic development, and

WHEREAS, City staffs working with the Alliance have developed strategies for an Community Development Revolving Loan Program, and

WHEREAS, the creation and retention of jobs is an economic development activity which is eligible for Community Development Block Grant funding when certain criteria are met, and

WHEREAS, the City proposes to utilize the Community Development Block Grant funding to create and retain jobs of which at least fifty-one percent (51%) will be made available to low and moderate income Modesto residents,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Community Development Revolving Loan Program Strategies described in Exhibit A, and hereby authorizes the Community Development Revolving Loan Committee to approve loans of up to $100,000 dollars and authorizes the City Manager to execute the necessary documents related thereto. Staff is further directed to return to Council in six months with a status report on the program and further recommendations on adoption of Program Guidelines.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2010, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALÁ WOOD, City Attorney
CITY OF MODESTO COMMUNITY DEVELOPMENT (CD) REVOLVING LOAN FUND

LOANS TO BUSINESSES

Background: As businesses and markets go through transition their borrowing needs often do not meet traditional lenders requirements. The purpose of the City-sponsored Community Development (CD) Revolving Loan Fund is to help meet these needs when a qualifying public policy purpose is also being achieved. Ideally these funds can be leveraged through other resources, to expand the total amount of funds and/or other resources available to the businesses. It is expected that some of the resources leveraged will include “Technical Assistance” in addition to other lenders. Programs like this have traditionally averaged over 4:1 leverage from other funding sources.

It is anticipated that as businesses grow, they will need to work with new lenders and/or acquire additional assets that would not be covered or funded through this loan program; it is understood at times that lien positions may need to be altered either for collateral or position to facilitate new capital needs. The debt may be subordinate to another lenders debt, but not debt of a principal.

Key Public Policy Objectives that are part of this program include:

- Increased employment, with an emphasis on targeted socio-economic groups that meet the criteria defined under federal Department of Housing & Urban Development (HUD) guidelines.
- Increased economic activity, through the addition, expansion or retention of employers.
- Increased economic diversity, as new companies may expand the services available in the local/regionally area.

BORROWER ELIGIBILITY

Target Companies: Small businesses operating within the City of Modesto’s sphere of influence with a priority placed on companies owned by disadvantaged groups, and/or located in or employing people residing in low income census tract areas.

FINANCIAL CRITERIA

Profitable with positive trends: This would be net income after interest and depreciation expenses, positive trends do not require sales to be increasing if profitability or cash available to service debt is improving. A decline in sales should be noted and explained though.

Adequate Cash Flow: This is based on cash available to service debt, or net income after taxes and owner distributions, plus depreciation, amortization, and interest expense; compared to the past and/or projected debt service. The threshold for adequate is 1:1, with a plan to exceed 1.5:1, where X: Y is X=projected debt payments (annually) and Y=cash available to service debt (annually.) If adverse trends are present an alternative plan should be prepared. Nonrecurring/One time items should be excluded or adjusted from the calculations. An aggregate cash flow of borrower and guarantors may be used to support the request.
Positive Tangible Net Worth: Tangible assets, less debt. Intangible assets include debt to shareholder(s). Consideration should be given to assets that are under or overvalued in the balance sheet, e.g. accelerated depreciation of equipment, real estate, obsolete inventory, etc.

Alternative Plan: If the above levels are not currently being achieved, a reasonable plan for the accomplishment of the following should be part of the loan request:

Profitability: Positive net income.

Adequate Cash-Flow: Funds available to service debt to cover projected debt service 1.25x or more for producing assets or 1.5x or more to one for non-producing assets. (May be consolidated with guarantor(s) at goal of 1.75x.)

Positive Tangible Net Worth: Reaching positive or within conventional lending guidelines.

**LOAN TERMS**

Project Amount: $25,000 or more.

Loan Amount: $25,000 or more, with emphasis given to loans that leverage other resources.

Loan Types: Term Loans: Maturity from 1-7 years, amortization to begin within 12 months from note date, e.g. interest only for a period of up to one year. Repayment based on amortization of up to 10-years, unless longer term/amortization required by the Small Business Administration (SBA) if leveraged transaction with other funds. Funding may be done in stages, by month. Payment deferrals and interest rate adjustments may be considered on a case-by-case basis.

Short Term (in lieu of a line of credit)

Interest Rate: Pricing in accordance with type of request, generally Wall Street Journal Prime plus 3% floating, a fixed rate may be approved on a case-by-case basis. A rate floor of 7.25% and cap of 18% will apply after the pilot stage. The rate may increase after a period of time, to encourage borrowers to move to traditional financing as they progress (thus allowing other companies to benefit from the lending program.) The rate structure should be noted in the loan summary. Interest payments are meant to grow the program and provide future leverage of resources for other companies.

Interest Rate -Pilot Period/Intro Rate:

The rate may be reduced during an initial period to meet other public policy goals and/or during the pilot stage to accomplish program goals or compensate for the pilot nature of the program.

Page 2 of 5
Origination Fee: 2% origination fee, with a $250.00 minimum, and documentation fee of $250.00 will apply for standard loan documents. Any and all third-party fees, UCC, and legal fees to be reimbursed by the borrower. This can be reimbursed or deducted from the loan proceeds.

**LOAN PURPOSES**

Expansion of Business: An existing business growing through acquiring new equipment, purchase of or expanding or remodeling building space, or to otherwise expand their productive capacity. (Loan term/amortization generally mirrors SBA guidelines, e.g. an amortization of 7-10 years or less, with an exception for the purchase of a building/facility that can be amortized over 30 years and due in 10 years to meet SBA requirements.) If loan purpose is leasehold improvements-term should mirror lease terms or be properly mitigated.

Working Capital: Help provide long-term working capital injection for an existing business. This would be with the intent to retain or increase jobs.

Business Start-up: In rare circumstances, the loan program may entertain requests for business start-up loans. Investors/Principals should have a material intellectual and equity investment in the business, and previous business experience. Ideally the business experience should be in a directly or closely related field. If a company has been in business for less than 12 months, it is considered a start-up. For business start-ups the principals’ recent credit history should be superior, with no unexplained slow payments within the last 24-months. Over 2 unrelated 30-day late accounts in the last 12 months would be considered a significant adverse factor and require mitigation.

Projections should be properly vetted and supported when compared to favorable industry standards.

Management: Adequate experience should be in place to cover the management of the business as determined by Committee based on relevant industry standards.

Size of Business: Generally annual revenues of $10 million per year or less, or meeting the SBA size definition of a small business for their classification. Revenue is generally based on the historical facts (taxes), if a company has an adverse change during the current tax year that would create eligibility the exception can be reviewed on a case-by-case basis.

Type of Business: Initially for profit businesses are eligible, non-profit businesses can be reviewed on a case-by-case basis with emphasis given to impact on employment. The business must operate legally within the laws of California and at the location it operates.

Operating History: For all uses except business start-up, the business should have been in business for over 12 months prior to the date of application.

Financial Criteria: The following are minimum criteria for eligible businesses:

1) Must be profitable with positive trends;
2) Must have and maintain an adequate cash flow;
3) Must possess a positive tangible net worth.
In the event these conditions are not present, applicants shall demonstrate a reasonable plan to achieve these conditions preferably within the first 12-24 months to be provided as part of the approval process. Ideally the loans should be collateralized by collateral. Preference is given to companies that can margin the collateral (Loan to value of under 80%, or less.)

Credit Bureau(s) should be in the file and explanation of any derogatory items noted in the file. See special criteria under Business Start-up regarding credit.

Loans from principals to the business should be subordinated to the Loan(s), these are then considered equity.

Annual updates should be provided, with comments about progress towards the financial goals. Key ratios to observe and monitor are: debt service coverage based on funds flow [(net income after taxes, plus depreciation, amortization and interest) divided by debt payments], positive tangible net worth and profitability. This should be reviewed by City staff and placed in the loan file. The number of employees should be tracked on an annual basis, for employers with seasonal variations, peak and minimum employment can be noted to track progress.

**Collateral:** A filing on Business assets should be taken (UCC Filing Statement.) Ideally the collateral should be adequate to cover the value of the loan. In the alternative, a plan to reach proper collateralization should be identified in the plan. These will vary depending on relevant industry standards.

**Technical Assistance:** All companies using the program services should have already been involved with Technical Assistance, such as a Small Business Development Center or related program/provider.

**Repayment:** In the event of difficulty reaching financial objectives for debt service coverage, payments may be reduced to interest only requiring the execution of a new agreement.

**CD Loan Committee:** An approval committee shall review and approve loan requests with the limit of $100,000, or other amount as otherwise designated by the City Council. The committee shall be comprised with at least one primary representative from the City Council, Citizens Housing & Community Development Committee, City staff, and a community resource, such as the Stan Alliance or the Alliance Small Business Development Center or a Certified Development Company. Alternate members may vote in the absence of the primary member. Loans in excess of the committee approval limit would require ratification by the City Council. A City staff member shall be designated to act as Secretary to certify approval facts. The Secretary may be a voting committee member. A dissenting voter may provide an explanation, but is not required to. If a request is not approved or recommended by the committee the request may be appealed to the Council.

A majority vote of the Committee is required for approval. Approvals and modification requests must be made in writing and delivered in-person to the Parks, Recreation, & Neighborhoods Director. A written record of the approval should be kept and certified by the Secretary. City staff will provide regular and periodic updates to the City Council on any loan activity.

**Subordination Requests:** It is expected as participating companies expand they would need additional lending/funding, other lenders may need to be senior on collateral. Subordination and requests to
exchange collateral can be approved by the CD Loan Committee. Repayment may be allowed, in lieu of owner’s draw/salary to cover living expenses-to reduce income taxes due. Limits may be placed on the total payments to principals for this purpose.

**Collections:** In the event of a payment default, collection may be turned over to a third-party. Collections generally would be handled by City staff.

**LOAN SUMMARY**

The following criteria should be captured in a loan summary:

- How funding will be used to hire or retain low to moderate income qualified employees under Department of Housing and Urban Development (HUD) guidelines.


- Financial operating results: Areas of strength and mitigation for weaknesses-Primary source of repayment.

- Financial balance sheet review: Key assets and liabilities, secondary source of repayment is generally from balance sheet sources.

- Additional notes regarding management/principals.

- Loan terms and collateral: Rate, repayment, and related items.

- Recap: Why the loan does not work conventionally, resources being leveraged—including from principals, strengths and weaknesses-recommendation. Future Conditions/results that would increase or decrease risk profile.

**APPENDIX**

**Committee Members:**

Council Representative: A primary and at least one alternate member shall be designated and approved by the City Council.

Staff Representative: A primary and at least one alternate member shall be designated by the Department Directors over Community & Economic Development and Parks, Recreation & Neighborhoods

Community Resource Representative: A primary and alternate member shall be designated and affirmed by the Citizens Housing & Community Development Committee.

Committee Members should excuse her/himself if any conflict of interest is present.
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-350

RESOLUTION APPROVING A LOAN AGREEMENT BETWEEN THE CITY OF MODESTO AND MIKE PYLE, DOING BUSINESS AS AMERICAN METAL FABRICATORS, UNDER THE COMMUNITY DEVELOPMENT REVOLVING LOAN PROGRAM IN THE AMOUNT OF $150,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE LOAN AGREEMENT AND ASSOCIATED DOCUMENTS

WHEREAS, the City’s Strategic Plan calls for the implementation of activities which promote business opportunities and economic development, and

WHEREAS, City staffs working with the Alliance have developed strategies for a Community Development Revolving Loan Program, and

WHEREAS, the creation and retention of jobs is an economic development activity which is eligible for Community Development Block Grant funding when certain criteria are met, and

WHEREAS, the City proposes to utilize the Community Development Block Grant funding to create and retain jobs of which at least fifty-one percent (51%) will be made available to low and moderate income Modesto residents, and

WHEREAS, American Metal Fabricators requests a loan of $150,000 and proposes to utilize these funds to retain four employees who have been qualified as low and moderate income Modesto residents and to hire one additional qualified employee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Loan Agreement between the City of Modesto and American Metal Fabricators in the amount of $150,000.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to execute the Loan Agreement and any associated documents.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2010, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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