A RESOLUTION APPOINTING KATE TROMPETTER TO THE CITY OF MODESTO CULTURE COMMISSION

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

WHEREAS, the Economic Development Committee met on January 11, 2010, and recommended appointment of Kate Trompetter to the Culture Commission.

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

SECTION 1. Kate Trompetter is hereby appointed to the Culture Commission with a term expiration of January 1, 2014.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 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: ____________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ____________________________

SUSANNA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2010-049

RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE FURNISHING OF DISCING AND FLAIL MOWING SERVICES FOR THE PARKS, RECREATION & NEIGHBORHOODS DEPARTMENT, PARK OPERATIONS DIVISION, TO AM PM FARMS, CROWS LANDING, 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 $46,076, AND OVER FIVE (5) YEARS OF $230,380

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB’s) for discing and flail mowing services, and

WHEREAS, the Purchasing Division issued RFB No. 0910-07 Discing and Flail Mowing Services to twenty-three (23) prospective bidders, fourteen (14) of which were local companies, 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. Six (6) companies chose to respond, two (2) of which were local companies. All six (6) 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 furnishing of discing and flail mowing services for the Parks, Recreation & Neighborhoods Department, Park Operations Division, to AM PM Farms, Crows Landing, 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 $46,076, and over five (5) years of $230,380, 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 furnishing of discing and flail mowing services for the Parks, Recreation & Neighborhoods Department, Park Operations Division, to AM PM Farms, Crows Landing, CA, conforms to the Modesto Municipal Code,

WHEREAS, sufficient funds are budgeted in Fiscal Year 2009-10 in Appropriation Unit: 0100-350-3522-0235,

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 furnishing of discing and flail mowing services for the Parks, Recreation & Neighborhoods Department, Park Operations Division, to AM PM Farms, Crows Landing, CA, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City.

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 $46,076, and over five (5) years of $230,380.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

(Seal)

APPROVED AS TO FORM:

By: ____________________________

SUSAN ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-050

A RESOLUTION ACCEPTING A CALIFORNIA EMERGENCY MANAGEMENT AGENCY ANTI-DRUG ABUSE PROGRAM GRANT IN THE AMOUNT OF $469,176 FOR THE STANISLAUS DRUG ENFORCEMENT AGENCY TO COMBAT MAJOR DRUG TRAFFICKING AND MANUFACTURING, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, the Modesto Police Department applied for funding from the California Emergency Management Agency (Cal EMA) for the Stanislaus Anti-Drug Task Force, and

WHEREAS, the Stanislaus Anti-Drug Abuse Enforcement Program is part of the Stanislaus Drug Enforcement Agency (SDEA), and

WHEREAS, this program will integrate federal, state, and local law enforcement agencies, prosecutors, and probation officers for the purpose of enhancing inter-agency coordination and intelligence and facilitating multi-jurisdictional investigations to combat major drug trafficking and manufacturing, and

WHEREAS, the SDEA has been a recipient of the Cal EMA grant for the past 19 years, and

WHEREAS, the grant is used to pay for personnel and needed equipment within the SDEA, and

WHEREAS, the SDEA is responsible for compliance with all regulations pertaining to the Cal EMA grant, including all reporting requirements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the California Emergency Management Agency Anti-Drug Abuse
Enforcement Program grant in the amount of $469,176 for the Stanislaus Drug Enforcement Agency to combat major drug trafficking and manufacturing.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NUMBER 2010-051

A RESOLUTION AMENDING THE FISCAL YEAR 2009/2010 MULTI-YEAR BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES OF $469,176 FROM THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY FOR THE STANISLAUS DRUG ENFORCEMENT AGENCY TO COMBAT MAJOR DRUG TRAFFICKING AND MANUFACTURING

WHEREAS, the Modesto Police Department applied for funding from the California Emergency Management Agency (Cal EMA) for the Stanislaus Drug Enforcement Agency (SDEA), and

WHEREAS, the Stanislaus Anti-Drug Abuse Enforcement Program is part of the SDEA, and

WHEREAS, this program will integrate federal, state, and local law enforcement agencies, prosecutors, and probation officers for the purpose of enhancing inter-agency coordination and intelligence and facilitating multi-jurisdictional investigations to combat major drug trafficking and manufacturing, and

WHEREAS, the SDEA has been a recipient of the Cal EMA grant for the past 19 years, and

WHEREAS, the grant is used to pay for personnel and needed equipment within the SDEA,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2009/2010 Multi-Year Budget to appropriate revenues and expenditures of $469,176 from the California Emergency Management Agency for the Stanislaus Drug Enforcement Agency as indicated in the attached Budget Adjustment, which is incorporated by reference herein.
BE IT FURTHER RESOLVED that the Director of Finance, or his 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 2nd day of February, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Contact Person: Julie Hendee
Telephone No.: 572-9518
Department: Finance

Fund Title: 8850 - SDEA

<table>
<thead>
<tr>
<th>Fund-Agency-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/ (Decrease)</th>
<th>Revised Budget</th>
<th>Description of Object</th>
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<tr>
<td>FROM</td>
<td></td>
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<td></td>
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<td>TO</td>
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<td>8850-190-1974-3501</td>
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<td>$469,176</td>
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<td>8850-190-1974-3702</td>
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<td>($227,001)</td>
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<td>$480,702</td>
<td>Contributions-In-Kind</td>
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APPROPRIATIONS

FROM

TO

8850-190-1974-0181  1974-A $116,731 $116,731 Salary Adjustment - Increase
8850-190-1974-0191  1974-A $52,445 $52,445 Benefits Adjustment - Increase

$169,176

TRANSFERS BETWEEN FUNDS

FROM

TO

COMMENTS/JUSTIFICATION

This budget adjustment amends the adopted MY budget for FY 2009-10 in Org. 8850-190-1974 - SDEA Grant to increase the amount of the grant award from the estimated $300,000 to $469,176 in revenue object 3501 - Federal Grant - OCJP, and appropriates offsetting expenses for salaries (Object 0181) and benefits (Object 0191) covered by the grant. This increase provides for the reduction of contributions-in-kind in the amount of $227,001 in revenue object 3702. These actions will align revenues with expenses in the budget with those programmed in the grant application.

AUTHORIZED (check if required)

PUBLIC SAFETY BUSINESS SERVICES ANALYST  SIGNATURE  DATE
1/14/2010

DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT

(ALLOCATION OF DEPT APPR TO LINE-ITEM LEVEL)

FINANCE DIRECTOR

(TRANSFERS TO/FROM INTERNAL SERVICE CHARGES)

(CITY MANAGER)

(APPROPRIATION OF UNBUDGETED DEPT REVENUES)

(TRANSFERS INTO PERSONNEL SERVICES)

TRANSFER NO.:__________________

BY:__________________ DATE:__________________

PW: AT winterfund Template 7/28/2005
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-052

A RESOLUTION APPROVING AN AGREEMENT WITH URS CORPORATION DBA URS CORPORATION AMERICAS (URS) FOR DESIGN SERVICES FOR THE INSTALL NEW WELL IN TIVOLI PROJECT IN AN AMOUNT NOT TO EXCEED $72,510 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $7,251 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $79,761, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Tivoli Well will be one of the two new wells proposed in the Northeast area of the City as part of the required infrastructure identified in the Tivoli Development Specific Plan (Final Report dated May 9, 2008), and

WHEREAS, the well is necessary for future growth and development in the Tivoli area as well as the City water system as a whole, and

WHEREAS, the purpose of this well is to provide additional water for increased pressure, fire flow requirements and redundancy, and

WHEREAS, the consultant for this project, URS, employs a state-certified hydrogeologist who will provide technical expertise and lead the design and development of new standards and specifications for construction of a test hole for groundwater monitoring and source aquifer identification, and

WHEREAS, if good quality water is found, a Preliminary Design Report will be prepared for Council at a later date and a full-scale production well construction will be recommended, and

WHEREAS, on April 7, 2009, by Resolution No. 2009-149, the City Council approved a short-list of hydrogeologists to be used on a rotating, as-needed basis, consisting of the following firms: Brown & Caldwell, URS, and West Yost Associates, Inc., and
WHEREAS, in compliance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, three Request For Proposals (RFP) were sent to the consultants on the short-list, and

WHEREAS, three proposals were received, and subsequently reviewed by the Selection Committee which consisted of Public Works Engineering and Water Operations staff, and

WHEREAS, the Selection Committee determined that URS is the most qualified to prepare the design of the Install New Well in Tivoli project, and

WHEREAS, City staff recommends approving an Agreement with URS as the City does not have the staffing level or subject matter expertise to provide design services for the Install New Well in Tivoli 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 URS Corporation dba URS Corporation Americas for design services for the Install New Well in Tivoli project in an amount not to exceed $72,510 for the identified scope of services, plus $7,251.

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 2nd day of February, 2010, by Councilmember Lopez,
who moved its adoption, which motion being duly seconded by Councilmember Geer,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPOINTING BRAD DE LA CRUZ AS AN ALTERNATE TO THE CITY OF MODESTO ENTERTAINMENT COMMISSION

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

WHEREAS, the Safety & Communities Committee met on February 1, 2010, and recommended appointment of Brad de la Cruz to the Entertainment Commission.

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

SECTION 1. Brad de la Cruz is hereby appointed as an Alternate to the Entertainment Commission with a term expiration of January 1, 2014.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed alternate member of the Entertainment Commission, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature] SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-054

RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF TOM HALLINAN FROM THE LANDMARK PRESERVATION COMMISSION

WHEREAS, Tom Hallinan was appointed a member of the Landmark Preservation Commission, and

WHEREAS, Tom Hallinan has tendered his resignation from the Landmark Preservation Commission and

NOW, THEREFORE, BE IT RESOLVED that the resignation of Tom Hallinan from the Landmark Preservation Commission be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 9th day of February, 2010, by Councilmember Marsh, 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]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-055

A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE MCHENRY-BRIGGSMORE REAL ESTATE INVEST GROUP COMMERCIAL PROJECT LOCATED AT THE SOUTHWEST CORNER OF BRIGGSMORE AND MCHENRY AVENUES, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $153,413.00

WHEREAS, the McHenry-Briggsmore Real Estate Invest Group (Developer), is the developer of the commercial project located at the southwest corner of Briggsmore and McHenry Avenues (Project), and

WHEREAS, all required improvements (Public Improvements) by Developer have been completed to the satisfaction of the Utility Planning and Projects Department, and

WHEREAS, the Construction Administration Office of the Utility Planning and Projects Department has verified that all required Public Improvements for the Project have been satisfactorily completed, and all inspection fees have been paid, and

WHEREAS, upon acceptance of the Public Improvements, the Utility Planning and Projects Department will assume maintenance responsibilities,

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

1. The Public Improvements for the Project are hereby accepted, and the City Clerk is hereby authorized to file a Notice of Completion for the Public Improvements.

2. The City Clerk is hereby authorized to release the construction bond in the amount of $225,000.00 upon recordation of the Notice of Completion.
3. Payment to Developer is hereby authorized in the amount of $153,413.00 per the terms of the Capital Facilities Fees Right-of-Way and Improvement Reimbursement Agreement no later than thirty (30) days after acceptance of the Public Improvements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: __________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2010-056

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BY AND BETWEEN THE CITY OF MODESTO, THE COUNTY OF MERced, CITY OF MERced, MERced COUNTY ASSOCIATION OF GOVERNMENTS, COUNTY OF STANISLAUS, CITY OF TURLOCK, STANISLAUS COUNCIL OF GOVERNMENTS, SAN JOAQUIN REGIONAL RAIL COMMISSION, SAN JOAQUIN COUNTY, CITY OF STOCKTON, CITY OF LODI, CITY OF MANTECA, SAN JOAQUIN REGIONAL TRANSIT DISTRICT, SAN JOAQUIN COUNCIL OF GOVERNMENTS, COUNTY OF SACRAMENTO, CITY OF SACRAMENTO, CITY OF ELK GROVE, CITY OF GALT, SACRAMENTO REGIONAL TRANSIT AND SACRAMENTO AREA COUNCIL OF GOVERNMENTS FOR THE HIGH SPEED RAIL MERced TO SACRAMENTO WORKING GROUP

WHEREAS, the City of Modesto, the County of Merced, City of Merced, Merced County Association of Governments, County of Stanislaus, City of Turlock, Stanislaus Council of Governments, San Joaquin Regional Rail Commission, County of San Joaquin, City of Stockton, City of Lodi, City of Manteca, San Joaquin Regional Transit District, San Joaquin Council of Governments, County of Sacramento, City of Sacramento, City of Elk Grove, City of Galt, Sacramento Regional Transit and Sacramento Area Council of Governments (the “Parties”) share the goal of improving and increasing passenger rail service interconnecting their communities and the regions, and

WHEREAS, the Parties have been working together since February 2007 on a planning study to determine the feasibility of commuter rail service between Merced and Sacramento, and

WHEREAS, California voters approved Proposition 1A, the Safe, Reliable High Speed Passenger Train Bond Act of November 4, 2008, requiring that the California High Speed Rail Authority (CHSRA) prepare a plan and design for the high speed rail (HSR)
system, conduct environmental studies, obtain necessary permits, and undertake the
coloration and operation of a high-speed train network in California, and

WHEREAS, included in the CHSRA work is planning for HSR service between
Merced and Sacramento and a complementary and connecting service between the
Central Valley and the Bay Area along the Altamont Corridor, with CHSRA acting as a
lead agency in preparing project level environmental impact reports (EIR’s) for each
corridor, and

WHEREAS, it is in the best interest of the Parties and CHSRA to coordinate the
desires for high speed rail and for regional rail service into one planning effort, and to the
extent possible, identify one ultimate Corridor with layered services, and

WHEREAS, CHSRA has agreed to incorporate the regional services concept into
the overall planning and environmental process in order to streamline and coordinate the
service development, provided there is an active and committed regional partner, and

WHEREAS, CHSRA is preparing a project level Environmental Impact
Report/Environmental Impact Statement (“EIR/EIS”) for the Merced to Sacramento High
Speed Train section of the proposed high speed rail system, and

WHEREAS, CHSRA’s Notice of Preparation discloses that the downtown
Modesto site will be surveyed in the Bay Area to Central Valley EIR/EIS, and

WHEREAS, pursuant to Policy V.6.K of the Modesto Urban Area General Plan,
the City of Modesto encourages and supports the development of a high speed rail
corridor through the San Joaquin Valley and the development of a high speed and
regional rail station within the City, and
WHEREAS, on January 12, 2010, the City Council, by motion, took action supporting high-speed and regional passenger rail in downtown Modesto, and

WHEREAS, downtown Modesto is the preferred location for a HSR station, based as follows:

- HSR station in downtown Modesto along the Union Pacific corridor is best suited to serve the largest communities and the most heavily traveled transportation corridor within Stanislaus County, including Turlock and Ceres, as well as communities on the west side of the County, including Patterson and Newman, improving ridership and reducing automobile trips.

- HSR station in downtown Modesto will encourage investment in the existing city, especially in downtown.

- Goal 3 of the Modesto Redevelopment Master Plan encourages higher density, mixed use development in downtown Modesto to create a balanced, vibrant downtown and active neighborhood centers, which supports the development of rail transit.

- HSR station in downtown will encourage transit-oriented development and mixed-use development within downtown Modesto.

- HSR station in downtown will complement the existing bus station/service that exists in downtown Modesto, providing an excellent opportunity to collocate interregional and regional rail service at the same location.
WHEREAS, it is the intent of the City of Modesto to engage in planning and financing of a high speed and regional rail station in downtown Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding by and between the Parties for the High Speed Rail Merced to Sacramento Working Group.

BE IT FURTHER RESOLVED that the Council hereby supports a High Speed and Regional Rail station in downtown Modesto.

The foregoing resolution was introduced at the regular meeting of the Council of the City of Modesto held on the 9th day of February, 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]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2009-2010 ANNUAL BUDGET

WHEREAS, a monthly financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for Fiscal Year 2009-2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the Fiscal Year 2009-2010 budget have been adjusted as shown in Exhibit A, which is incorporated by reference herein.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following votes:

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 ALCALA WOOD, City Attorney
EXHIBIT A

FINANCE

In review of the multi-year transfers for Fiscal Year 2009-10, it was discovered that transfers from the General Fund to the Great Gang Resistance Education & Training, Safe Neighborhood Grants Program and Annual Slurry Seal organizations were budgeted in error. This budget adjustment removes the specified amounts from the individual organizational budgets, and decreases the transfer budget in the General Fund.

TRANSFERS BETWEEN FUNDS

FROM:
General Fund Transfer to Fund 0410 0100-700-2903-7041 ( 53,245)
General Fund Transfer to Fund 0410 0100-700-2905-7041 (100,000)
General Fund Transfer to Fund 0700 (320,000)

TO:
Transfer In From General Fund 0410-700-2903-9010 ( 53,245)
Transfer In From General Fund 0410-700-2905-9010 (100,000)
Transfer In From General Fund 0700-700-4380-9010 (320,000)

In addition to the budget adjustment referenced above, $2,657 of the transfer amount budgeted in error to the Great Gang Resistance Education & Training is needed to cover a shortfall in this grant. This budget adjustment transfers the monies needed to cover the Great Gang Resistance Education & Training grant shortfall from General Fund Reserves.

APPROPRIATIONS

FROM:
General Fund Reserves 0100-800-8000-8003 ( 2,657)

TO:
Operation Grant Reserves 0410-800-8000-8003 2,657

TRANSFERS BETWEEN FUNDS

FROM:
General Fund Transfer to Fund 0410 0100-700-2905-7041 2,657

TO:
Transfer In From General Fund 0410-700-2905-9010 2,657
In Fiscal Year 2008-09 the City received $1,776,620 in Prop 42 funds. Due to the State’s economic situation, only $904,204 of the Prop 42 funds was budgeted. This budget adjustment recognizes the remaining Prop 42 funds in sub-fund 0720, which was set-up to monitor the spending of Prop 42 funds.

**REVENUES**

TO:  
Prop 42 Sub Fund (S.T.F.)  
0720-430-4620-3230  
872,416

In Fiscal Year 2008-09 the City received $3,364,421 in Prop 1B funds. Due to the State’s economic situation, only $1,844,126 of the Prop 1B funds was budgeted. This budget adjustment recognizes the remaining Prop 1B funds in sub-fund 0710, which was set-up to monitor the spending of Prop 1B funds.

**REVENUES**

TO:  
Surface Transportation Prop 1B Funds  
0710-430-4360-3203  
1,520,295  
Interest  
0710-430-4360-6101  
14,000

Each year the General Fund must fulfill a Maintenance of Effort (MOE) requirement in support of Streets and Roads. A transfer from the General Fund was made in the amount of $2,007,175. The actual amount required for Fiscal Year 2009-10 is $1,687,175. This budget adjustment reduces the transfer by $320,000.

**TRANSFERS BETWEEN FUNDS**

FROM:  
Transfer from General Fund to Fund 0700  
0100-700-4380-7070  
( 320,000)

TO:  
Transfer in From General Fund  
0700-700-4380-9010  
( 320,000)

This budget adjustment will direct the Maintenance of Effort (MOE) transfers from the General Fund to a sub-fund (0750) of the Surface Transportation Fund. MOE funds must be spent in accordance with the rules of Proposition 42. Therefore, the sub fund has been established to monitor where these funds are spent.

**TRANSFERS BETWEEN FUNDS**

FROM:  
Transfer from General Fund to Fund 0700  
0100-700-4612-7070  
( 367,175)  
Transfer from General Fund to Fund 0700  
0100-700-4622-7070  
( 389,400)
Transfer from General Fund to Fund 0700 0100-700-4724-7070 (930,600)
Transfer from General Fund to Fund 0750 0100-700-4650-7075 1,687,175

TO:
Transfer in From General Fund 0700-700-4612-9010 (367,175)
Transfer in From General Fund 0700-700-4622-9010 (389,400)
Transfer in From General Fund 0700-700-4724-9010 (930,600)
Transfer in From General Fund 0750-700-4650-9010 1,687,175

This budget adjustment completes the transfer from the Special Gas Tax Fund (0700) to the Forestry Division, Organization 4712, in the General Fund (0100). A Special Gas Tax Sub Fund (0730) has been established for future transfers.

**TRANSFERS BETWEEN FUNDS**

FROM:
Transfer From Fund 0700 to General Fund 0100 0700-700-4712-7010 (852,200)

TO:
Transfer in From Fund 0700 0100-700-4712-9070 (852,200)

**HUMAN RESOURCES**

In Fiscal Year 2007-08 the property insurance payment was inadvertently posted to the General Liability Fund instead of the Property Insurance Fund. This budget adjustment corrects the posting and reimburses the General Liability Fund.

**TRANSFERS BETWEEN FUNDS**

FROM:
Transfer Out to General Liability 7340-700-7000-7733 295,529

TO:
Transfer in From Property Insurance 7330-700-7000-9734 295,529

**PARKS, RECREATION AND NEIGHBORHOODS**

The initial funding allocated from CDBG Carryover for the accessible play equipment, accessible ramps, etc. for Cesar Chavez, Robertson Road and Mellis parks is being reduced. Expenses are not expected to exceed $300,000 as later determined by the project manager.

**REVENUES**
FROM:
CDBG Carryover (50,000)

**APPROPRIATIONS**

FROM:
ADA Accessibility Projects - Construction (57,653)
1130-320-3237-6040
ADA Accessibility Projects - Contingency (35,000)
1130-320-3237-6050

TO:
ADA Accessibility Projects – Engineering 3,000
1130-320-3237-6010
ADA Accessibility Projects – City Construction Forces 20,000
1130-320-3237-6041
ADA Accessibility Projects – Construction Administration 18,000
1130-320-3237-6060
CDBG - Contingency Reserves 51,653
1130-800-8000-8003

The Parks, Recreation and Neighborhoods Department are requesting the establishment of a new multi-year organization to recognize revenues received through private donations. Donations are received throughout the fiscal year which requires appropriating expenses for multi-year projects. Such as, park maintenance, programs and special events. This budget adjustment recognizes new revenue from Stanislaus Community Foundation and allocates these funds within the items mentioned above.

**REVENUES**

TO:
Donation Revenue 18,256
1400-310-3143-8107

**APPROPRIATIONS**

TO:
Park Fund – Postage 100
1400-310-3143-0201
Park Fund – Printing/Binding 200
1400-310-3143-0205
Park Fund – Services Professional & Other 5,000
1400-310-3143-0235
Park Fund – Service Credit Expense 12,956
1400-310-3143-0255

As a pilot project, the Parks, Recreation & Neighborhoods Department will provide, over the next six months, coordinated management of both the Graffiti Abatement Program and Partners in Paint. To fund this pilot through the end of FY 2009-10, it is necessary to allocate $12,300 from the General Fund Reserves. These funds will cover increasing the allocation of one Recreation Coordinator from ¾ time to full-time ($7,250); fleet charges ($2,646); and supply
storage ($2,400). If the pilot project is successful, it is anticipated that the annual expense for
FY 2010-11 would be approximately $40,000.

**APPROPRIATIONS**

FROM:
General Fund Reserves 0100-800-8000-8003 ( 12,296)

TO:
Salary Adjustment – Increase 7,250
0100-370-3712-0281
Equipment Pool and Rental Maintenance 2,646
0100-370-3712-0218
Tool, Shop and Field Supplies 2,400
0100-370-3712-0308

In the Fall of 2009 the Central Valley endured severe storm conditions with high winds that
caused extensive damage to city trees. This left excessive amounts of debris in city streets and
required staff to work extended hours to remove the debris. In an effort to maintain the Solid
Waste Division diversion rate, Solid Waste has agreed to fund the Forestry Division overtime
expense caused by this storm. This budget adjustment is reflective of the agreement.

**REVENUE**

TO:
Forestry Division Service Credit Revenue 37,800
0100-350-4712-4909

**APPROPRIATIONS**

FROM:
Solid Waste Fund Reserves 0310-800-8000-8003 ( 37,800)

TO:
Solid Waste Service Credit Expense 37,800
0310-355-4402-0255
Community Forestry Overtime Expense 37,800
0100-350-4712-0130

The Solid Waste Division manufactures compost which is then sold to the general public. This
budget adjustment transfers funds from Solid Waste Reserves to Part-Time Labor to cover the
expense related to the sale of compost at the Senior Citizens Center.

**APPROPRIATIONS**

FROM:
Solid Waste Fund Reserves 0310-800-8000-8003 ( 1,800)
TO:
Salary & Wages Part-Time
0310-355-4402-0140

PUBLIC WORKS
Capital Improvement Projects allocated to growth are eligible for reimbursement from the Water Development Fund. This budget adjustment transfers funds from the Water Development Fund to Capital Improvement Projects for expenses in Fiscal Year 2008-09, and through November in Fiscal Year 2009-10.

APPROPRIATIONS

FROM:
Water Development Fund Reserves
6101-800-8000-8003

TRANSFERS BETWEEN FUNDS

FROM:
Transfer Out to Water Fund
6101-700-7000-7610

TO:
Transfer in From Water Development Fund
6180-700-7000-9610

This budget adjustment reduces an over appropriation in Capital Improvement Project W425-Downstream Improvements Primary in the amount of $16,312,435. The original Council item from June 2006 was to issue bonds for Water Downstream Improvement in October 2006 and December 2007. However, the December bond was not issued. The appropriation needs to reflect amount needed by the original bond issued in 2006 and the refunding (to lower interest rates) in 2008.

APPROPRIATIONS

FROM:
Downstream Improvements Primary
6180-430-W425-6052

TO:
Water Fund Capital Improvement Project Reserves
6180-800-8000-8003

This budget adjustment is necessary to close Capital Improvement Project E520-SR219 Project Coordinator Services Secondary-E330, and return the used funds back to Gas Tax Reserves as the project is complete.
FROM:
Capital Improvement Project E520-SR219 Project Closure 2370-160-E520-8014 ( 5,054)

TO:
Gas Tax Reserves 2370-800-8000-8003 5,054

TRANSFERS BETWEEN FUNDS

FROM:
Transfer Out to Capital Grants Gas Tax 0700-700-E520-7237 ( 5,054)

TO:
Transfer in From Gas Tax Fund 2370-700-E520-9070 ( 5,054)
MODesto City Council
Resolution No. 2010-058

Resolution Authorizing the City Manager, or His Designee, to Submit an Application for Statewide Park Program Grant Funds for the Implementation of the Mancini Park Renovation Project

Whereas, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Program, setting up necessary procedures governing the Application, and

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

Whereas, the applicant will enter into a contract with the State of California to complete the grant scope project,

Now, Therefore, Be It Resolved by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to file an application for Statewide Park Program Grant Funds for the implementation of the Mancini Park Renovation project, and

1. Certifies that said applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project, and

2. Certifies that the applicant has or will have sufficient funds to operate and maintain the project(s), and
3. Certifies that the applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide, and

4. Delegates the authority to the City Manager, or their designee, to conduct all negotiations, sign and submit all documents; including, but not limited to, applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope, and

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(S E A L)

APPROVED AS TO FORM:

By: [Signature]

SUSANNA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN APPLICATION FOR STATEWIDE PARK DEVELOPMENT PROGRAM FUNDS FOR THE THURMAN SOCCER FIELD IMPROVEMENTS PROJECT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE APPLICATION AND ALL RELATED DOCUMENTS

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Program, setting up necessary procedures governing the Application, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves filing an application for Statewide Park Development Program Funds for the Thurman Soccer Field Improvements Project, and

1. Certifies that said applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project, and

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

3. Certifies that the applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide, and
4. Delegates the authority to the City Manager, or his designee, to conduct all
negotiations, sign and submit all documents, including, but not limited to,
applications, agreements, amendments, and payment requests, which may be
necessary for the completion of the grant scope, and

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

The foregoing resolution was introduced at a regular meeting of the Council of the
City of Modesto held on the 9th day of February, 2010, by Councilmember Lopez, who
moved its adoption, which motion being duly seconded by Councilmember Marsh, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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. 2010-060

A RESOLUTION ACCEPTING THE WORK BY APPELLATE JOHNSTON, INC. FOR THE “T-HANGER L CONSTRUCTION AT THE MODESTO CITY – COUNTY AIRPORT 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 $623,906.72

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the T-Hanger L Construction at the Modesto City – County Airport Project has been completed by Applegate Johnston, Inc. in accordance with the contract agreement dated January 6, 2009,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “T-Hanger L Construction at the Modesto City – County Airport Project” is hereby accepted as complete from said contractor Applegate Johnston, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and that payment of amounts totaling $623,906.72 is authorized as provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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. 2010-061

A RESOLUTION APPROVING AN AGREEMENT WITH O’DELL ENGINEERING, INC. FOR DESIGN SERVICES FOR WEST AND CENTRAL BASIN EROSION CONTROL, VILLAGE ONE #2 CFD NO. 2004-1 PROJECT IN AN AMOUNT NOT TO EXCEED $58,490 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $5,849 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $64,339, AND AUTHORIZING THE DISTRICT ADMINISTRATOR, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, as part of the Village One Facilities Plan, the City of Modesto had two large detention basins designed and constructed to accommodate the storm runoff in the newly developed areas in the Village One Community Plan Development (CPD) in East Modesto, and

WHEREAS, the Central Basin is located on Merle Avenue, near the intersection of Merle Avenue and Dermond Road, and has a storage capacity of 50 acre-feet, and

WHEREAS, the West Basin is located on Bear Cub Lane, between Hillglen Avenue and Kodiak Drive, and has a storage capacity of 70 acre-feet, and

WHEREAS, each basin has a 16-foot access road around the perimeter and a pump station, and

WHEREAS, the access road and pump station pad are causing issues on the adjacent basin walls, which are suffering from sheet and rill erosion, and

WHEREAS, this storm runoff is breaking up the soil, degrading the walls and in many areas, causing concentrated flow paths, and

WHEREAS, the sediment from the walls is deposited at the bottom of each basin, which results in additional maintenance, and
WHEREAS, in compliance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Landscape Architectural and Engineering Services for Capital Projects, five (5) Request for Proposals (RFPs) were sent to design firms, and

WHEREAS, the proposals were submitted and subsequently reviewed by the Selection Committee which consisted of Utility Planning and Projects, Parks, Recreation & Neighborhoods, and Public Works - Wastewater Operations staff, and

WHEREAS, following the proposal reviews, the Selection Committee determined that O’Dell Engineering, Inc. is the most qualified to prepare the design of West and Central Basin Erosion Control, and

WHEREAS, City staff recommends approving an Agreement with O’Dell Engineering, Inc. as the City does not have the staffing level or subject matter expertise to provide design services for the West and Central Basin Erosion Control 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 O’Dell Engineering, Inc. for design services for the Design Services for West and Central Basin Erosion Control, Village One #2 CFD No. 2004-1 project in an amount not to exceed $58,490 for the identified scope of services, plus $5,849 for additional services (if needed), for a maximum total amount of $64,339.

BE IT FURTHER RESOLVED that the District Administrator, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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. 2010-062

A RESOLUTION APPROVING THE RE-APPOINTMENT OF TED BRANDVOLD AS THE 2010 PLANNING COMMISSION REPRESENTATIVE TO THE BOARD OF ZONING ADJUSTMENT

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

WHEREAS, the Planning Commission met on January 25, 2010, and recommended the re-appointment of Ted Brandvold as its representative to the Board of Zoning Adjustment,

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

SECTION 1. Ted Brandvold is hereby re-appointed as the 2010 Planning Commission representative to the Board of Zoning Adjustment, with a term expiration of January 1, 2011.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Board of Zoning Adjustment, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2010, by Councilmember Lopez, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-063

A RESOLUTION REAPPOINTING PATRICIA GILLUM AS THE 2010 PLANNING COMMISSION REPRESENTATIVE TO THE CITIZENS REDEVELOPMENT ADVISORY COMMISSION

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

WHEREAS, the Planning Commission met on January 25, 2010, and recommended the re-appointment of Patricia Gillum as its representative to the Citizens Redevelopment Advisory Commission,

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

SECTION 1. Patricia Gillum is hereby re-appointed as the 2010 Planning Commission representative to the Citizens Redevelopment Advisory Commission, with a term expiration of January 1, 2011.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Citizens Redevelopment Advisory Commission, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 2\textsuperscript{nd} day of March, 2010, by Councilmember Lopez, 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:

\textbf{AYES}: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen,
Mayor Ridenour

\textbf{NOES}: Councilmembers: None

\textbf{ABSENT}: Councilmembers: None

\textbf{ATTEST}: \underline{STEPHANIE LOPEZ, City Clerk}

(SEAL)

\textbf{APPROVED AS TO FORM}:

By: \underline{SUSANA ALCALA WOOD, City Attorney}
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-064

A RESOLUTION APPOINTING CHRIS TYLER AS THE 2010 PLANNING COMMISSION REPRESENTATIVE TO THE CIP TASKFORCE

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

WHEREAS, the Planning Commission met on January 25, 2010, and recommended reappointment of Chris Tyler as its representative to the CIP Taskforce,

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

SECTION 1. Chris Tyler is hereby appointed as the 2010 Planning Commission representative to the CIP Taskforce, with a term expiration of January 1, 2011.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the CIP Taskforce, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2010, by Councilmember Lopez, 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]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-065

A RESOLUTION APPOINTING STEVE CARTER AS THE 2010 PLANNING COMMISSION REPRESENTATIVE TO THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

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

WHEREAS, on January 25, 2010, the Planning Commission recommended Steve Carter as its representative to the Citizens Housing & Community Development Committee,

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

SECTION 1. Steve Carter is hereby appointed as the 2010 Planning Commission representative to the Citizens Housing & Community Development Committee, with a term expiration of January 1, 2011.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Citizens Housing & Community Development, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2010, by Councilmember Lopez, 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
RESOLUTION APPROVING THE APPOINTMENT OF BILL ZOSLOCKI, RICHARD TATOYAN, DUKE LEFFLER, JAN MARIE ENNENGA, RICK DAHLSEID, SANDRA LUCAS, MARSHALL RIDDLE, DEBORAH RIGGS, DAVID WRIGHT (ALTERNATE), CITY MANAGER OR DESIGNEE, DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT, INFRASTRUCTURE FINANCE PROGRAM ADMINISTRATOR, DIRECTOR OF UTILITY PLANNING AND PROJECTS AND DIRECTOR OF FINANCE TO THE COMPREHENSIVE FEE TASK FORCE

WHEREAS, on November 23, 2009, the Finance Committee approved the formation of the Comprehensive Fee Task Force for the purpose of coordinating all development related fee proposals and aligning all fee structures with the goals and policies of the General Plan and Strategic Plan, and

WHEREAS, the motion included an application process for the Citizen-at-Large positions and the Commercial Broker position, and

WHEREAS, the Economic Development Committee held a special meeting on January 7, 2010 to review and consider appointments to the Task Force, and

WHEREAS, a total of 23 applications were received for consideration, and

WHEREAS, interviews for the Commercial Broker and Citizen-at-Large appointments were conducted by the Economic Development Committee on January 19, 2010 and January 21, 2010, and

WHEREAS, at the conclusion of the interviews, the Economic Development Committee made a motion to recommend to the City Council the following changes to the Task Force:

- Increased the Citizens-at-Large appointments from three to four
- Added one Citizen-at-Large Alternate appointment
- Removed the Finance Committee appointment
- Confirmed staff appointments as active participants with non-voting status
WHEREAS, the Economic Development Committee made a motion to recommend the following appointments to the Task Force:

Bill Zoslocki: Building Industry Association (BIA) representative.
Richard Tatoyan: Construction Industry Liaison Committee (CILC) representative
Duke Leffler: Commercial Broker
Jan Marie Ennenga: Manufacturer's Council representative
Rick Dahlseid, Sandra Lucas, Marshall Riddle, Deborah Riggs: Citizens-at-Large:
David Wright: Alternate Citizen at Large
City Manager or designee (Non-voting)
Director of Community and Economic Development (Non-voting)
Infrastructure Finance Program Administrator (Non-voting)
Director of Utility Planning and Projects (Non-voting)
Director of Finance (Non-voting)

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

SECTION 1. Bill Zoslocki, Richard Tatoyan, Duke Leffler, Jan Marie Ennenga, Rick Dahlseid, Sandra Lucas, Marshall Riddle, Deborah Riggs and David Wright (Alternate), City Manager or designee, Director of Community and Economic Development, Infrastructure Finance Program Administrator, Director of Utility Planning and Projects and Director of Finance are hereby appointed to the Comprehensive Fee Task Force.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Comprehensive Fee Task Force, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2010, by Councilmember Lopez, 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]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION EXTENDING THE CONTRACT FOR THE FURNISHING OF UNIFORM AND LAUNDRY SERVICES FOR CITYWIDE USE WITH PRUDENTIAL OVERALL SUPPLY CO., FRESNO, CA, FOR EIGHTEEN (18) MONTHS AT THE CURRENT CONTRACT TERMS, FOR AN ESTIMATED ANNUAL COST OF $105,945

WHEREAS, Article 22 of the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Employees Association (MCEA) requires the City to provide uniforms and laundry service for Non-Sworn City employees, and

WHEREAS, in addition to the above, the City is required to provide coveralls, pants and rain gear for certain employees, dependent upon classification, and

WHEREAS, the City also provides uniforms for certain classifications of Management and Confidential Employees, including Electrical Supervisor, Land Surveyor, Maintenance Supervisors, Plant Maintenance Supervisor, Secondary Treatment Facilities Supervisor and WQC Operations Supervisor, and

WHEREAS, Resolution No. 2004-490, authorized the award of proposal and contract for the furnishing of uniform and laundry services for Citywide use to Prudential Overall Supply Co., Fresno, CA, for a one-year agreement with four (4) one-year extension options, and

WHEREAS, said contract was executed in December of 2004 and the last extension option has expired and the services are scheduled to be bid, and

WHEREAS, because of the time needed to conduct a comprehensive formal bid process combined with these demanding economic times, City staff proposes extending the agreement for eighteen (18) months at the current contract terms. Prudential Overall Supply Co. has accepted this offer, and
WHEREAS, upon Council approval, the contract will be extended at the current contract terms through June 30, 2011, 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. However, there is one exception to the Code, Section 8-3.204(c) where the Purchasing Manager, in his discretion, may determine that calling for bids on a competitive basis as set forth in Section 8-3.203 is undesirable due to exigent circumstances, and

WHEREAS, based on these lean economic times and department budget shortfalls the Purchasing Manager has made the determination that it is not in the City’s best interest to go out to bid at this time and thus invokes the exigent circumstances exception. An eighteen (18) month contract extension at the current contract terms for the furnishing of uniform and laundry services for Citywide use with Prudential Overall Supply Co., Fresno, CA, conforms to the Modesto Municipal Code, and

7800-350-3513-0226, 8500-350-3524-0226,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes extending the contract for the furnishing of uniform and laundry services for Citywide use with Prudential Overall Supply Co., Fresno, CA for eighteen (18) months.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a eighteen (18) month contract extension at the current contract terms, for an estimated annual cost of $105,945.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-068

RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF A MAJOR AIRPORT RESCUE AND FIRE-FIGHTING VEHICLE FOR THE MODESTO CITY-COUNTY AIRPORT, THROUGH THE PUBLIC WORKS DEPARTMENT, TRANSPORTATION SERVICES DIVISION, TO OSHKOSH CORPORATION, OSHKOSH, WI, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT FOR AN ESTIMATED TOTAL COST OF $646,671

WHEREAS, the Modesto City-County Airport is required to maintain an FAA approved level of fire/rescue support for commercial airline operations. The on-airport fire station is staffed by Modesto fire personnel during commercial operations and is equipped with two specialized ARFF apparatus, and

WHEREAS, in 2008 the airport submitted a request to replace a 1960’s ARFF unit as part of its Airport Capital Improvement Plan. The Grant was approved and on June 10, 2008, the City Council, by Resolution No. 2008-346, accepting Federal Airport Improvement Grant Offer AIP # 3-06-0153-32 in the amount of $1,045,000 that included funding for the new airport fire truck, and

WHEREAS, the City Council, by Resolution No. 2008-592, authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, throughout FY 08/09 through various competitive processes, with the Purchasing Division coming back to Council for award authorization. The Airport Rescue and Fire-Fighting vehicle for the Modesto City-County Airport, through the Public Works Department, Transportation Services Division, was included in the FY 08/09 new vehicles and heavy equipment list authorized by Council, and

WHEREAS, the Purchasing Division issued RFB No. 0809-18, Major Airport Rescue and Fire-Fighting Vehicle to thirty-one (31) prospective bidders, none of which
were local vendors, 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. Of the thirty-one (31) prospective bidders, four (4) companies chose to respond, none of which were local vendors, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid and contract for the purchase of a Major Airport Rescue and Fire-Fighting Vehicle to Oshkosh Corporation, Oshkosh, WI, for the total estimated cost of $646,671, 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 of a Major Airport Rescue and Fire-Fighting Vehicle for the Modesto City-County Airport, through the Public Works Department, Transportation Services Division, to Oshkosh Corporation, Oshkosh, WI, conforms to the Modesto Municipal Code, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2009-10 in account 6320-440-A001-6070.

WHEREAS, a Federal Aviation Administration Airport Improvement Program Grant is providing 95% of the funding for this equipment acquisition. The remaining 5% of the new vehicle cost is reimbursable by the Passenger Facility Charge collected on airline passengers,

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 of a Major Airport
Rescue and Fire-Fighting Vehicle for the Modesto City-County Airport, through the Public Works Department, Transportation Services Division, to Oshkosh Corporation, Oshkosh, WI.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute an agreement for an estimated total cost of $646,671.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-069

RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL AND CONTRACT FOR CITYWIDE BANKING SERVICES TO BANK OF THE WEST, SACRAMENTO, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE 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 APPROXIMATELY $70,000, AND OVER FIVE (5) YEARS OF $350,000

WHEREAS, the City Manager, in August of 2009 authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for citywide Banking Services, and

WHEREAS, the Purchasing Division issued RFP No. 0910-02 to twenty-three (23) prospective proposers, all of which were local companies, 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. Of the twenty-three (23) prospective proposers, ten (10) companies chose to respond. All ten (10) companies provided responsive and responsible proposals, and

WHEREAS, an evaluation committee comprised of four (4) City staff personnel and one representative from Stanislaus County evaluated the proposals for responsiveness and best value to the City. Councilmember Muratore was the appointed Council observer to the evaluation process, and

WHEREAS, based on being ranked highest in overall responsiveness and for also providing the lowest cost proposal, the committee recommends the award of proposal and contract for citywide banking services to Bank of the West, Sacramento, CA, for an estimated annual cost of approximately $70,000 and over five (5) years of $350,000, 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 citywide banking services parking to Bank of the West, Sacramento, CA, conforms to the Modesto Municipal Code, and

WHEREAS, the Revenue Clearing Fund has funds budgeted for banking services in Account No.: 0130-510-XXXX-6101,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal and contract for banking services to Bank of the West, Sacramento, CA 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 issue the agreement for an estimated annual cost of $70,000, and over five years of $350,000.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 2\textsuperscript{nd} day of March, 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:

\begin{itemize}
  \item **AYES:** Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen,
           Mayor Ridenour
  \item **NOES:** Councilmembers: None
  \item **ABSENT:** Councilmembers: None
\end{itemize}

\begin{center}
\textit{ATTEST:} \hfill \textit{STEFHANIE LOPEZ, City Clerk}
\end{center}

(SEAL)

\textbf{APPROVED AS TO FORM:}

\begin{center}
By: \hfill \textit{SUSANA ALCALA WOOD, City Attorney}
\end{center}
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-070

RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF SEVEN (7) HONDA MOTORCYCLES FOR THE MODESTO POLICE DEPARTMENT THROUGH THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, TO HONDA KAWASAKI OF MODESTO, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $106,224

WHEREAS, the Modesto Police Department operates a fleet of 20 patrol motorcycles. Seven (7) Honda police motorcycles are being replaced this year based on a three (3) year replacement cycle. The cost analysis for these motorcycles has shown that the lifecycle cost is lowest when they are replaced at the end of their three year warranty period. At this point the motorcycles have achieved their lowest operating costs while retaining the highest resale value, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, throughout FY 09/10 through various competitive processes, with the Purchasing Division coming back to Council for award authorization. The seven (7) Honda police motorcycles for the Modesto Police Department were included in the FY 09/10 new vehicles and heavy equipment list authorized by the City Manager, and

WHEREAS, the Purchasing Division issued RFB No. 0910-14 Honda ST1300P Police Motorcycles to five (5) 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. Of the five (5) prospective bidders, two (2) companies chose to respond, one of which is a local
vendor as defined in the Modesto Municipal Code, and is eligible to receive a 2% local vendor preference, and

WHEREAS, based on the local vendor preference, City staff recommends the award of bid and contract for the purchase of seven (7) Honda police motorcycles for the Modesto Police Department, through the Public Works Department, Fleet Services Division, to Honda Kawasaki, Modesto, CA, for an estimated total cost of $106,224, 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 of seven (7) Honda police motorcycles for the Modesto Police Department, through the Public Works Department, Fleet Services Division, to Honda Kawasaki of Modesto, Modesto, CA, conforms to the Modesto Municipal Code, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2009-10 in appropriation unit: 7210-480-5814-5512,

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 of seven (7) Honda police motorcycles for the Modesto Police Department through the Public Works Department, Fleet Services Division, to Honda Kawasaki of Modesto, Modesto, CA,

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase order for an estimated total cost of $106,224.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

(Seal)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF SEVENTEEN (17) CROWN VICTORIA POLICE INTERCEPTOR VEHICLES, FOR THE MODESTO POLICE DEPARTMENT, THROUGH THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, BY “ACCESSING THE TERMS” OF A COMPETITIVELY BID CONTRACT WITH THE COUNTY OF LOS ANGELES, THROUGH THEODORE ROBINS FORD, COSTA MESA, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $424,800

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, throughout FY 09/10 through various competitive processes, with the Purchasing Division coming back to Council for award authorization. The seventeen (17) Crown Victoria Police Interceptor vehicles for the Modesto Police Department were included in the FY 09/10 new vehicles and heavy equipment list authorized by the City Manager, and

WHEREAS, the Purchasing Division issued a request for quote to verify pricing on competitively bid contracts with the City of Sacramento, the County of Los Angeles and the State of California. City staff requested pricing from the local vendor, Heritage Ford. The local vendor responded that they could not bid at this time due to a lack of information from Ford Motor Company, and

WHEREAS, City staff determined that by accessing the terms of a competitively bid contract with the County of Los Angeles, through Theodore Robins Ford, Costa Mesa, CA, the City will select the bid that best suits the City’s needs, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2009-10 in appropriation unit: 7210-480-5814-5511, and
WHEREAS, Modesto Municipal Code Section 8-3.203 requires all purchases, which meet or exceed $50,000 for material and equipment or contractual services to be formally bid. Per Modesto Municipal Code Section 8-3.204(d) the Purchasing Manager may determine that a process other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality. By “accessing the terms” through the contract with the County of Los Angeles, the purchase of these vehicles will conform to MMC Section 8-3.204(d),

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 of seventeen (17) Crown Victoria Police Interceptor vehicles, for the Modesto Police Department through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the County of Los Angeles, through Theodore Robins Ford, Costa Mesa, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase order for an estimated total cost of $424,800.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AFFIRMING THE CITY’S CO-SPONSORSHIP OF “EARTH DAY IN THE PARK FESTIVAL, 2010” AT GRACEADA PARK, AND ALLOWING THE SALE OF MERCHANDISE IN THE PARK DURING THE EVENT

WHEREAS, in 1970, Earth Day was established to make the public aware of programs successful in protecting the environment and conserving natural resources, and

WHEREAS, on March 24, 1992, the City Council, by Resolution No. 92-129, acknowledged “Earth Day in the Park” as an annual event, and

WHEREAS, the Citizens’ Advisory Committee on Recycling (CACOR) sponsors the event, and the 21st Annual “Earth Day in the Park” will be held on Saturday, April 17, 2010, at Graceada Park, and

WHEREAS, the event provides a forum for merchants to display and sell their “environmentally friendly” merchandise, and for the creation of a “festival atmosphere”, while giving the public an opportunity to make purchases of positive benefit to the environment, and

WHEREAS, “Earth Day in the Park Festival, 2009” had over 100 vendor booths, and approximately 8,000 attendees, and

WHEREAS, as in prior years, CACOR seeks Council approval for the sale of merchandise in the park during the event,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby affirms its co-sponsorship of “Earth Day in the Park Festival, 2010”, at Graceada Park, to be held on April 17, 2010.
BE IT FURTHER RESOLVED that it hereby approves the sale of merchandise at Graceada Park during the “Earth Day in the Park Festival, 2010” event.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

SEAL

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A FIRST AMENDMENT TO AGREEMENT WITH SKYWEST AIRLINES, INC., A UTAH CORPORATION, FOR CONTINUED USE OF AIRPORT FACILITIES TO OPERATE PASSENGER SERVICES AT MODESTO CITY-COUNTY AIRPORT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO AGREEMENT

WHEREAS, SkyWest Airlines has been providing passenger service from the Modesto City-County Airport to San Francisco International Airport since May 26, 1998, through a lease agreement, and

WHEREAS, the current lease between SkyWest and the City expired on December 31, 2009, and

WHEREAS, staff is proposing a First Amendment to the Lease Agreement, which will extend the agreement annually, and increase landing fee charges from $.66 to $.88 per thousand pounds gross landing weight, and

WHEREAS, SkyWest agrees with these provisions and has requested a 180-day termination notice clause be added to the First Amendment, and

WHEREAS, increasing landing fees will bring SkyWest in line with other air carriers using the Modesto Airport,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to Agreement with SkyWest Airlines, Inc., a Utah Corporation, for continued use of airport facilities to operate passenger service at Modesto City-County Airport.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the First Amendment to Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2010, by Councilmember Lopez, who moved its adoption, which motion be duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(SEAL) 

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING THE SPECIFICATIONS FOR THE PROJECT TITLED, “COMMUNICATIONS TOWER EQUIPMENT SYSTEM PROCUREMENT FOR JENNINGS ROAD WASTEWATER TREATMENT FACILITIES,” ACCEPTING THE BID AND APPROVING A SUPPLIER AGREEMENT WITH RADCO CONSTRUCTION IN THE AMOUNT OF $19,698.11, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SUPPLIER AGREEMENT

WHEREAS, specifications have been prepared for the Communications Tower Equipment System Procurement for Jennings Road Wastewater Treatment Facilities project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Communications Tower Equipment System Procurement for Jennings Road Wastewater Treatment Facilities project were opened at 11:00 a.m. on February 2, 2010, and later tabulated by the Director of Public Works for the consideration of the Council, and

WHEREAS, the Director of Public Works has recommended that the bid of $19,698.11 received from RADCO Construction be accepted as the lowest responsible bid and the supplier agreement be awarded to RADCO Construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the specifications for the Communications Tower Equipment System Procurement for Jennings Road Wastewater Treatment Facilities, accepts the bid of RADCO Construction in the amount of $19,698.11, and approves the supplier agreement with RADCO Construction for the Communications Tower Equipment System Procurement for Jennings Road Wastewater Treatment Facilities.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the supplier agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
WHEREAS, the City of Modesto operates and maintains a primary wastewater treatment system at the south end of Sutter Avenue in the City of Modesto and a secondary wastewater treatment system and wastewater reclamation facilities at 7007 Jennings Road, and

WHEREAS, real-time data communication between the respective facilities is of critical importance to the effective operation of the system, and

WHEREAS, RF data communication represents an effective technology for such communication, and

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 (SCH # 2006052076) and adopted the City of Modesto Wastewater Master Plan, and

WHEREAS, Section 15164 of the CEQA Guidelines relating to preparation of an Addendum to an EIR provides for a lead agency to prepare an Addendum to a previously certified EIR where some changes or additions are required but the conditions requiring preparation of a subsequent EIR or Negative Declaration have not occurred, and
WHEREAS, the City of Modesto Utility Planning and Projects Department has prepared an Addendum to the City of Modesto Wastewater Master Plan Update Master Environmental Impact Report (SCH # 2006052076) as provided for by CEQA, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the City of Modesto Wastewater Master Plan Update Master Environmental Impact Report (SCH # 2006052076) and the Addendum to the MEIR (EA/PW 2008-22), and based on the substantial evidence provided in said MEIR and Addendum makes the following findings:

1. The recitals set forth above are true and correct.

2. No Substantial changes are proposed to the project as set forth in the EIR which would require major revisions of the EIR due to the involvement of new significant environmental effects or substantial increase in the severity of previously identified effects.

3. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which would require major revisions of the previous EIR due to the involvement of new significant environmental effects or substantial increase in the severity of previously identified effects.

4. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:

a. That the project would have one or more significant effects not discussed in the previous EIR,
b. That significant effects previously examined would be substantially more severe that shown in the previous EIR,
c. That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project,
d. That mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects of the project.
5. The EIR and Addendum reflect the independent judgment of the lead agency.

6. The City of Modesto Wastewater Master Plan Update Master Environmental Impact Report (SCH # 2006052076) and the Addendum thereto (EA/PW 2008-22) provide the substantial evidence to support findings 1 through 6, above.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the CEQA Addendum (EA/PW 2008-22) to the City of Modesto Wastewater Master Plan Update Master Environmental Impact Report (SCH # 2006052076), a copy of which is on file with the City Clerk and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City of Modesto Utility Planning and Projects Department, Capital Improvement Services, is the custodian of the documents and other materials, which constitute the record of proceedings upon which its decision is based. The records are located at the office of the City of Modesto Deputy Director of Utility Planning and Projects, 1010 Tenth Street, 4th Floor, Modesto, CA 95354.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of Utility Planning and Projects is hereby authorized and directed to file a Notice of Determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL AND CONTRACT FOR THE PURCHASE AND INSTALLATION OF A PARKING ACCESS AND REVENUE CONTROL SYSTEM FOR THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, TO AMANO McGANN, INC., SACRAMENTO, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE THE AGREEMENT FOR AN ESTIMATED TOTAL COST OF $790,427.33

WHEREAS, the City Council, on April 24, 2007, by Resolution No. 2007-231, authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for the purchase and installation of a parking automated attendant system (hardware/software) for the Parks, Recreation and Neighborhoods Department, Building and Parking Services Division, and

WHEREAS, the Purchasing Division issued RFP No. 0809-02 to twenty-four (24) prospective proposers, none of which were local companies, 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. Of the twenty-four (24) prospective proposers, three (3) companies chose to respond. All three (3) companies provided responsive and responsible proposals, and

WHEREAS, an evaluation committee comprised of three (3) City staff personnel and one representative from the City of Stockton 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 purchase and installation of a parking access and revenue control system for the Public Works Department, Fleet Services Division, to Amano McGann, Inc., Sacramento, CA, for an estimated total cost of $790,427.33, 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 purchase and installation of a parking access and revenue control system for the Public Works Department, Fleet Services Division, to Amano McGann, Inc., Sacramento, CA, conforms to the Modesto Municipal Code, and

WHEREAS, the Parking Fund has funds budgeted for the purchase, installation and implementation of the parking garage automation system in Appropriation Unit: 6000-350-P597-6040,

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 purchase and installation of a parking access and revenue control system for the Public Works Department, Fleet Services Division, to Amano McGann, Sacramento, CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue the agreement for an estimated total cost of $790,427.33.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-077

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH. NO. 2007072023): SALE OF PROPERTY OF 629 2ND STREET (CITY OF MODESTO)

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, the City of Modesto has proposed the demolition of the Old Fire Station No. 2 Building and Pump House No. 5 and the sale of the property located at 629 2nd Street, Modesto, 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 MFD 2009-01 (“Initial Study”) reviewed the demolition of the Old Fire Station No. 2 Building and Pump No. 5 and the sale of the property at 629 2nd Street, Modesto, 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 February 10, 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 March 2, 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 demolition of the Old Fire Station No. 2 Building and Pump No. 5 and the sale of the property at 629 2nd Street, Modesto, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

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

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

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

4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist
MFD No. 2009-01

For the proposed:

Fire Station No. 2

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

November 13, 2009
TABLE OF CONTENTS

Chapter                                                                 Page
I. Purpose .................................................................................................................................2
II. Project Description ...............................................................................................................2
III. Findings/Determination .....................................................................................................3
IV. Environmental Analysis .....................................................................................................5
V. Mitigation Measures Applied to the Proposed Project ..........................................................44

APPENDICIES

A. An Evaluation of Old Fire Station Number 2

B. An Evaluation of Pump Station Number 5

C. Ellen LaCoste, Senior Administrative Office Assistant, McHenry Museum, email correspondence to Ken Horillo, November 16, 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 Fire Station No. 2 is “within the scope” of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

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

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

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

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

II. PROJECT DESCRIPTION

A. Title: Fire Station No. 2
B. Address or Location: Property located on the north side of Sierra Dr., southwest of 2nd Street, 629 2nd Street.
C. Applicant: City of Modesto
D. City Contact Person: David Wage, Associate Planner

Project Manager: David Wage, Associate Planner  
Department: Community & Economic Development Department  
Phone Number: 209-577-5267  
E-mail address: dwage@modestogov.com
E. Current General Plan Designation(s): “MU” Mixed-Use
F. Current Zoning Classification(s): R-2, Medium Density Residential
G. Surrounding Land Uses:
   North: High Density Residential, R-3
   South: Medium Density Residential, R-2
   East: High Density Residential, R-3 and Medium Density Residential, R-2
   West: High Density Residential, R-3 and Medium Density Residential, R-2
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):

I. The project involves the sale and possible alteration or demolition of the property at 629 2nd Street which includes the abandoned Fire Station No. 2 Building. The Fire Station No. 2 is building listed as City of Modesto Landmark Site No. 7. Modesto Pump House No. 5 is also located on the subject property; however, it is not listed as a City Landmark Site.

J. Other Public Agencies Whose Approval is Required: None.

III. FINDINGS/DETERMINATION

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.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>(2)</td>
<td>City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.</td>
<td>☐</td>
<td>☒</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>☐</td>
<td>☒</td>
</tr>
<tr>
<td>(4)</td>
<td>No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.</td>
<td>☒</td>
<td>☐</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>☒</td>
<td>☐</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>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

5. Currency of the Master EIR Document

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

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>(2)</td>
<td>This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>(a)</td>
<td>No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>(b)</td>
<td>No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>(c)</td>
<td>Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>
IV. ENVIRONMENTAL ANALYSIS

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

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

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

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

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

Cumulative Impacts

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

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

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

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

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

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

Discussion:

This project does not require mitigation measures from the MEIR. 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>TRAFFIC AND CIRCULATION</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[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>
</tr>
<tr>
<td>4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
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</tbody>
</table>
7) The proposed project would result in an increase in energy consumption associated with the operation of highway projects, rail improvements, and aviation facilities (on a per capita basis) in excess of that considered in the Urban Area General Plan.

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>[ ]</td>
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<td>[X]</td>
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</tbody>
</table>

**Discussion:**

(1) The project includes the sale and possible alternation or demolition of an existing building which would not generate additional traffic or result in additional trips.

(2) The project will not substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses.

(3) The project includes the sale and possible alternation or demolition of an existing building which would not generate additional traffic or result in additional trips.

(4) The project includes the sale and possible alteration or demolition of the old Fire Station No. 2 which is currently not in use. The area is now served by the new Fire Station No. 2 located 420 Chicago Ave. The sale of the Old Fire Station No. 2 will not impact emergency response times.

(5) The project will not have result in less parking required by the Municipal Code.

(6) The project includes the sale and possible alteration or demolition of an existing building which would not impact the Regional Transportation Plan, the Sustainable Communities Strategy, and the Bicycle Action Plan.

(7) The project includes the sale and possible alteration or demolition of a former fire station and would not result in increased energy consumption in excess of what was anticipated in the General Plan.

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 (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 from the MEIR are required. 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>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, NO$<em>x$, PM$</em>{10}$, and PM$_{2.5}$ by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO$<em>x$, PM$</em>{10}$, and PM$_{2.5}$.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>
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.

<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>3)</td>
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<tr>
<td>4)</td>
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<tr>
<td>5)</td>
<td>[ ]</td>
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</tbody>
</table>

Discussion:

(1) The project would not have a significant effect on the ambient air quality.

(2) There is no new development associated with the project. The project includes the sale and possible alteration or demolition of Fire Station No. 2.

(3) The project does not conflict with the air quality policies in the Urban Area General Plan. The project includes the sale and possible alteration or demolition of Fire Station No. 2.

(4) The project would not result in pollutant concentrations in excess of those expected to occur as a result of the implementation of the Urban Area General Plan. The project includes the sale and possible alteration or demolition of Fire Station No. 2.

(5) The proposed project will not produce objectionable odors. The project includes the sale and possible alteration or demolition of Fire Station No. 2.

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 from the Master EIR are required. 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>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>[X]</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>[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) The project includes the sale and possible alteration or demolition of Fire Station No. 2. Any construction or demolition work is required to comply with the requirements of the Modesto Noise Ordinance. No additional mitigation measures are necessary.

(2) The project includes the sale and possible alteration or demolition of Fire Station No. 2. Any construction or demolition work is required to comply with the requirements of the Modesto Noise Ordinance. No additional mitigation measures are necessary.

(3 & 4) The project includes the sale and possible alteration or demolition of Fire Station No. 2. Ambient noise levels will not be impacted.

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 from the Master EIR are required. 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>EFFECTS ON AGRICULTURAL LANDS</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 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>[ ]</td>
<td>[X]</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:

(1) The project is consistent with the General Plan land use policies. The project site is within the urbanized area of the City. The site is currently developed and no agricultural land will be converted for the development of the proposed projects.

(2) The project is within the Baseline-Developed area of the City and therefore will not result in the development of land outside the 2008 planning area boundaries.

(3) The project site is not zoned for agriculture nor is it under Williamson Act contract.

(4) The project is developed and will not involve changes to the existing environment that could result in the conversion of farmland to non-agricultural uses.
5. **INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES**

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

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

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

**Discussion:**

No mitigation measures from the Master EIR are required. 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:
INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

<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) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the water supply policies in the General Plan.

(2) The project includes the sale and possible alteration or demolition of an abandoned fire station. Water demand for the project will not be impacted and there are sufficient water supplies to serve the project.

(3) The proposed project is consistent with the land uses and water demands assumed in the General Plan. The project would not have a significant effect on groundwater recharge or depletion of long-term water supplies.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of the elderberry longhorn beetle, burrowing owl, and Swainson's hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.
Additional impacts that are not mitigated to a less-than-significant level include loss of farmland cause by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

**Cumulative Impacts**

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

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

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

**Discussion:**

No mitigation measures from the Master EIR are required. 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>Potential Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increased Demand for Sanitary Sewer Services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</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>
</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>
</tr>
</tbody>
</table>
Discussion:

(1) The project is consistent with the Modesto Urban Area General Plan both in land use and intensity.

(2) The project will not generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.

(3) The project will not generate sewage flows greater than the existing capacity needed to serve the project. The project includes the sale and possible alteration or demolition of Fire Station No. 2.

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 from the Master EIR are required. 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>LOSSE OF SENSITIVE WILDLIFE AND PLANT HABITAT</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[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) The project is consistent with the General Plan policies related to the loss of sensitive wildlife and plant habitat.

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

(3) The site does not qualify as a federally protected wetland per Section 404 of the Clean Water Act.
The project site is not a biologically sensitive site as defined by Figures V-7-1a through V 7-1e of the MEIR. The movement of fish or birds or other wildlife would not be significantly effected by the project.

There is no conflict with any local policies or ordinances protecting biological resources.

There is no conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

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

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

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

Discussion:

The appropriate mitigation to be applied to this project includes: AH-6, AH-7 and MEIR Table V-8-1 (b-f) 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-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>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>[X]</td>
<td>[ ]</td>
</tr>
<tr>
<td>3) The proposed project would modify or demolish a structure more than 50 years in age.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
<td>[ ]</td>
</tr>
<tr>
<td>4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[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:

A records search was conducted with the Central California Information Center (CCIC) at the California State University, Stanislaus. The records search was made for the project area, located on the Salida USGS 7.5-minute quadrangle map in Stanislaus County. The search included review of the CCIC’s maps for the specific project area and the immediate vicinity of the project area, review of the National Register of Historic Places (NRHP), the California Register of Historic Places (CRHR), the California Inventory of Historic Resources (1976), the California Historical Landmarks, the California Points of Historical Interest Listing, the Directory of Properties in the Historic Property Date File, The Caltrans State and Local Bridge Survey, the Survey of Surveys (1989), GLO Plats, and other pertinent historic data available at the CCIC.

Historic Properties

Based on the data in the CCIC files, there are three identified historic properties for the parcel and listings at 629 2nd Street.

1) Fire Station No. 2 (1924) – City of Modesto Landmark Preservation Site #7
2) Fire Bell – City of Modesto Landmark Preservation Site #15
3) "Clamper" monument, located at the Bell installation, dedicated to Modesto firefighters, Monument representing Estanislao Chapter No. 58 E Clampus Vitus.
In 1997 all of the City of Modesto Landmark Preservation Sites were reviewed by Carey & Co. and ranked according to the NRHP “survey codes” and sites Fire Station No. 2 and the Fire Bell (Nos. 7 and 15) were not considered to be in the 1, 2, or 3 ranking category. Although designated local landmarks, a records check verified that these project sites are not listed on the National Register of Historic Places, California Register of Historical Resources, as California Historical Landmarks or Points of Interest. Furthermore, they are not listed in the California Office of Historic Preservation’s Directory of Properties in the Historic Property Data File for Stanislaus County.

Mitigation Measure AH-7 requires the completion of a Historic Resource Evaluation Report (HRER) for projects that involve the alteration or demolition of buildings over 50 years old. To satisfy mitigation measure AH-7 and determine if the properties at 629 2nd Street are of State significance, A HRER was conducted by Peak and Associates, Inc. (November 2009). Additional research on the historic background of the construction and use of the site was conducted at the California Room of the California State Library, through the McHenry Museum, and the City of Modesto Fire Department historical photograph and records. The City of Modesto Fire Department provided their documents “Modesto Fire Department History” and “Chronological History of the Modesto Fire Department.”

Fire Station No. 2

According to the HRER, Fire Station No. 2 was constructed in 1924 in order to better protect residential areas of the City from fires. The building was constructed with limited design elements that are reflective of a Craftsman style. Significant changes to the building from its original design include the removal of a third floor bell tower and exterior chimney, as well as the replacement of the original double garage doors. A new Fire Station was constructed at 420 Chicago Avenue in 2008 to replace the old Fire Station No. 2 at 629 2nd Street, reflecting in part changing needs and shifts in population over the years.

For the purposes of CEQA, an historical resource is a resource listed in, or determined eligible for listing in the California Register of Historical Resources. To be eligible for listing in the California Register of Historic Resources (CRHR), a structure must typically be over 50 years old, must have historic significance, and must retain its physical integrity. Fire Station No. 2 is greater than 50 years old and has retained its physical integrity. Peak and Associates, Inc., evaluated the Fire Station No. 2 for historic significance using the four established CRHR criteria:

Criterion 1 (Event): Resources that are associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage:

“The fire station is not associated with events important in our past or that have made a significant contribution to the broad patterns of California’s history and cultural heritage. It is simply a former part of the fire suppression system of the City of Modesto, and is representative of a period when the growth in population brought about a need for more protection. The larger areal extent of the City brought a need for fire stations in other parts of the City to provide shorter response times when a fire broke out, and the two stations (Fire Station No. 2 and Fire Station No. 3) were added in the mid-1920s. Similarly, the more modern growth of the City beginning in the 1970s, led to the construction of five new stations between 1980 and 2005, again meeting the needs of both modernization and reducing response times in newer portions of the City.”

Criterion 2 (Person): Resources that are associated with the lives of persons important in our past:

"The person most noted in the history of fire suppression efforts in the City of Modesto is George Wallace. He was the first paid hire for the Department, reportedly hired because of his ability to work well with horses; the acquisition of motorized fire fighting equipment made this skill less important very soon thereafter. Wallace continued to serve the Department, rising ultimately to serve as the first fire chief. He is responsible for the expansion of facilities and purchase of modern equipment in the 1920s. But his work with a local municipal department does not raise his importance to that of a person important in Modesto's past. He served a role for many years as a civil servant, but his actions and achievements are in line with what anyone would had done to ensure fire protection for the community. There are no other personalities associated with the building complex, so it can be concluded the building is not eligible under CRHR Criterion (B) 2 for an association with the lives of persons important in our past."

Criterion 3 (Design/Construction): Resources that embody distinctive characteristics significant of a type, period, region, or method of construction, or represents the work of an important creative individual, or possess high artistic value:

"Modesto Fire Station No. 2 had a limited number of design elements added to an otherwise utilitarian design. It is Craftsman Style, but does have most of the characteristics that define the style. As stated before, the removal of the third floor, an exterior chimney and replacement of the original double garage doors has damaged the integrity of the building. It is somewhat unique, but does not exemplify or embody any outstanding architectural characteristics of a particular style or method of construction. Similarly, it does not represent the work of an important creative individual, or possesses high artistic values."

Criterion 4 (Information Potential): Resources that have yielded, or may be likely to yield, information important to prehistory:

"The Sanborn maps indicate that the parcel was vacant except for the pump station in 1919; there is no earlier building or occupancy of the site indicated on the site. This criterion relates to archeological values; there are no earlier homes indicated on the property that could have left archeological deposits. Obviously, for a building of the modern era, there are no subsurface remains associated and this criterion is not applicable. So it can be concluded that the property cannot yield information important in history."

According to the HRER, it can be concluded that the building is not eligible for the California Register of Historical Resources. There will be no impact to historical resources as a result of the sale of the site, or from the alteration or demolition of the building."

Pump Station No. 5

In addition to Fire Station No. 2, there is an abandoned pump station located on the property at 629 2nd Street that is more than 50 years old. A Historic Resource Evaluation Report (HRER) was completed for Pump Station No. 5 by Peak and Associates, Inc. The report determined Pump Station No. 5 does not meet the criteria for listing in the Register of California Historic Resources and thus the alteration or demolition of the Pump Station would not result in a significant CEQA impact. Please see the attached HRER prepared by Peak and Associates, Inc. for additional information on the Pump Station (Appendix B).

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3 Pump Station No. 5 Historic Resource Evaluation Report (Nov. 2009), Peak and Associates, Inc
Fire Bell and Clamper Monument

In addition to Fire Station No. 2, the CCIC records search noted the Fire Bell (City of Modesto Landmark Preservation Site #15) and a Clamper Monument as two properties of possible historical significance located at 629 2nd Street. The Fire Bell was originally installed in 1884 behind Fire Station No. 1, 715 10th Street, as part of the hose tower and was used to summon firefighters to fire calls from 1884 to the mid 1920’s. When the use of the Bell at Fire Station No. 1 was discontinued, the Bell was dedicated in Graceada Park on Arbor Day, March 7, 1928 by Mrs. Ella Maze and Fire Chief George Wallace. In the mid 1970’s when Needham Avenue was widened, the monument was dismantled and the bell moved to the children’s play area of the park. The Fire Bell was later moved to Fire Station No. 2 (629 Second Avenue) where a monument was constructed by E Clampus Vitus and dedicated on October 18, 1991, to City of Modesto Firefighters. The Fire Bell was designated a City of Modesto Landmark Preservation Site by the City Council on April 28, 1992 (Modesto City Council Resolution No. 92-187). Following the discontinued use of the Old Fire Station No. 2 at 629 2nd Street, the Fire Bell and Clamper Monument were relocated to the new Fire Station No. 2, located at 420 Chicago Avenue, Modesto.4

As detailed above, the significance of the Fire Bell and Clamper Monument, were the Bell and Monument themselves, rather than their former locations, including 629 2nd Street. The Fire Bell and Clamper Monument will not be adversely impacted as a result of the project. These properties have been preserved and relocated to a display at the New Fire Station No. 2 (420 Chicago Avenue). The Fire Bell will continue to be listed as City of Modesto Landmark Preservation Site #15. Therefore, there will be no significant impact to historical resources as a result of the proposed project.

Archeological Resources

The records search indicated there are no recorded archeological resources within the project site.5 The report concluded there is a moderate sensitivity for historical archeological resources that might be found under the surface during the excavation for the project (e.g. foundations and historic debris and historic artifacts over 45 years old associated with buildings and structures that were formerly on the block). The project is not within a City-identified archeological resource study area.6 Therefore, no further research for prehistoric deposits is warranted without specific information indicating the need for further investigation.

(1) and (2) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan? The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory?

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4Ellen LaCoste, Senior Administrative Office Assistant, McHenry Museum, email correspondence to Ken Horillo, November 16, 2009.

5 Robin Hards, Assistant Research Technician, Central California Information Center, California Historical Resources Information System, written correspondence to Ken Horillo, July 28, 2008.

6 City of Modesto Community and Economic Development Department, Master Environmental Impact Report for the City of Modesto Urban Area General Plan and Related Amendments to the Urban Area General Plan, prepared by Jones&Stokes, February 2003, Figure V-8-2, Archeological Resources Zones.
The project is consistent with the following General Plan Policies (VII.F.2[c] and VII.F.2[d]), which are designed to protect historical resources within the City:

**UAGP Policies:**

VII.F.2[c]  The modification of historic structures and places can be mitigated through the application of existing regulations and consultation with the State Historic Preservation Officer, an interim procedure whereby the City evaluates proposals to modify historic structure and develops a program to reduce the impacts on an individual basis. Projects that require federal funding or permits will be addressed through Section 106 compliance in consultation with SHPO. If the project appears to have impacts on eligible or potentially eligible structures, the project proponent will resolve adverse affects through consultation with SHPO. Demolition of significant (eligible) buildings and removing landmarks from the Modesto inventory cannot be mitigated to a less than significant level and will require CEQA review.

VII.F.2[d]  When structures or areas of historical significance more than 50 years old are proposed for demolition, alteration, or where construction is proposed within 100 feet of that structure, the applicant shall submit data to the City regarding the structure’s history or locations prepared by a qualified architectural historian. The City shall evaluate the historical significance of the proposal and require mitigation measures be implemented to preserve all structures and places it deems to be historically significant.

The proposed project would include the sale and possible alteration or demolition of the property located at 629 2nd Street. General Plan Policy VII.F.2[d] requires a Historic Resource Evaluation Report for properties greater than 50 years old to determine if they are historically significant. HRER was conducted by Peak and Associates, Inc. (November 2009) for the Old Fire Station No. 2 and Pump Station No. 5 located at 629 2nd Street to determine if the properties are historically significant. As noted above, for the purposes of CEQA, a historical resource is a resource listed in, or determined eligible for listing in the California Register of Historical Resources. The HRER(s) concluded Fire Station No. 2 and Pump Station No. 5 do not meet the criteria for listing as a California Historical Resource and therefore, their alteration or demolition are not considered significant historical impacts with respect to CEQA (see attached HRER(s) for additional information).

Fire Station No. 2 and the Fire Bell are listed as City of Modesto Landmark Preservation Sites. Although the Old Fire Station No. 2 may be sold, altered or demolished, it will not be removed from the list of City of Modesto Landmarks. The Station has been memorialized in a historical display located at the new Fire Station No. 1 Building. As discussed above, the significance of the Fire Bell is the Bell itself, rather than location of 629 2nd Street. In 2008 the Bell was been relocated to the new Fire Station No. 2 at 420 Chicago Ave. Fire Station No. 2 and the Fire Bell will not be removed from the list of local landmarks, and therefore the project does not have a significant impact to historical resources with respect to CEQA.

(3) **The proposed project would modify or demolish a structure more than 50 years in age?**

See discussion above for 1 and 2.

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

See discussion above for 1 and 2.

(5) **Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

The project does not conflict with local policies affecting biological resources.
9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

**Discussion:**

There are no applicable mitigation measures 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:
## 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:

There are no applicable mitigation measures 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>LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The 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>[X]</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>[X]</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>[X]</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>[X]</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>[X]</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>[X]</td>
</tr>
</tbody>
</table>
7) 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.  

<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>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[x]</td>
</tr>
</tbody>
</table>

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.

<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>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[x]</td>
</tr>
</tbody>
</table>

Discussion:

1) The project is consistent with the flooding and water quality policies in the General Plan.

2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

3) The project is not located within a 100-year flood plain and is an existing residential use. No new development is proposed.

4) The project is not located within a 100-year flood plain.

5) There is no new development associated with the proposed project. The project is limited to the sale and possible alteration or demolition of the Fire Station No. 2 Building located at 629 2nd Street.

6) The project will not violate water quality standards or waste discharge requirements.

7) The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation. There is no new development associated with the proposed project.

8) The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system or provide substantial additional sources of polluted runoff. There is no new development associated with the proposed project.
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

There are no applicable mitigation measures 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>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>INCREASED DEMAND FOR PARKS AND OPEN SPACE</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>
</tr>
<tr>
<td>2) The proposed project would eliminate parks or open space.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

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

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.

(2) The sale of Fire Station No. 2 would not impact parks or open space.

(3) There is no development proposed as part of the project. The sale of Fire Station No. 2 would not cause a significant increase the use of existing neighborhood or regional parks.

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:
There are no applicable mitigation measures 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>INCREASED DEMAND FOR SCHOOLS</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</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:

(1) The project includes the sale of a Fire Station No. 2, which would not conflict with the policies relating to school in the Urban Area General Plan.

(2) There is no new development associated with the project. The project would not conflict with SB50/Proposition 1A funding provisions, or succeeding measures. The building is an existing residence.
13. **INCREASED DEMAND FOR POLICE SERVICES**

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

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

**Discussion:**

There are no applicable mitigation measures 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>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>[X]</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>[X]</td>
</tr>
</tbody>
</table>
Discussion:

(1) The project is consistent with the policies relating to police services in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project meets City Standards for emergency services access.

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:

There are no applicable mitigation measures 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-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:
INCREASED DEMAND FOR FIRE SERVICES

1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.

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.

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

Discussion:

(1) The project is consistent with the fire service policies in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The services once provided by the vacant Fire Station No. 2 are now provided by the Station at 420 Chicago opened in 2008.

(3) The project would not significantly impact adjacent fire districts or result in the elimination of fire projection services.

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-1S-4 through V-1S-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:
There are no applicable mitigation measures 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-1S.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>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>GENERATION OF SOLID WASTE</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>[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>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the solid waste policies in the General Plan.

(2) There is no new development associated with the project. The project includes the sale of an existing residential building.
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:

There are no applicable mitigation measures 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-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>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>
</tbody>
</table>
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.

[ ] Potentially Significant Impact [ ] Less Than Significant with Mitigation Incorporated [ ] Less Than Significant Impact [X] No Impact

4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.

[ ] Potentially Significant Impact [ ] Less Than Significant with Mitigation Incorporated [ ] Less Than Significant Impact [X] No Impact

Discussion:

(1) The project is consistent with the hazardous materials policies in the General Plan.

(2) The project does 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. (No hazardous materials will be involved with this project).

(3) The project would not 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 not create a significant hazard to the public or the environment.

(4) The project site is not known to contain any contaminants.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

There are no applicable mitigation measures 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>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:

(1) The project is consistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.
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:

There are no applicable mitigation measures 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></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>ENERGY</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[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. The project is consistent with the energy policies in the General Plan.

2. The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the 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:

There are no applicable mitigation measures 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>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 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:**

1) The project is consistent with the policies relating the visual resources in the General Plan.

2) The project would not impact views from riverside areas and parks.

3) There is no development associated with the project. Surrounding views will not be significantly impacted by the sale of the property.

**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:

There are no applicable mitigation measures 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-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>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>

Discussion:

(1) The project is consistent with the Mixed Use land use designation in the General Plan.

(2) There is no development proposed by the project. The project includes the sale of an existing residential building. The project would not divide an established community.

(3) The project is consistent with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.
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:

There are no applicable mitigation measures 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>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></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>
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</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) The project is consistent with the policies relating to climate change in the Urban Area General Plan. The project includes the sale of an existing building. The project would not have a significance effect on climate change.

2) See discussion above for No. 1

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 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:**

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:**

MEIR Table V-8-1 (b-f)

a. Prior to excavation and construction, the prime construction contractor and any subcontractors shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, or other cultural materials from the project area.

b. The project sponsor shall identify a qualified archeologist prior to any demolition, excavation, or construction. The City will approve the project sponsor’s selection of a qualified archeologist. The archeologist would have the authority to temporarily halt excavation and construction activities in the immediate vicinity (ten-meter radius) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations.

c. Reasonable time shall be allowed for the qualified archeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site.

d. If any find is determined to be significant by the qualified archeologist, representatives from the construction contractor and the City, the qualified archeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) would meet to determine the appropriate course of action.

e. All cultural materials recovered as part of a monitoring program would be subject to scientific analysis, professional curation, and a report prepared according to current professional standards.

**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.
RESOLUTION DECLARING MODESTO FIRE STATION 2, LOCATED AT 629 2ND STREET, MODESTO, AS SURPLUS, AND AUTHORIZING THE DEMOLITION OF THE PROPERTY

WHEREAS, the Fire Department, in coordination with the Parks, Recreation and Neighborhoods Department petitioned the Landmark Preservation Commission (the “Commission”) for the removal of the local historical designation of Modesto Fire Station 2, located at 629 2nd Street (the “Property”), and

WHEREAS, the Fire Department and the Parks, Recreation and Neighborhoods Department met with the Commission on two occasions and provided a site inspection which the Commission took part in, and

WHEREAS, at a special meeting on October 27, 2008, the Commission supported the removal of the Property from the Landmark Designated Sites List, allowing for the disposal of the building, and

WHEREAS, the Commission’s removal of the site designation included a request that the Fire Department provide a documented history of the site which would include drawings, photographs and a written history of the building’s use, which has occurred, and

WHEREAS, as a part of the budget reduction process, the City Council has elected to include this site on a list of properties that it considers surplus, and has requested that the Property be sold. Prior to the disposal of the Property the landmark designation should be removed, and
WHEREAS, on February 3, 2009 and February 24, 2009, the Fire Department requested the Council authorize the removal of the landmark status, declaring the Property surplus and authorizing the demolition and sale of the Property, and

WHEREAS, at both Council meetings a resident raised concerns regarding the California Environmental Quality Act (CEQA) process, and

WHEREAS, on February 24, 2009, Council directed staff to return to Council after addressing the concerns raised, and

WHEREAS, at the request of the Fire Department, staff from Planning and Parks, Recreation and Neighborhoods assisted in the CEQA process, including the preparation of the Initial Study and the Finding of Conformance with the General Master Plan EIR, and

WHEREAS, on January 25, 2010, the Planning Commission determined the General Plan conformity for the disposition of real property located at 629 2nd Street, Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares Modesto Fire Station 2, located at 629 2nd Street, Modesto, as surplus, and authorizes the demolition of the Property.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
WHEREAS, the Fire Department, in coordination with the Parks, Recreation and Neighborhoods Department petitioned the Landmark Preservation Commission (the “Commission”) for the removal of the local historical designation of Modesto Fire Station 2, located at 629 2nd Street (the “Property”), and

WHEREAS, the Fire Department and the Parks, Recreation and Neighborhoods Department met with the Commission on two occasions and provided a site inspection which the Commission took part in, and

WHEREAS, at a special meeting on October 27, 2008, the Commission supported the removal of the Property from the Landmark Designated Sites List, allowing for the disposal of the building, and

WHEREAS, the Commission’s removal of the site designation included a request that the Fire Department provide a documented history of the site which would include drawings, photographs and a written history of the building’s use, which has occurred, and

WHEREAS, as a part of the budget reduction process, the City Council has elected to include this site on a list of properties that it considers surplus, and has requested that the Property be sold. Prior to the disposal of the Property the landmark designation should be removed, and
WHEREAS, on February 3, 2009 and February 24, 2009, the Fire Department requested Council authorize the removal of the landmark status, declaring the Property surplus and authorizing the demolition and sale of the Property, and

WHEREAS, at both Council meetings a resident raised concerns regarding the California Environmental Quality Act (CEQA) process, and

WHEREAS, on February 24, 2009, Council directed staff to return to Council after addressing the concerns raised, and

WHEREAS, at the request of the Fire Department, staff from Planning and Parks, Recreation and Neighborhoods assisted in the CEQA process, including the preparation of the Initial Study and the Finding of Conformance with the General Master Plan EIR, and

WHEREAS, on January 25, 2010, the Planning Commission determined the General Plan conformity for the disposition of the property located at 629 2nd Street, Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sale of the property located at 629 2nd Street, Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By:

SUSANA ALCALA WOOD, City Attorney
RESOLUTION NO. 2010-080

A RESOLUTION AMENDING THE FISCAL YEAR 2009-2010 OPERATING BUDGET APPROPRIATING FUNDS FROM THE GENERAL FUND RESERVE ($20,000) AND APPROPRIATE IN ACCOUNT NUMBER 0100-180-1810-0223

WHEREAS, as a part of the budget reduction process, the City Council has elected to include Old Fire Station 2, located at 629 2nd Street, Modesto, on a list of properties that it considers surplus, and has requested that the property be sold, and

WHEREAS, on January 25, 2010, the Planning Commission determined the General Plan conformity for the disposition of real property located at 629 2nd Street, Modesto, and

WHEREAS, funding for the demolition is to come from General Fund Reserves in amount of $20,000, which is to be repaid upon the sale of the property. The balance of the proceeds from the sale will be recognized as revenue by the Fire Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2009-2010 Operating Budget is hereby amended as indicated below:

Appropriate:
From: 0100-800-8000-8003 $20,000
To: 0100-180-1810-0223 $20,000

BE IT FURTHER RESOLVED that the Finance Director, or his 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 2nd day of March, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(APPROVED AS TO FORM:
By:  

SUSANA ALCALA WOOD, City Attorney)
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-081

A RESOLUTION ADOPTING CITY OF MODESTO ANNEXATION APPLICATION SUBMITTAL REQUIREMENTS

WHEREAS, the City of Modesto has established a Process Improvement program for development processes, which program has identified the need for increased clarity and specificity in submittal requirements for development applications, and

WHEREAS, on February 27, 2007, the City Council, by Resolution No. 2007-154, formally established submittal requirements for several types of development applications, and

WHEREAS, after a public hearing held on November 16, 2009, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No.2009-29, that adoption of submittal requirements for annexation applications is required by public necessity, convenience, and general welfare for the following reasons:

1. Establishment of submittal requirements ensures that adequate information is available on which to make decisions regarding annexation projects.

2. California state law requires that local jurisdictions have a standard process by which an application is determined to be complete for processing.

and,

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 2, 2010, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and
WHEREAS, after said public hearing the Council found and determined that adoption of annexation application submittal requirements is consistent with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2009-29 and quoted above,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Annexation Application Submittal Requirements as shown in Exhibit “A” attached hereto and incorporated herein by reference are hereby adopted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of March, 2010, by Councilmember Olsen, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, 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
Annexation Submittal Requirements

GENERAL REQUIREMENTS:

☐ 1. The Uniform Development Application must be typed or printed and filled in completely.
   ☐ a. If the applicant is not the property owner(s), the property owner(s) shall designate the applicant as the authorized agent to act on his or her behalf and both shall sign this application.

☐ 2. Financial Interest Disclosure Form.

☐ 3. Environmental Information Form if required, as determined by the Planning Division per the California Environmental Quality Act.

☐ 4. Title Report providing evidence of property ownership and Williamson Act status of property.

☐ 5. Maps:
   ☐ a. Five (5) copies of the annexation map conforming to the attached requirements.
   ☐ b. Five (5) copies of a concept plan for development of the site
   ☐ c. Size: sheets not less than 18" X 24", nor greater than 32" X 42" in size.
   ☐ d. All maps shall be folded to a size of approximately 8½" X 11".
   ☐ e. Six (6) sets of plans reduced to 8½" X 11" and twenty five (25) sets reduced to 11" X 17".
   ☐ f. One (1) set provided in electronic format on CD or DVD, AutoCAD or .jpg formats.

☐ 6. Draft LAFCO annexation application (available at http://www.stanislauslafco.org/)

☐ 7. Copy of recent tax assessment showing all districts serving the property.

☐ 8. Legal description of property to be annexed

☐ 9. All applicable filing fees (see adopted fee schedule).

UTILITIES REQUIREMENTS:

Water:

☐ 1. Water demand calculations for all major projects are required. Water demand calculations supporting all facility assumptions shall be land-use based and generated for total build out of the project.

☐ 2. Identify and demonstrate the adequacy of the anticipated water supply for the project.

Wastewater:

☐ 1. Wastewater capacity calculations for all major facilities are required. Design calculations supporting all facility assumptions shall be land-use based and generated for total build out of the project.

Storm Drainage / Treatment:

☐ 1. Identify and demonstrate the capacity of the downstream facilities expected to accommodate storm drainage flows from the proposed project area, where proposing to utilize downstream facilities for storm drainage (hydrology and hydraulic reports).
2. Storm drainage capacity calculations for all major projects are required (including temporary and permanent facilities). Design calculations supporting all facility assumptions shall be land-use based and generated for total build out of the project.


ANNEXATION MAP REQUIREMENTS:
Maps shall be clearly and legibly reproduced and shall include the following information:

1. A key or location map on which shall be shown the general area including adjacent property, subdivisions and roads.

2. Legend including:
   a. Addresses and APNs of properties proposed to be annexed.
   b. Date, north point, scale and sufficient description to define location and boundaries of the proposed annexation.
   c. Name, address, phone and fax number for the recorded owner(s).
   d. Name, business address, phone and fax number for the person(s) who prepared the map.
   e. Acreage of proposed annexation area to the nearest tenth (1/10th) of an acre.

Traffic requirements:

1. The names, locations, existing widths and centerlines of all existing roads, streets, highways, and rights-of-way, both public and private, in the vicinity of the project site. Public and private facilities shall be clearly distinguished.

Utility requirements:

1. Locations and size of all pipelines and structures used in connection therewith.

2. Alignment and location of all backbone water facilities (i.e. pipes eight inches and larger, wells, wellhead treatment facilities, tanks, booster pump stations, ASR wells, connections to adjacent facilities, etc.).

3. Alignment and location of all backbone wastewater facilities (i.e. pipes ten inches and larger, lift stations, connections to adjacent facilities, etc.).

4. Alignment and location of all backbone storm drain facilities (i.e. pipes ten inches and larger, lift stations, detention basins, outfall facilities, basin service roads, connection to adjacent facilities, flood hazard areas, etc.), as applicable.

5. Location, size, and character of all existing private and public utilities, both above and below ground.

6. The widths, location and purposes of all existing and/or proposed easements.

General Requirements:

1. Outline of the area proposed to be annexed.

2. Parcels within and surrounding the area to be annexed.

3. Land uses and buildings in the area to be annexed and on surrounding properties.

4. City limit / boundary lines in the general vicinity of the proposed annexation.
5. Bearings and distances to quarter-section bounds within the general vicinity of the proposed annexation.

6. Location, size and type of all existing trees on the property and proposed public property.

7. Location of all areas adjacent to inundation or storm water overflow and the location, width and direction of flow of all watercourses. If any portion of the map is within the 500-year flood zone or any floodway, depict flood zone / floodway boundaries on map.

**Environmental review is required.** Unless there has been previous environmental review of the “project” or it is concurrently under environmental review in connection with a zoning application, an “Environmental Information Form” and the environmental processing fee must be submitted with the annexation map (see adopted fee schedule). Make a single check for total fees for annexation map processing and environmental review payable to the City of Modesto.

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**FOR YOUR INFORMATION:** Staff may deem additional submittal information necessary to adequately analyze the project, complete environmental review for the project, or make recommendations to the Planning Commission, Board of Zoning Adjustment or City Council. Completion of the application does not presume approval nor staff support of the application. Such approval is discretionary with the Director, Board of Zoning Adjustment, Planning Commission, and/or City Council. The Board of Zoning Adjustment, Planning Commission, or City Council may deny, modify, or conditionally approve the application.

All entitlement decisions of the Planning Commission or Board of Zoning Adjustment are final unless appealed within fifteen (15) days of the date on which the decision is made. The appeal shall be in writing and filed with the City Clerk. The appeal must set for the specific reasons for the appeal. All applicable fees must accompany appeals. Building permits, certificates of occupancy, or licenses will not be issued until the appeal period has elapsed. If the entitlement decision is appealed, building permits, certificates of occupancy, or licenses will not be issued until the final decision has been made on the appeal.

Please note that for applications involving both discretionary approvals (such as re-zonings and specific plan amendments) and quasi-judicial approvals (such as tentative subdivision or parcel maps), the quasi-judicial application cannot be deemed complete or scheduled for a public hearing until the discretionary application has been approved by the City Council and becomes effective (for actions requiring adoption of an ordinance the action becomes effective 30 days after the second reading of the ordinance).
RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE FURNISHING OF ROCKWELL REJUVENATION SERVICES FOR THE PUBLIC WORKS DEPARTMENT, WASTE WATER COLLECTIONS DIVISION, TO FOX LOOMIS, INC., 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 $597,610

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for Rockwell rejuvenation services, and

WHEREAS, the Purchasing Division issued RFB No. 0910-04 Rockwell Rejuvenation Services to twenty-one (21) prospective bidders, eight (8) of which were local companies, 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. Two (2) companies chose to respond, neither of which were local companies. Both 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 furnishing of Rockwell rejuvenation services for the Public Works Department, Waste Water Collections Division, to Fox Loomis, Inc., 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 $597,610, 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 furnishing of Rockwell rejuvenation services for the Public Works Department, Waste Water Collections Division, to Fox Loomis, Inc., Sacramento, CA, conforms to the Modesto Municipal Code, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2009-10 in appropriation Unit: 6280-480-5312-0235,

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 furnishing of Rockwell rejuvenation services for the Public Works Department, Waste Water Collections Division, to Fox Loomis, Inc., Sacramento, CA, for a two (2) year period with three (3) 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 issue the agreement for an estimated annual cost of $597,610.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 2nd day of March, 2010, by Councilmember Hawn, who
moved its adoption, which motion being duly seconded by Councilmember Marsh, was
upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney