RESOLUTION NO. 2011-360

RESOLUTION APPROVING THE APPOINTMENT OF STEVE CARTER AS THE FY 11/12 – FY 12/13 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 August 1, 2011, and recommended appointment of Steve Carter 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. Steve Carter is hereby appointed as the FY11/12 – FY12/13 Planning Commission representative to the CIP Taskforce, with a term expiration of August 1, 2013.

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 6th day of September, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A JOB SHARING AGREEMENT WITH THE CITY OF OAKDALE FOR THE SERVICES OF AN ASSOCIATE PLANNER ON A PART-TIME BASIS THROUGH FISCAL YEAR 2011-12; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on August 10, 2010, the City Council, by Resolution No. 2010-352, approved a job sharing agreement with the City of Oakdale for Associate Planner services on a part-time basis through Fiscal Year 2010-11, and

WHEREAS, the City of Oakdale has submitted a letter expressing interest to extend job sharing services through Fiscal Year 2011-12, and

WHEREAS, the City of Oakdale seeks the services of a qualified Associate Planner from the City of Modesto on a part-time basis, and

WHEREAS, the City of Modesto represents that it has qualified Associate Planners able to provide planning services required by the City of Oakdale including, but not limited to, current planning, advanced (long-range) planning, environmental analysis, design review, growth management, redevelopment, and a variety of other duties as by the City of Oakdale Planning Director, and

WHEREAS, the number of hours of service by an Associate Planner is anticipated to be 16 hours per week, or 832 hours through Fiscal Year 2011/12, and

WHEREAS, the agreement continues in effect through June 30, 2012, unless terminated in accordance with the provisions of the termination clause of the Agreement, and

09/06/2011/C&ED/PKelly/Item 4 1 2011-361
WHEREAS, the Agreement enables planning services to be shared between two cities, serves as a revenue source to the city of Modesto, and serves to retain experienced and well trained planning staff,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a job sharing Agreement with the City of Oakdale for the services of an Associate Planner on a part-time basis through Fiscal Year 2011-12.

BE IT FURTHER RESOLVED that the City Manager, or 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 6th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-362

RESOLUTION APPROVING A JOB SHARING AGREEMENT WITH THE CITY OF HUGHSON FOR THE SERVICES OF A SENIOR PLANNER ON AN ON-CALL BASIS THROUGH FISCAL YEAR 2011-12; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on August 10, 2010, the City Council, by Resolution No. 2010-351, approved a job sharing agreement with the City of Hughson for the services of a Senior Planner on a part-time basis through Fiscal Year 2010-11, and

WHEREAS, the City of Hughson has submitted a letter expressing interest to extend job sharing services through Fiscal Year 2011-12, and

WHEREAS, the City of Hughson seeks the services of a qualified Senior Planner from the City of Modesto on a on-call basis, and

WHEREAS, the City of Modesto represents that it has qualified Senior Planners able to provide planning services required by the City of Hughson including, but not limited to, current planning, advanced (long-range) planning, environmental analysis, design review, growth management, redevelopment, and a variety of other duties as assigned by the City of Hughson Planning Director, and

WHEREAS, the number of hours of service by a Senior Planner is anticipated to be 16 hours per week, or 832 hours through Fiscal Year 2011/12, and

WHEREAS, the agreement continues in effect through June 30, 2012, unless terminated in accordance with the provisions of the termination clause of Agreement, and

WHEREAS, the Agreement enables planning services to be shared between two cities, serves as a revenue source to the city of Modesto, and serves to retain experienced and well trained planning staff,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a job sharing Agreement with the City of Oakdale for the services of an Associate Planner on a part-time basis through Fiscal Year 2011-12.

BE IT FURTHER RESOLVED that the City Manager, or 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 6th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE AND INSTALLATION OF AN EVIDENCE STORAGE SYSTEM FOR THE CITY OF MODESTO, STANISLAUS DRUG ENFORCEMENT AGENCY, TO SYSTEM CONCEPTS, INC., SOUTH SAN FRANCISCO, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED COST OF $58,107

WHEREAS, the Stanislaus Drug Enforcement Agency (SDEA) building requires new evidence lockers, evidence shelving and records shelving, and

WHEREAS, the SDEA operates under a Joint Powers Agreement requiring their Governing Board to authorize expenditures, and

WHEREAS, the Governing Board approved the expenditures at a public meeting held on February 16, 2011, and

WHEREAS, the funding source for the purchase and installation is from the Asset Forfeiture Adjudicated Funds and requires approval from the United States Department of Justice (DOJ), and

WHEREAS, the DOJ approved the use of Asset Forfeiture Funds for the purchase and installation of this evidence storage system, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase and installation of an evidence storage system, and

WHEREAS, the Purchasing Division issued RFB No. 1011-26 Purchase and Installation of an Evidence Storage System to nine (9) prospective bidders, three (3) of which were local vendors, posted the bid on the City’s website and formally advertised as required by law, and
WHEREAS, bids were formally opened in the City Clerk’s office, two (2) companies chose to respond, none of which were local vendors. Both companies provided responsive and responsible bid, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase and installation of an evidence storage system to System Concepts, Inc., South San Francisco, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase and installation of an evidence storage system to System Concepts, Inc., South San Francisco, CA, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted in Fiscal Year 2011-12 in Appropriation Unit: 6600-80210-57002-000000-00000-00000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase and installation of an evidence storage system for the Stanislaus Drug Enforcement Agency to System Concepts, Inc., South San Francisco, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated cost of $58,107.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of September, 2011, by Councilmember Lopez,
who moved its adoption, which motion being duly seconded by Councilmember
Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________

(SEAL)

APPROVED AS TO FORM:

By: __________________________

(SUSANA ALCALA WOOD, City Attorney)
RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 AND 2011-2012 ANNUAL OPERATING BUDGETS

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Budgets of the City of Modesto for Fiscal Years 2010-2011 and 2011-2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2010-2011 and 2011-2012 annual operating budgets as shown in Exhibit A, which is attached hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(Seal)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
EXHIBIT A

The following budget adjustments relate to FY 2010/11:

COMMUNITY AND ECONOMIC DEVELOPMENT
An adjustment is necessary to appropriate $16 from the Downtown Improvement District Fund (1200) reserves to increase the Downtown Improvement District equipment rental expense budget for previously unbudgeted expense.

FINANCE
An adjustment is necessary to appropriate $112,427 from General Fund (0100) reserves for increased expense from Stanislaus County for property tax administration in Fiscal Year 2010-11.

An adjustment is necessary to “true up” revenue and expenses by $63,552 for citation processing in the General Fund (0100) and recognize $63,552 in previously unbudgeted parking fine revenue. The Citation Processing unit of the Finance Department is completely service credited to the Modesto Police Department and increased collection efforts by the unit created increased expenses. This action will increase the service credit revenue and criminal justice construction expense in Finance-Citation Processing and increase parking fine revenue and service credit expense in the Modesto Police Department.

An adjustment is necessary to correct the accounting for the EBF Management Fund (5510) loan to the General Fund (0100) for the General Fund’s contribution for the COSMO project. The original adjustment had the transfer going from the EBF Management Fund (5510) directly to the Information Technology Fund (5230). This action will create the transfer from the EBF Management Fund to the General Fund (0100) and create a transfer from the General Fund to the Information Technology Fund. The amount of the transfer remains unchanged at $2,431,738.

FIRE
An adjustment is necessary to appropriate $300,000 from General Fund Reserves for unbudgeted salary and benefit expense in Fiscal Year 2010-11 for the Modesto Fire Department.

PARKS, RECREATION & NEIGHBORHOODS
An adjustment is necessary to recognize previously unbudgeted revenue carryover in the amount of $3,849 in the Grants – Emergency Shelter Programs Fund and appropriate these funds for expenses associated with the Emergency Solutions Grant.

An adjustment is necessary to recognize previously unbudgeted revenue in the amount of $8,500 in the General Fund (0100) and appropriate these funds to Donation & Contribution expenses in the Parks, Recreation and Neighborhoods Guest Services fund.

An adjustment is necessary to recognize previously unbudgeted revenue in the amount of $35,179 in the General Fund (0100) and appropriate these funds to salary expenses for staff time at three additional after school activities programs.
An adjustment is necessary to recognize previously unbudgeted revenue in the amount of $50,000 in the General Fund (0100) for service credit revenue and appropriate the same amount to repair and maintenance expenses in PR&N Operations Services Administration fund.

POLICE
An adjustment is necessary to establish a transfer in the amount of $60,000 from the General Fund (0100) to the Traffic Offender Fund (1610) due to a revenue shortfall in vehicle release revenues. Funding for the transfer is available from Fiscal Year 2010-11 Police Department departmental savings.

An adjustment is necessary to recognize $6,887 in the General Fund (0100) for seized asset forfeiture revenue. Expenses for the Junior Cadet and G.R.E.A.T programs have already been paid from the existing Police department General Fund expense budget and this action will reimburse MPD for those expenses.

PUBLIC WORKS
An adjustment is necessary to appropriate $34,000 from Parking Fund (4000) reserves to increase the Parking Fund operating budget for additional police services in the 11th Street Parking Garage.

An adjustment is necessary to budget a transfer in the amount of $2,500 from the Gas Tax Fund (1730) to the Surface Transportation Fund (1700), and appropriate these funds for professional services expenses associated with the Fiscal Year 2010-11 State Controller’s audit of the Street and Road program.

An adjustment is necessary to appropriate $3,000,000 from Water Fund (4100) reserves to establish a new fund entitled Water Rate Stabilization (4170). The monies were previously included in the Water Fund but according to the related bond documents, they need to be accounted for in a separate fund.

An adjustment is necessary to transfer $3,714,285 from the Water Development Fee Fund (4101) and the Water 2006 COP Fund (4130) to the Water Capital Improvement Project Fund (4180) for expenses incurred on various capital improvement projects in Fiscal Year 2010-11.

An adjustment is necessary to transfer $650,000 from the Wastewater Development Fees Fund (4211) to the Wastewater Phase 1A Tertiary Capital Improvement Project 100546 in the Sewer Operations fund (4210) for Fiscal Year 2010-11 expenses. These funds were collected from capacity charges and are eligible to be used to pay for growth related wastewater projects.

The following budget adjustments relate to FY 2011/12:

COMMUNITY AND ECONOMIC DEVELOPMENT
The Kiernan Business Park East (CFD No. 2009-1) bond sale did not occur as anticipated. Therefore, there will not be any bond proceeds or annual special tax revenue in FY2011-12 in the Kiernan Business Park East CFD fund (3212). An adjustment is necessary to reduce bond proceed revenue by $50,000 and the associated expense by $48,664.

An adjustment is necessary to budget a transfer in the amount of $2,500 from the Gas Tax Fund (1730) to the Surface Transportation Fund (1700) and appropriate these funds for professional
services expense associated with the Fiscal Year 2011-12 State Controller’s audit of the Street and Road program.

An adjustment is necessary to decrease service credit revenue in the General Fund (0100) by $37,801 in the Neighborhood Preservation Unit and decrease service credit expenses correspondingly in the Direct Services-Non Housing budget in the CDBG Direct Program Fund (1130). The scope of the original service credit agreement for neighborhood preservation management was updated and reduced to reflect the change in the adopted budget. However, it did not move a Code Enforcement Officer position into C&ED in the General Fund.

FINANCE
An adjustment is necessary to decrease service credit revenue in the General Fund (0100) by $10,000 in the Finance-Budget department and increase the miscellaneous revenue budget in Finance-Administration. The original service credit agreement for the Wastewater Treatment Phase 2 Tertiary has been updated to reflect the amount identified for administration of the State Revolving Loan reimbursements.

An adjustment is necessary to increase service credit revenue in the General Fund (0100) by $160 in the Purchasing Division of the Finance department and increase service credit expense correspondingly in Internal Service Stores in the Central Stores Fund (5110). The original amount of the service credit agreement was estimated and budgeted at $18,000 and the actual amount is slightly higher.

An adjustment is necessary to increase service credit revenue in the General Fund (0100) by $49 in the Finance-Accounting department and increase service credit expenses correspondingly in NSP in the ARRA-CDBG NSP 2 Program Fund (1131). The original amount of the service credit agreement was estimated and budgeted at $13,317 and the actual amount is slightly higher.

INFORMATION TECHNOLOGY
An adjustment is necessary to reduce the salary and benefit expense budget for a Software Analyst I position in the amount of $80,694 in the Wastewater Fund (4210) and appropriate the same amount from reserves in the Information Technology Fund (5230) for FY2011-12. This position is included in the operating budget and Information Technology Internal Service Fund charges that were adopted in the FY2011-12 budget.

POLICE
An adjustment is necessary to appropriate from General Fund reserves and increase the salary and benefit expense budget in the Police department in the General Fund (0100) by $74,844. This action is needed to budget for contractual post pay increases not included in the adopted FY 2011/12 budget.

PUBLIC WORKS
An adjustment is necessary to appropriate $15,870 from General Fund (0100) reserves to Graffiti Abatement for unbudgeted expenses for the month of July. This function will be managed going forward by volunteers with oversight from the Parks, Recreation and Neighborhoods Department as part of the FY2011-12 adopted budget.

An adjustment is necessary to appropriate $708,595 from Water Fund reserves (4100) to increase the expense budget in the 2006 Water COP Fund (4130) and appropriate these funds to professional services and letter of credit fees expenses incurred in efforts to obtain a new Letter of Credit with JPMorgan Chase.
An adjustment is necessary to create a transfer in the amount of $100,000 from the Gas Tax Fund (1730) to the Surface Transportation Fund-Streets (1700) and appropriate the same amount in the STF-Streets fund for temporary labor expenses for weed abatement.
A RESOLUTION APPROVING AN ANNUAL RETAIL ADVERTISING CONTRACT WITH THE MODESTO BEE (MCCLATCHY NEWSPAPER GROUP); AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, the City of Modesto is currently using the Modesto Bee (McClatchy Newspaper Group) as its primary advertising source for its advertising requirements, and

WHEREAS, the advertising services are required for classified and legal advertisements as required by law, and for retail advertisements for public information purposes, and

WHEREAS, the City’s Purchasing Manager annually meets with the Modesto Bee and based on advertising volume commitments over the prior year identifies retail contract options which would best meet the City’s retail advertising needs, and

WHEREAS, the current retail contract has expired, and

WHEREAS, the City’s Purchasing Manager once again met with the Modesto Bee to discuss what contract renewal options would be available to the City, and

WHEREAS, the Modesto Bee has agreed to renew the retail advertising contract for another year, and

WHEREAS, the “non-profit no-commitment” will be at a contract rate of $51.68 per column inch, and

WHEREAS, the Purchasing Manager has determined that a process other than the formal bid procedure will result in a procurement of advertising for the City at the lowest cost commensurate with the desired quality, as provided for in Modesto Municipal Code Section 8-3.204(d), and
WHEREAS, once signed, the advertising contract shall be implemented and tracked by the City’s Purchasing Manager, and with the City’s Public Information Technician assisting departments with their advertising needs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an annual retail advertising contract with the Modesto Bee (McClatchy Newspaper Group).

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

SUSANA ALCALA WOOD, City Attorney

APPROVED AS TO FORM:

(Seal)

09/06/2011/Finance/MAverell/Item 8

2011-365
RESOLUTION AUTHORIZING SOLE BRAND PROCUREMENT FOR THE
PURCHASE AND INSTALLATION OF AN ARMOR CRACK REPAIR SYSTEM
AT THREE (3) TENNIS COURT SITES TO RECREATIONAL SURFACE
REPAIR, FRESNO, CA, AND AUTHORIZING THE PURCHASING MANAGER,
OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT IN THE
AMOUNT OF $116,796

WHEREAS, the tennis court surfacing at Downey, Johansen and Modesto High
Schools has been determined to need repairs due to major cracks and separation of the
surfacing, and

WHEREAS, the City of Modesto maintains the tennis court facilities at these
three sites, and

WHEREAS, the Armor Crack Repair System has been deemed by City staff to be
the best repair system for the tennis courts and is a sole brand, requiring installation by a
factory-certified installer, and

WHEREAS, Recreational Surface Repair of Fresno is the only certified installer
in Northern California, and

WHEREAS, the City Manager authorized the Purchasing Manager to accept a
quotation from the authorized Armor Crack Repair System certified-installer, for the
purchase and installation of an Armor Crack Repair System at three (3) tennis court sites:
Modesto High School, Johansen High School and Downey Park, for the Parks,
Recreation and Neighborhoods Department, with the Purchasing Division coming back to
Council for award authorization, and
WHEREAS, a quote has been received from Recreational Surface Repair of Fresno for purchase and installation of the Armor Crack Repair System at three (3) tennis court sites in the amount of $116,796, and

WHEREAS, the Director of Parks, Recreation and Neighborhoods concurs with staff’s recommendation that the quote of $116,796 received from Recreational Surface Repair be accepted as the sole bid and the contract be awarded to Recreational Surface Repair,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the sole brand procurement, accepts the quote of Recreational Surface Repair in the amount of $116,796, and awards Recreational Surface Repair the contract for the Purchase and Installation of an Armor Crack Repair System at three (3) tennis court sites in Modesto.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a Purchase Agreement in the amount of $116,796.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
SUSAN A. CALALA WOOD, City Attorney
A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE PURCHASE AGREEMENTS FOR SOLE SOURCE PROCUREMENT OF VARIOUS HARDWARE AND SOFTWARE MAINTENANCE/SUPPORT AGREEMENTS FROM HARDWARE AND SOFTWARE MANUFACTURES FOR THE INFORMATION TECHNOLOGY DEPARTMENT THROUGHOUT FISCAL YEAR 2011-2012 FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED $883,236

WHEREAS, the City has an ongoing need to issue purchase maintenance contracts/support agreements for hardware and software assets utilized by the City of Modesto and managed by the Information Technology Department, and

WHEREAS, the expenditures for maintenance contracts/support agreements have been approved by Council through the budget process, and

WHEREAS, staff requests the Purchasing Manager be authorized to solicit bids through “sole-source” purchases and informal bid processes for Fiscal Year 2011–2012 for an estimated amount of $883,236.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to solicit bids through “sole-source” purchases and informal bid processes for the purchase of maintenance contracts/support agreements throughout the Fiscal Year 2011–2012.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-368

RESOLUTION APPROVING UPDATED BYLAWS FOR THE CITIZENS’ HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE; AND THE HOUSING REHABILITATION LOAN COMMITTEE; AND RESCINDING COUNCIL RESOLUTION NOS. 91-690 AND 97-515

WHEREAS, the City Council has established the Citizens’ Housing and Community Development and Housing Rehabilitation Loan Committees to advise the City Council on housing related matters, and

WHEREAS, the Citizens’ Housing and Community Development Committee is responsible for making policy and funding recommendations regarding the City’s housing programs to the City Council, and

WHEREAS, the Housing Rehabilitation Loan Committee is responsible for reviewing and approving housing rehabilitation loans and homebuyers’ assistance loans and for reviewing policy and procedures for both programs, and

WHEREAS, Resolution Nos. 91-690 and No. 97-515 have previously been adopted to outline the Terms of Office and Procedures for these Committees, and

WHEREAS, these Terms and Procedures are attached hereto and incorporated herein as Exhibits A and B,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto that it hereby approves updated Bylaws for the Citizens’ Housing and Community Development Committee and the Housing Rehabilitation Loan Committee.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution Nos. 91-690 and No. 97-515 are hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th of September, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
CITIZENS’ HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

BYLAWS

Article I

Definitions

Section 1 There is a Committee created to be known and designated as the Citizens’ Housing and Community Development Committee.

Section 2 As used in these Bylaws, unless a different meaning clearly appears from the context:

A. "Member" shall mean a member of the Citizens’ Housing & Community Development Committee.

B. "Citizens’ Housing & Community Development Committee" and "Committee" shall mean the Citizens’ Housing & Community Development Committee.

Article II

Objectives

Section 1 The Committee shall be responsible for providing overall review of the City’s housing programs and making policy and funding recommendations regarding the City’s housing programs to the City Council.

Article III

Membership

Section 1 The Citizens’ Housing & Community Development Committee shall consist of 13 qualified persons comprised of the following:

- 2 Councilmembers appointed by the Mayor
- 2 Representatives of the Citizens Redevelopment Advisory Commission
- 1 Representative of the Housing Rehabilitation Loan Committee
- 1 Representative of the Human Relations Committee or Citizen-at-Large
- 1 Representative of the County Board of Supervisors
- 1 Representative of the City’s Planning Commission
- 5 6 Citizens-at-Large
Section 2 The members of the Committee shall reside within the city limits of the City of Modesto at the time of appointment and must maintain residence within the City at all times during their service on the Committee.

Section 3 No member of the Committee shall be an employee of the City, nor any bargaining unit for employees of the City, nor a person who receives compensation from the City.

Section 4 All appointments shall be approved by a majority vote of the City Council.

Section 5 No member of the Committee shall be a relative by blood or marriage within the third degree of the Mayor, Councilmember, Charter Officer, or any department director or deputy department director.

Section 6 One member of the Committee shall be appointed as an alternate to the Housing Rehabilitation Loan Committee by the Committee Chair.

Section 7 All members must complete Statement of Economic Interest (Form 700) by April 1st of each year and when assuming or leaving Committee membership.

Article IV

Terms of Office

Section 1 Members may serve no more than two terms.

Section 2 Full terms are four years in duration.

Section 3 A partial term of two or more years shall be considered a full term.

Section 4 Full term appointments begin on January 1st and expire on December 31st four years subsequent.

Section 5 Members may be re-appointed after their initial term. Members serving two consecutive terms may be reappointed after a break in service of 12 months.

Section 6 Members not eligible for re-appointment may continue to serve until their successors are appointed. No member shall serve more than eight consecutive years, with the exception of those who are serving until their successors are appointed.

Section 7 The members of the Committee shall receive no compensation for the performance of their official duties.

Section 8 Appointments to fill vacancies on the Committee shall be handled in the same manner as original appointments. When a vacancy occurs during a term, the appointment to fill such vacancy shall be for the unexpired portion of the term.

Section 9 Members of the Committee may be removed by a majority vote of the City
Council after a recommendation by the Committee chairperson for the following reasons:

A. Misconduct, inefficiency, or willful neglect in the performance of their duties providing the member is first provided in writing the reasons for such removal and gives the member the opportunity to be heard before the Council in their own defense.

B. Refusal to resign from the Committee when no longer a resident of the City of Modesto or when a conflict of interest exists.

**Article V**

**Attendance at Meetings**

*Section 1*  
It shall be the responsibility of each member to know the dates and times of all meetings of the Committee. If a member knows he or she will not be able to attend a regularly scheduled meeting, it shall be his or her responsibility to notify the Committee Secretary at least forty-eight hours before the meeting, in order for the absence to be recorded as an excused absence.

*Section 2*  
The minutes of each meeting will list those members in attendance, those who are excused and those who are unexcused.

*Section 3*  
Timely attendance at meetings is expected and necessary to carry out the mission of the Committee. Three or more consecutive unexcused absences are grounds for removal from the Committee by the City Council.

**Article VI**

**Officers and Their Duties**

*Section 1*  
Officers shall consist of Chair, as appointed by the Mayor, and Vice-chair, elected by a majority vote of the members of the Committee. Officers shall serve a four-year term.

*Section 2*  
All officers shall exercise all privileges of membership, including the making of motions, seconding and debate.

*Section 3*  
The Chair shall preside at all meetings, shall appoint all ad-hoc committees, and shall ensure that the bylaws, rules and regulations as adopted by the Committee are properly enforced.

*Section 4*  
The Vice-chair shall assist the Chair in his/her duties and in the absence of the Chair shall perform all duties usually performed by the Chair.

*Section 5*  
The Parks, Recreation, & Neighborhoods Department shall provide a staff member to serve as secretary. He/she shall keep a record of the minutes of all
meetings and such other duties as are usually performed by a secretary.

**Article VII**

**Meetings**

Section 1 Special meetings shall be called by the Chair as necessary.

Section 2 Notices of all meetings, including an agenda, shall be given to all members of the Committee, to the City Clerk, to the City Manager, and to all others as provided by law. All such notices shall be furnished to the Committee in writing at least seventy-two hours prior to the time of such meeting.

Section 3 All meeting agendas will be posted at Tenth Street Place.

Section 4 All meetings shall comply with the requirements of the Ralph M. Brown Act.

Section 5 A quorum is necessary for the Committee to transact any business. A quorum shall be defined as a simple majority of active Committee members which is one-half of the active members plus one.

Section 6 All meetings of the Committee shall be open to the public and shall be held at a public facility, which is accessible in accordance with the regulations of the Americans with Disabilities Act.

**Article VIII**

**Order of Proceedings**

Section 1 Sturgis' Standard Code of Parliamentary Procedure shall be the guide for parliamentary procedures in the conduct of Committee meetings.

Section 2 The order of proceedings of all meetings shall be as follows, subject to majority vote of the Members present:

1. Roll Call
2. Declaration of Conflict of Interest
3. Public Comment Period
4. Consent Items
5. Old Business
6. New Business
7. Committee Comments & Reports
8. Matters Too Late for the Agenda
9. Adjournment

Section 3 Members of the public shall not speak unless recognized by the Chair and shall state their names before making any statement, which shall become a part of the public record. The Chair may remove any person who refuses to follow
these rules or the decision of the Chair.

**Article IX**

**Amendments**

Section 1 The Bylaws and any future amendments shall be subject to the final approval of the City Council and shall not and are not intended to go beyond any of the powers and duties given to the Committee by the City Council.
HOUSING REHABILITATION LOAN COMMITTEE

BYLAWS

Article I

Definitions

Section 1 There is a Committee created to be known and designated as the Housing Rehabilitation Loan Committee.

Section 2 As used in these Bylaws, unless a different meaning clearly appears from the context:

A. "Member" shall mean a member of the Housing Rehabilitation Loan Committee.

B. "Housing Rehabilitation Loan Committee" and "Committee" shall mean the Housing Rehabilitation Loan Committee.

Article II

Objectives

Section 1 The Committee shall be responsible for reviewing and approving housing rehabilitation loans and homebuyers' assistance loans and for reviewing policy and procedures for both programs.

Article III

Membership

Section 1 The Housing Rehabilitation Loan Committee shall consist of 7 qualified persons and one alternate comprised of the following:

- 1 Councilmember appointed by the Mayor
- 2 1 Representatives of financial institutions
- 2 Representatives of service providers
- 1 Representative of the Housing Authority of Stanislaus County
- ± 2 Citizens-at-Large
- 1 Member of the Citizens' Housing & Community Development Committee, serving as an Alternate

Section 2 The members of the Committee shall reside within the city limits of the City of Modesto at the time of appointment and must maintain residence within the City at all times during their service on the Committee with the exception of
the appointed representative of the Housing Authority of Stanislaus County.

Section 3  No member of the Committee shall be an employee of the City, nor any bargaining unit for employees of the City, nor a person who receives compensation from the City.

Section 4  All appointments shall be approved by a majority vote of the City Council.

Section 5  No member of the Committee shall be a relative by blood or marriage within the third degree of the Mayor, Councilmember, Charter Officer, or any department director or deputy department director.

Section 6  All members must complete Statement of Economic Interest (Form 700) by April 1st of each year and when assuming or leaving Committee membership.

Article IV

Terms of Office

Section 1  Members may serve no more than two terms.

Section 2  Full terms are four years in duration.

Section 3  A partial term of two or more years shall be considered a full term.

Section 4  Full term appointments begin on January 1st and expire on December 31st four years subsequent.

Section 5  Members may be re-appointed after their initial term. Members serving two consecutive terms may be reappointed after a break in service of 12 months.

Section 6  Members not eligible for re-appointment may continue to serve until their successors are appointed. No member shall serve more than eight consecutive years, with the exception of those who are serving until their successors are appointed.

Section 7  The members of the Committee shall receive no compensation for the performance of their official duties.

Section 8  Appointments to fill vacancies on the Committee shall be handled in the same manner as original appointments. When a vacancy occurs during a term, the appointment to fill such vacancy shall be for the unexpired portion of the term.

Section 9  Members of the Committee may be removed by a majority vote of the City Council after a recommendation by the Committee chairperson for the following reasons:

A. Misconduct, inefficiency, or willful neglect in the performance of their duties providing the member is first provided in writing the reasons for such
removal and gives the member the opportunity to be heard before the Council in their own defense.

B. Refusal to resign from the Committee when no longer a resident of the City of Modesto or when a conflict of interest exists.

Article V

Attendance at Meetings

Section 1 It shall be the responsibility of each member to know the dates and times of all meetings of the Committee. If a member knows he or she will not be able to attend a regularly scheduled meeting, it shall be his or her responsibility to notify the Committee Secretary at least forty-eight hours before the meeting, in order for the absence to be recorded as an excused absence.

Section 2 The minutes of each meeting will list those members in attendance, those who are excused and those who are unexcused.

Section 3 Timely attendance at meetings is expected and necessary to carry out the mission of the Committee. Three or more consecutive unexcused absences are grounds for removal from the Committee by the City Council.

Article VI

Officers and Their Duties

Section 1 Officers shall consist of Chair and Vice-chair elected by a majority vote of the members of the Committee. Officers shall serve a four-year term.

Section 2 All officers shall exercise all privileges of membership, including the making of motions, seconding and debate.

Section 3 The Chair shall preside at all meetings, shall appoint all ad-hoc committees, and shall ensure that the bylaws, rules and regulations as adopted by the Committee are properly enforced.

Section 4 The Vice-chair shall assist the Chair in his/her duties and in the absence of the Chair shall perform all duties usually performed by the Chair.

Section 5 The Parks, Recreation, & Neighborhoods Department shall provide a staff member to serve as secretary. He/she shall keep a record of the minutes of all meetings and such other duties as are usually performed by a secretary.

Article VII

Meetings
Section 1  Special meetings shall be called by the Chair as necessary.

Section 2  Notices of all meetings, including an agenda, shall be given to all members of the Committee, to the City Clerk, to the City Manager, and to all others as provided by law. All such notices shall be furnished to the Committee in writing at least seventy-two hours prior to the time of such meeting.

Section 3  All meeting agendas will be posted at Tenth Street Place.

Section 4  All meetings shall comply with the requirements of the Ralph M. Brown Act.

Section 5  A quorum is necessary for the Committee to transact any business. A quorum shall be defined as a simple majority of active Committee members which is one-half of the active members plus one.

Section 6  All meetings of the Committee shall be open to the public and shall be held at a public facility, which is accessible in accordance with the regulations of the Americans with Disabilities Act.

Article VIII

Order of Proceedings

Section 1  Sturgis' Standard Code of Parliamentary Procedure shall be the guide for parliamentary procedures in the conduct of Committee meetings.

Section 2  The order of proceedings of all meetings shall be as follows, subject to majority vote of the members present:

1. Roll Call
2. Declaration of Conflict of Interest
3. Public Comment Period
4. Consent Items
5. Old Business
6. New Business
7. Committee Comments & Reports
8. Matters Too Late for the Agenda
9. Adjournment

Section 3  Members of the public shall not speak unless recognized by the Chair and shall state their names before making any statement, which shall become a part of the public record. The Chair may remove any person who refuses to follow these rules or the decision of the Chair.
Article IX

Amendments

Section 1 The Bylaws and any future amendments shall be subject to the final approval of the City Council and shall not and are not intended to go beyond any of the powers and duties given to the Committee by the City Council.
RESOLUTION APPROVING THE PUBLIC ART COMMITTEE’S PROPOSED SCULPTURE PLACEMENT ON THE VIRGINIA CORRIDOR NEAR ROSEBURG SQUARE

WHEREAS, the Public Art Committee was formed to advise the City Council on matters pertaining to public art, and

WHEREAS, the Public Art Committee seeks to enhance the aesthetic environment of the community by facilitating the selection of appropriate works of art for the public to enjoy, and

WHEREAS, the Public Art Committee has focused on project opportunities along the Virginia Corridor since it is highly trafficked and provides many locations for public art projects, and

WHEREAS, a plasma-cut steel sculpture by artist Steve Mudge representing railroad workers operating a handcart is proposed to be placed along the Virginia Corridor near the Roseburg Square area, and

WHEREAS, on August 1, 2011, the Safety and Communities Committee met and supported the Public Art Committee’s proposed sculpture placement on the Virginia Corridor near Roseburg Square,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports the Public Art Committee’s proposed sculpture placement on the Virginia Corridor near Roseburg Square.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-370

RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT, IN THE AMOUNT OF $8,825.13, FOR THE RELOCATION OF MODESTO IRRIGATION DISTRICT FACILITIES ALONG EMPIRE AVENUE, FROM HILLSIDE DRIVE TO MONTEREY AVENUE; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto’s Department of Housing & Urban Development (HUD) Annual Action Plan, for Fiscal Year 2009-10 approved by the City Council on November 24, 2009, included the B-10-MC-06-0002 Empire Avenue Street Improvement Project, and

WHEREAS, the street improvement project funded through the Community Development Block Grant (CDBG) will include the installation of curb, gutters, sidewalks, street lighting, and drainage facilities to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, the City of Modesto desires Modesto Irrigation District to relocate its facilities prior to the construction of the street improvements, and

WHEREAS, this project is exempt from California Environmental Quality Act (CEQA), pursuant to Section 15301(c) of CEQA guidelines, this project falls under a categorical exemption for existing facilities, and

WHEREAS, the project is consistent and is in conformance to the General Plan Master E.I.R. and no additional California Environmental Quality Act clearance is needed, and

WHEREAS, pursuant to 24 CFR, Part 58.35 (a)(1)(2) of the National Environmental Protection Act (NEPA) this project is categorically exempt, and
WHEREAS, the City of Modesto requires an Agreement with Modesto Irrigation District for the relocation of Modesto Irrigation District facilities along Empire Avenue, from Hillside Drive to Monterey Avenue,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement between the City of Modesto and Modesto Irrigation District for the relocation of Modesto Irrigation District Facilities, in the amount of $8,825.13.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers:烧sides, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: (SEAL)

STEFANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: (SEAL)

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH
AECOM TECHNICAL SERVICES, INC. (AECOM) FOR ADDITIONAL SCOPE
OF WORK NOT INCLUDED IN THE ORIGINAL AGREEMENT FOR FINAL
DESIGN SERVICES FOR WELLHEAD TREATMENT WELL #3 - PCE IN AN
AMOUNT NOT TO EXCEED $17,980 FOR THE IDENTIFIED SCOPE OF
SERVICES, PLUS $10,502 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A
MAXIMUM TOTAL AMOUNT OF $28,482, AND AUTHORIZING THE CITY
MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO
AGREEMENT

WHEREAS, the City owns and operates domestic Well #3, located at the
intersection of 8th and K Streets near downtown Modesto, and

WHEREAS, this well has been impacted by tetrachloroethylene (PCE)
contamination, and

WHEREAS, PCE levels in the well water have reached the California Department
of Public Health (CDPH) maximum contaminant level, and

WHEREAS, the City believes that these levels will rise when pumping resumes
due to a nearby groundwater PCE plume, and

WHEREAS, since the well contributes an important part to the water distribution
system, City staff sought professional services to recommend the most efficient and cost
effective method of removing PCE from the water, and

WHEREAS, following the procedures outlined in Administrative Directive 3.1,
Selection Procedures for Professional Consultants who Provide Architectural &
Engineering Services for Capital Projects, AECOM USA, Inc. was selected to perform
preliminary design services for a treatment system to remove PCE from water produced
by Well 3, and
WHEREAS, on May 26, 2009, by Resolution No. 2009-221, the City Council approved an agreement with AECOM USA, Inc. to prepare a 35% Preliminary Design Report (PDR) for the Wellhead Treatment Well #3-PCE project, and

WHEREAS, following staff’s review and approval, the PDR was submitted to City Council for acceptance, and

WHEREAS, on May 4, 2010, by Resolution No. 2010-169, the City Council accepted the PDR and at the same meeting, by Resolution No. 2010-170, approved an agreement with AECOM Technical Services, Inc. (formerly AECOM USA, Inc.) for final design services for the Wellhead Treatment Well #3 – PCE project, and

WHEREAS, the 35% PDR provided a guiding set of criteria and requirements, including selection of a proposed treatment method, estimated costs, and a proposed preliminary layout, and

WHEREAS, however, upon further review of the more detailed final design documents, City staff requested revisions to the project design to better suit operational needs, and

WHEREAS, these requested revisions include: 1) Increased wall height; 2) Installation of new tablet chlorinator; 3) Replacement of existing Remote Terminal Unit (RTU); 4) Removal of existing sand separator; and 5) Revisions to horizontal layout and plumbing design to incorporate these changes, and

WHEREAS, these requested revisions require additional work by AECOM to revise the project design, and staff is recommending an amendment to its current agreement to include this additional work so that the final design documents may be completed for Wellhead Treatment Well #3 – PCE, and
WHEREAS, City staff recommends approving an amendment to agreement with AECOM as the City does not have the staffing level or subject matter expertise to provide preliminary design services for the Final Design Services for Wellhead Treatment Well #3 - PCE 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 amendment to agreement with AECOM Technical Services, Inc. for Final Design Services for Wellhead Treatment Well #3 - PCE project in an amount not to exceed $17,980 for the identified scope of services not included in the original agreement, plus $10,502 for additional services (if needed), for a maximum total amount of $28,482.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment to Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING THE PREQUALIFIED CONSULTANT LIST, CONSISTING OF BLACKBURN CONSULTING, GEOLOGICAL TECHNICS INC., KLEINFELDER WEST, INC., STANTEC CONSULTING CORPORATION, A.T.C ASSOCIATES INC., AND PROVOST & PRITCHARD CONSULTING GROUP, FOR AS-NEEDED PREPARATION OF ENVIRONMENTAL SITE ASSESSMENTS FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS FOR A PERIOD NOT TO EXCEED THREE YEARS

WHEREAS, over the next several years, based on the Utility Planning & Projects (UP&P) Department’s workload and staffing experience, there are a number of technically complex CIP projects that may require outside consultant services for environmental site assessments, and

WHEREAS, retaining a prequalified as-needed list of consultants allows the department to have quicker access to specific environmental site assessment services when needed, and

WHEREAS, this eliminates the need to send out repetitive Requests for Qualifications for projects of similar scope and/or type, saving man-hours and project costs, and

WHEREAS, City staff solicited and formally advertised a Request for Qualifications (RFQ) to nine environmental and engineering consulting firms for preparation of Phase I, II and III Environmental Site Assessments, and

WHEREAS, UP&P staff reviewed the nine Statements of Qualifications (SOQs) that were received, and

WHEREAS, following that review, City staff recommends approving these prequalified consultants: Blackburn Consulting, Inc., Geological Technics, Inc.,
Kleinfelder, Inc., Stantec Consulting, Inc., ATC Group Services, Inc., and Provost & Pritchard Consulting Group,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the prequalified consultant list, consisting of Blackburn Consulting, Geological Technics Inc., Kleinfelder West, Inc., Stantec Consulting Corporation, ATC Associates Inc., and Provost & Pritchard Consulting Group, for as-needed preparation of Phase I, II and III Environmental Site Assessments for various Capital Improvement Program (CIP) projects for a period not to exceed three years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney

09/06/2011/UP&P/RChristensen/Item 15
RESOLUTION ACCEPTING THE WORK BY GEORGE REED., INC., FOR THE “RSA ENHANCEMENT AND APRON REHABILITATION” PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $756,273.01

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the RSA Enhancement and Apron Rehabilitation project has been completed by George Reed, Inc., in accordance with the contract agreement dated September 1, 2009,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the RSA Enhancement and Apron Rehabilitation project is hereby accepted as complete from said contractor George Reed, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $756,273.01 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 6th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(S Seal)

APPROVED AS TO FORM:

By: [Signature]

SUSANA M LACALA WOOD, City Attorney
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE NORTHWEST TERMINAL APRON RECONSTRUCTION PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT TO GRANITE CONSTRUCTION COMPANY, OF WATSONVILLE, CALIFORNIA, IN THE AMOUNT OF $635,498.50, CONTINGENT ON THE FUNDING FROM THE FAA GRANT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Northwest Terminal Apron Reconstruction project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Northwest Terminal Apron Reconstruction project were opened at 11:00 a.m. on August 9, 2011, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of $635,498.50 received from Granite Construction Company be accepted as the lowest responsible bid and the contract be awarded to Granite Construction Company,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Northwest Terminal Apron Reconstruction project, accepts the bid of Granite Construction Company, of Watsonville, California, in the amount of $635,498.50, and approves the contract, contingent on the funding from the FAA grant.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(SEAL)

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-375

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,
TO EXECUTE ALL GRANT-RELATED DOCUMENTS UNDER THE FEDERAL
AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM FOR
THE NORTHWEST TERMINAL APRON RECONSTRUCTION PROJECT

WHEREAS, a majority of the project is funded by a Federal Aviation
Administration (FAA) Airport Improvement Program grant, and

WHEREAS, through the middle of September 2011, Congress is essentially only
providing the FAA 30 days worth of funding and authorization at a time, and

WHEREAS, staff recommends the grant be executed within the same 30-day
period that Congress has authorized the funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorizes the City Manager, or his designee, to execute all grant-related
documents under the Federal Aviation Administration Airport Improvement Program for
the Northwest Terminal Apron Reconstruction project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2011-2012 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $158,859 IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, AND CONSTRUCTION ADMINISTRATION FOR THE NORTHWEST TERMINAL APRON RECONSTRUCTION PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $158,859 in order to fully fund construction, contingency, and construction administration for the Northwest Terminal Apron Reconstruction project, and

WHEREAS, the Fiscal Year 2011-2012 Capital Improvement Program budget must be amended as shown in Exhibit A, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2011-2012 Capital Improvement Program budget as shown in Exhibit A.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
Exhibit A

Due to the increase of estimated cost of project #100430 (6320-440-A018), the total project cost needs to be increased by $158,859. This would be done by adjusting Engineering/Design by <$84,215>, Construction by $151,699, Construction Administration by $27,825 and Contingency by $63,550.

This project is funded 95% by a FAA grant therefore an adjustment will be to increase the grant funding by $150,916. The match of 5% will be paid by Passenger Facility Charges which will be increased by $7,943.
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) MODESTO CENTRE PLAZA LIGHTING IMPROVEMENTS, ACCEPTING THE BID, AND APPROVING AN AGREEMENT WITH COLLINS ELECTRICAL COMPANY, INC. OF MODESTO IN THE AMOUNT OF $665,237.00 FOR THE ARRA MODESTO CENTRE PLAZA LIGHTING IMPROVEMENTS PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the American Recovery and Reinvestment Act (ARRA) Modesto Centre Plaza Lighting Improvements Project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the ARRA Modesto Centre Plaza Lighting Improvements Project were opened at 11:00 a.m. on July 19, 2011, and later tabulated by the Director of Parks, Recreation and Neighborhoods for the consideration of the Council, and

WHEREAS, the Director of Parks, Recreation and Neighborhoods has recommended that the bid of $665,237.00 received from Collins Electrical Company, Inc. for the project be accepted as the lowest responsible bid and the contract be awarded to Collins Electrical Company, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the American Recovery and Reinvestment Act Modesto Centre Plaza Lighting Improvements Project, accepts the bid of Collins Electrical Company, Inc. in the amount of $665,237.00 for the project and awards Collins Electrical Company, Inc. the contract for the ARRA Modesto Centre Plaza Lighting Improvements Project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2011-2012 CAPITAL IMPROVEMENT PROGRAM BUDGET IN ORDER TO FULLY FUND THE AMERICAN RECOVERY AND REINVESTMENT ACT MODESTO CENTRE PLAZA LIGHTING IMPROVEMENTS PROJECT

WHEREAS, a budget adjustment is necessary in order to adjust the expense and revenue budgets in the Parks CIP Account 100588.PRN.Parks Planning and Development (Modesto Centre Plaza Lighting), and

WHEREAS, additional funding of $240,213 from unused ARRA-EECBG funds and a transfer of Solid Waste Funds is necessary to award this bid, and

WHEREAS, the Fiscal Year 2011-2012 Capital Improvement Program budget must be amended as shown in Exhibit A, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2011-2012 Capital Improvement Program budget as shown in Exhibit A, which is attached hereto.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
### Request for Budget Adjustment
**Projects and Grants**

- **Contact Person:** Susan Diaz
- **Telephone:** 577-3345
- **Submitting Department:** Parks, Recreation & Neighborhood

#### Project Name: ARR- MCP Lighting

<table>
<thead>
<tr>
<th>Fiscal Year being Adjusted: FY 11-12</th>
</tr>
</thead>
</table>

#### Revenues

<table>
<thead>
<tr>
<th>Fund Center</th>
<th>Account</th>
<th>Project</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Account</th>
</tr>
</thead>
<tbody>
<tr>
<td>MY 3100</td>
<td>39999</td>
<td>42020</td>
<td>100202</td>
<td>$226,017</td>
<td>($7,000)</td>
<td>$219,017</td>
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<tr>
<td>MY 3100</td>
<td>39999</td>
<td>42020</td>
<td>100203</td>
<td>$323,423</td>
<td>($154,246)</td>
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<td>39999</td>
<td>42020</td>
<td>100205</td>
<td>$460,200</td>
<td>($17,172)</td>
<td>$442,828</td>
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<table>
<thead>
<tr>
<th>TO</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th>Intergral Federal American Rec Reimb Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>MY 3100</td>
<td>39999</td>
<td>42020</td>
<td>100204</td>
<td>$343,630</td>
<td></td>
<td>$341,935</td>
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<td>39999</td>
<td>42020</td>
<td>100588</td>
<td>$570,830</td>
<td>($174,213)</td>
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</table>

#### Expenses

<table>
<thead>
<tr>
<th>Fund Center</th>
<th>Account</th>
<th>Project</th>
<th>Expenditure Type</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Project Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>MY 100202</td>
<td>CCF</td>
<td>City Construction Forces</td>
<td>$5,000</td>
<td>($5,000)</td>
<td>$0</td>
<td>PRN Parks Planning and Development</td>
<td></td>
</tr>
<tr>
<td>MY 100202</td>
<td>EDA</td>
<td>Eng/Design/Admin</td>
<td>$40,000</td>
<td>($2,000)</td>
<td>$38,000</td>
<td>PRN Parks Planning and Development</td>
<td></td>
</tr>
<tr>
<td>MY 100203</td>
<td>CA</td>
<td>Construction Admin</td>
<td>$299,778</td>
<td>($13,522)</td>
<td>$45,835</td>
<td>PRN Parks Planning and Development</td>
<td></td>
</tr>
<tr>
<td>MY 100203</td>
<td>CON</td>
<td>Construction Admin</td>
<td>$295,777</td>
<td>($131,782)</td>
<td>$334,955</td>
<td>PRN Parks Planning and Development</td>
<td></td>
</tr>
<tr>
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<td>CTGY</td>
<td>Contingency - CIP</td>
<td>$23,662</td>
<td>($13,743)</td>
<td>$9,999</td>
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<td></td>
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<tr>
<td>MY 100204</td>
<td>CON</td>
<td>Construction Admin</td>
<td>$293,744</td>
<td>($2,484)</td>
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</tr>
<tr>
<td>MY 100204</td>
<td>CTGY</td>
<td>Contingency - CIP</td>
<td>$11,102</td>
<td>($199)</td>
<td>$10,903</td>
<td>PRN Parks Planning and Development</td>
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</tr>
<tr>
<td>MY 100205</td>
<td>CTGY</td>
<td>Contingency - CIP</td>
<td>$38,519</td>
<td>($18,000)</td>
<td>$20,519</td>
<td>PRN Parks Planning and Development</td>
<td></td>
</tr>
</tbody>
</table>

| TO          |         |         | Eng/Design/Admin | $30,406        | $1,117          | $31,523        | PRN Parks Planning and Development |
|-------------|---------|---------|Construction Admin | $26,377        | $2,565          | $28,942        | PRN Parks Planning and Development |
| MY 100204   | EDA     | Eng/Design/Admin       | $26,377        | $4,623         | $31,000        | PRN Parks Planning and Development |
| MY 100205   | EDA     | Eng/Design/Admin       | $10,125        | $828           | $10,953        | PRN Parks Planning and Development |
| MY 100205   | CA      | Construction Admin     | $39,268        | $133,851       | $53,121        | PRN Parks Planning and Development |
| MY 100208   | CON     | Construction           | $455,643       | $209,594       | $665,237       | PRN Parks Planning and Development |
| MY 100208   | CTGY    | Contingency - CIP      | $36,451        | $16,768        | $53,219        | PRN Parks Planning and Development |

#### Justification for Budget Adjustment

Adjustment reflects the budget needed to award the Modesto Centre Plaza Lighting Project and the Roof and Solar Improvements at Modesto Centre Plaza and Police Training Facility project. The numbers are based on the lowest responsible bids received to complete these projects.

---

**Authorization**

<table>
<thead>
<tr>
<th>Administrative Services Officer (if needed)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Deputy Director (if needed)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Department Director or Authorized Designee</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Financial Analyst</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Director Of Finance</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>City Manager</th>
</tr>
</thead>
</table>

---

**Transfer Number:** ____________________________  Completed By: ____________________________
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE PRIMARY OUTFALL REHABILITATION PROJECT – PHASE II, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH K.J. WOODS CONSTRUCTION, INC., OF SAN FRANCISCO, CALIFORNIA, IN THE AMOUNT OF $6,528,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Primary Outfall Rehabilitation Project – Phase II, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Primary Outfall Rehabilitation Project – Phase II were opened at 11:00 a.m. on August 9, 2011, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of $6,528,000 received from K.J. Woods Construction, Inc. be accepted as the lowest responsible bid and the contract be awarded to K.J. Woods Construction, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Primary Outfall Rehabilitation Project – Phase II, accepts the bid of K.J. Woods Construction, Inc., of San Francisco, California in the amount of $6,528,000, and approves the contract.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007072023): AMENDING SECTION 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO REZONE FROM MEDIUM-HIGH DENSITY RESIDENTIAL, (R-3), to PROFESSIONAL OFFICE, (P-O), PROPERTY LOCATED ON THE SOUTH SIDE OF EAST GRANGER AVENUE, EAST OF MCHENRY AVENUE AT 200 EAST GRANGER AVENUE. (GV LAND DEVELOPMENT SOLUTIONS)

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, GV Land Development Solutions has proposed amending Section 21-3-9 of the Zoning Map of the City of Modesto to rezone from Medium-High Density Residential, (R-3), to Professional Office, (P-O), property located on the south side of East Granger Avenue, east of McHenry Avenue at 200 East Granger Avenue, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto’s Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2011-16 (“Initial Study”) which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on August 17, 2011, the City caused to be published a 20-day notice of the City’s intent to make a finding that the subsequent 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 September 6, 2011, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezoning from Medium High Density Residential (R-3) to Professional Office (P-O), a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

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

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent 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 6th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:       Councilmembers:  None

ABSENT:     Councilmembers:  None

ATTEST:     STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  SUSANA ALCALA WOOD, City Attorney
EXHIBIT A

Initial Study

EA/C&ED 2011-16
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist
C&ED No. 2011-16

For the proposed:

Rezone to Professional Office, (P-O) and Granger Avenue Professional Office Development

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

6-22-2011

Updated: October 2008
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: Rezone to Professional Office (P-O) and Granger Avenue Office Development

B. Address or Location: 200 E. Granger Avenue (APN 031-001-011)

C. Applicant: Troy Wright

D. City Contact Person: David Wage

Project Manager: David Wage
Department: Community and Economic Development
Phone Number: (209) 577-5302
E-mail address: Dwage@modestogov.com

E. Current General Plan Designation(s): Mixed Use (MU)

F. Current Zoning Classification(s): High-Density Residential (R-3)

G. Surrounding Land Uses:
   - North: Neighborhood Commercial (C-1) and General Commercial (C-2)
   - South: Planned Development (R-3 use)
H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

The proposed development includes a rezone from High-Density Residential (R-3) to Professional Office (P-O) to facilitate development of a medical office complex. The subject 0.91 acre property is currently vacant. The development would include three medical office buildings totaling 9,496 square feet in area. All of the proposed buildings are one-story in height or approximately 22 feet tall.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

---

Project Manager

[Signature]

Title

[Title]

Date

[Date]

City of Modesto
General Plan Master EIR

Initial Study EA No. 2011-16
6-22-11
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>x</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>x</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>x</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>x</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>x</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>x</td>
<td></td>
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</tbody>
</table>

5. Currency of the Master EIR Document

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

<table>
<thead>
<tr>
<th></th>
<th></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>x</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>x</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>4</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>x</td>
<td></td>
</tr>
<tr>
<td>5</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>x</td>
<td></td>
</tr>
</tbody>
</table>
IV. ENVIRONMENTAL ANALYSIS

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

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

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

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

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

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

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

**Cumulative Impacts**

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

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

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

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

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

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

**Discussion:**

The 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>
</tr>
</tbody>
</table>
7) The proposed project would result in an increase in energy consumption associated with the operation on highway project, 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></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>7)</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1 & 3) The proposed project is consistent with the General Designation and the traffic volumes assumed in the MIER. The project will not result in an increase of 100 additional trips than what was assumed in the MIER or degradation below LOS D and therefore no new mitigation measures are necessary.

(2) The project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). The City Engineering and Traffic Department has evaluated the project and has determined that the existing design layout of the project is in accordance to City standards.

(4) Police and Fire Staff have reviewed this proposal and have indicated that there is no emergency access problem.

(5) City staff has reviewed the project and determined the project has provided sufficient parking for the proposed medical office buildings.

(6) The proposed project has been reviewed by Traffic, Planning and Transit staff and would not conflict with any adopted plans for alternative transportation.

(7) The proposed project is would not result in an increase in energy consumption in excess of what was considered in the Urban Area 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\textsubscript{x}, PM\textsubscript{10}, and PM\textsubscript{2.5}.

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

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

Discussion:

The appropriate mitigation to be applied to this project includes AQ-40 and AQ-42 through AQ-56 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-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\textsubscript{x}, PM\textsubscript{10}, and PM\textsubscript{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\textsubscript{x}, PM\textsubscript{10}, and PM\textsubscript{2.5}.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Impact</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Impact</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>5) The proposed project would create objectionable odors affecting a substantial number of people.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project was referred to the San Joaquin Valley Unified Air Pollution Control District who determined that the project would not have a significant effect on the ambient air quality with the incorporation of the mitigation measures listed above.

(2) This project incorporates the best management practices for PM10 reduction established by the SJVUAPD (see mitigation measures above).

(3) Applicable General Plan Policies will be applied to the project; therefore, project-specific effects will be less than significant for this impact (see mitigation measures above).

(4) The land uses proposed are not in themselves significant contributors to air pollution levels and therefore the primary source of air pollution associated with the development would be traffic related. Since the traffic impacts are within the scope of the MEIR, so are the traffic-related air quality impacts. The PM10 emissions created through construction activities will be mitigated as called for by the MEIR with the mitigation measure listed above.

(5) The proposed project will not produce objectionable odors.

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:**

There mitigation to be applied to this project includes N-3 and N-7 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

**c. Project-Specific Effects**

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

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

<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</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>
levels in the project vicinity above levels disclosed in the Master EIR, implementation of the Urban Area General Plan.

Discussion:

(1,2,3) The project is consistent with the noise policies of the General Plan. General Plan MEIR Mitigation Measure N-7 requires non-residential development to demonstrate that the project will incorporate measures to reduce noise impacts to a less than significant level. Consideration must be given to both the Commercial threshold of significance and the Multi-family residential threshold of significance, since the property to the east, west and south is occupied with High-Density Residential (R-3) uses. The MEIR maintains the “normally acceptable” level of noise for Commercial uses is 70dBA, while the “conditionally acceptable” is up to 75dBA. The “conditionally acceptable” level may be used when noise mitigations have been included in the project design. The “normally acceptable” Multi-family residential threshold is 65dBA, while the “conditionally acceptable” level is up to 70dBA. The exterior noise level is measured at the common outdoor recreation areas for Multi-Family developments (MEIR Mitigation Measure N-4). The proposed Medical Office buildings are not anticipated to generate noise levels that exceed the noise thresholds described above. Business activities will be conducted indoors with the exception of traffic coming and going from the site.

(4) The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity. There will be some construction related noise, but the noise mitigation measure N-3 called for by the General Plan for projects within the baseline developed area, has been incorporated.

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-</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. It is an infill project proposed within the urbanized area of the City. The site is currently vacant 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 will not involve changes to the existing environment that could result in the conversion of farmland to non-agricultural uses. The General Plan designates the property as Mixed Use. The adjacent property is also designated Mixed Use and is already developed with urban 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:

<table>
<thead>
<tr>
<th>Effect</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[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 was referred to Land Development Engineering Staff who determined the water proposed development will not exceed estimates or water supplies for needed to serve other entitlements and resources.

(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>Increased Demand for Sanitary Sewer Services</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

City of Modesto
General Plan Master EIR 16
Initial Study EA No. 2011-16 6-22-11
<table>
<thead>
<tr>
<th>Impact Description</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</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 is consistent with the Commercial and Mixed Use designation and will generate sewer flows within what was anticipated for the project site.

(3) The project was referred to Land Development Engineering Staff who determined there is adequate capacity to accommodate the proposed development in addition to existing commitments.

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>Loss of Sensitive Wildlife and Plant Habitat</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[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</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>
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.

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

Discussion:

(1) 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.

(4) 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 affected by the project.

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

(6) 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 the measures listed in 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>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project would modify or demolish a structure more than 50 years in age.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:
(1) The project is consistent with the archeological and historical resource policies in the General Plan.

(2 & 3) There are no existing structures on the project site.

(4) The project would not affect a resource that is listed or eligible for listing in the California Register of Historic Resources.

(5) 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:

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

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

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

**Discussion:**

1) The project is consistent with the storm drain policies in the Urban Area General Plan.

2) The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system.

3) The project will utilize low impact strategies and meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures."
10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

**Discussion:**

No mitigation measures 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-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>Proposed Condition</td>
<td>Potentially Significant Impact</td>
<td>Less Than Significant with Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>--------------------------------</td>
<td>---------------------------------------------------</td>
<td>-----------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>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>
<tr>
<td>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.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

**Discussion:**

1) 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 limited to commercial uses.

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

5) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures.

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.

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.
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

No mitigation measures 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-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>Increased Demand for Parks and Open Space</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project would eliminate parks or open space.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</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 project would not eliminate an existing park or designated open space.

(3) The project would include a commercial development and would not cause a significant increase in the use of existing neighborhood and 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:

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

Discussion:

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

(2) The project was referred to Modesto City Schools who indicated no opposition to the project.
13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

**Discussion:**

No mitigation measures 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-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:

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-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

<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>1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.</strong></td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td><strong>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.</strong></td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td><strong>3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.</strong></td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

**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.

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

Discussion:

No mitigation measures 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-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

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

City of Modesto
General Plan Master EIR

Initial Study EA No. 2011-16
6-22-11
Discussion:

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

(2) This project was referred to the County and Solid Waste Division for review, and no indication was given that there would be a problem serving this project.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

No mitigation measures 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-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>
<tr>
<td>3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) 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:

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-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>
</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>
</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>
</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:

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-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:

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-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:
20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

No mitigation measures 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-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, which allows Professional Office Zoning and uses such as a medical office development.

(2) The project would not divide an established community. The surrounding properties along Granger Avenue are designated Mixed Use in the General Plan. Within the Mixed use area there is a mixture of high density residential and commercial zoning. The proposed rezoning to Professional Office would not divide an established community and is consistent with the horizontal mixture of uses found in the area.

(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:

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

City of Modesto
General Plan Master EIR

Initial Study EA No. 2011-16
6-22-11
2) The proposed project would result in average automobile trip lengths or CO$_2$ emissions higher than those assumed in the Master EIR.

3) The proposed project would conflict with the Sustainable Communities Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.

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

Discussion:

(1) The City of Modesto General Plan Master EIR addressed potential climate change impacts due to development and other activities associated with the Urban Area General Plan (UAGP). The Urban Area General Plan Master EIR (MEIR) determined that buildout of the UAGP would make a cumulatively considerable contribution to global climate change. The UAGP nonetheless authorizes development that will contribute to global climate change by virtue of the production of greenhouse gases. The MEIR states the projected rate of growth of vehicle miles traveled (VMT) will increase the City's contribution to global climate change as the City develops. Development under the UAGP is expected to generate approximately 1,096,226.4 metric tons per year above 2005 emissions. The City Council adopted a Statement of Overriding Considerations in 2008, finding that the benefits of the UAGP outweighed the City's increased contribution to global climate change.

The MEIR identifies policies CL-3 through CL-26 as policies in effect that have been determined to reduce, avoid or mitigate air quality environmental impacts within the existing City limits and within the Planned Urbanizing Areas as they annex and develop. These policies include but are not limited to, the use of shade trees to reduce the heat island effect, current energy efficient building standards to reduce energy consumption, and the inclusion of facilities for alternative transportation. The proposed project will develop in accordance with climate change policies included in the UAGP and the MEIR.

The General Plan designation for the site is Mixed Use. The proposed development is consistent with these designations in terms of land-use and intensity.

(2) Climate change is an inherently cumulative impact because no single project can produce enough greenhouse gases to substantially alter the global climate. No thresholds have been set for individual or cumulative greenhouse gases. Nonetheless, the proposed project would result in greenhouse gas emissions due primarily to automobile travel and energy use for lighting, heating, cooling and other activities. The primary source of CO$_2$ emissions generated from the project would be related to automobile trips. As identified under the traffic and circulation discussion, traffic engineering staff has determined that the project will be in substantial conformance with the GP MEIR assumptions for traffic generation, the CO$_2$ emissions generated from the project would also be in substantial conformance with that which was assumed under the GP MEIR analysis.
(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:

AQ-40: The City of Modesto shall require all access roads, driveways, and parking areas serving new commercial and industrial development are to be constructed with materials that minimize particulate emissions in accordance with the requirements of SJVAPCD Regulation VIII and are appropriate to the scale and intensity of the use.

AQ-42: All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

AQ-43: All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

AQ-45: With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

AQ-46: When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

AQ-47: All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

AQ-49: Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

The following measures should be implemented at construction sites when required to mitigate significant PM10 impacts(note, these measures are to be implemented in addition to Regulation VIII requirements):

AQ-51: Limit traffic speeds on unpaved roads to 15 mph; and

AQ-52: Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).

AQ-53: Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

AQ-54: Install wind breaks at windward side(s) of construction areas.

AQ-55: Suspend excavation and grading activity when winds exceed 20 mph. Regardless of wind speed, an owner/operator must comply with Regulation VIII’s 20 percent (20%) opacity limitation.

AQ-56: Limit the area subject to excavation, grading and other construction activity at any one time.

**Generation of Noise:**

N-3: Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers’ recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.
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)

b. 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.

c. 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.

d. 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.

e. 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.

f. 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 APPROVING THE SUBMISSION OF THE CITY OF MODESTO CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR FISCAL YEAR 2010-2011 TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS RELATED TO THE SUBMISSION OF THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT

WHEREAS, the City of Modesto receives several Federal grants from the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, the City of Modesto Consolidated Annual Performance and Evaluation Report (CAPER) reflects the activities of the City and its sub-recipients for the period of July 1, 2010, through June 30, 2011, and

WHEREAS, each year the City must review and report on the performance of activities funded under the Community Development Block Grant (CDBG), HOME Investment Partnership Grant, and Emergency Shelter Grant (ESG) funds, and

WHEREAS, reporting for American Recovery and Reinvestment Act (ARRA) and Neighborhood Stabilization Program (NSP) funds are a separate process and are not included in the CAPER, and

WHEREAS, the CAPER must be made available for public review and comment for a minimum 30-day period, and

WHEREAS, the CAPER was made available for public review and comment in the Modesto Bee from August 3, 2011, through September 6, 2011, and

WHEREAS, all public comments, and staff responses to these comments, must be presented to the City Council for review and approval, and
WHEREAS, the Citizens' Housing and Community Development Committee met on August 24, 2011, and reviewed and recommended the CAPER, and

WHEREAS, a duly noticed public hearing was held by the Council on September 6, 2011, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, to consider approval of the CAPER,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Consolidated Annual Performance and Evaluation Report for Fiscal Year 2010-2011, a copy of said report is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all documents related to the submission of the CAPER.

BE IT FURTHER RESOLVED that staff is hereby authorized to submit the report to the U.S. Department of Housing and Urban Development.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 2011, by Councilmember Hawn, who moved its adoption, with motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

<table>
<thead>
<tr>
<th>AYES: Councilmembers:</th>
<th>Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOES: Councilmembers:</td>
<td>None</td>
</tr>
<tr>
<td>ABSENT: Councilmembers:</td>
<td>None</td>
</tr>
</tbody>
</table>

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE CREATION OF AN ALTERNATIVE PARKING OPTION AT THE MODESTO CITY/COUNTY AIRPORT AND ESTABLISH A $5.00 PER DAY PARKING FEE FOR THOSE USING THE ALTERNATIVE PARKING LOT

WHEREAS, Modesto City-County Airport is an enterprise fund, deriving its revenues from airport-related fees and charges, property tax revenues, and federal grants, and

WHEREAS, revenues from federal grants and passenger facility fees are restricted and fully obligated for critical airport projects, and

WHEREAS, the remaining revenues are unrestricted and are used primarily to fund airport operations, and

WHEREAS, patrons after 30 days are charged $25.00 per month for long-term parking, and

WHEREAS, there has been an interest from airport patrons to park short-term in a more secure facility and a willingness to pay for that option due to the significant increase in theft and vandalism of vehicles at the airport, and

WHEREAS, staff is proposing to secure one of three lots at the airport, installing a permanent fenced perimeter, video surveillance, and other security measures, and

WHEREAS, patrons using this secured lot would pay a $5.00 per day fee for increased security, and

WHEREAS, revenues generated from the paid parking option will be used to reimburse Airport Reserves for the initial costs of the security improvements and to fund ongoing security costs (approximately $40,000 annually).
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorizes the creation of an alternative parking option at the Modesto
City/County Airport and establish a $5.00 per day parking fee for those using the
alternative parking lot.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of September, 2011, by Councilmember Lopez,
who moved its adoption, which motion being duly seconded by Councilmember
Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-383

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE A FORMAL REQUEST FOR PROPOSAL (RFP) FOR A MANAGED COMPETITION PROCESS FOR THE MANAGEMENT, MAINTENANCE, AND OPERATIONS OF THE MODESTO CENTRE PLAZA

WHEREAS, the City of Modesto currently manages, maintains, and operates the Modesto Centre Plaza, a multipurpose convention center, and

WHEREAS, the Centre Plaza was created to serve the community, and

WHEREAS, the City’s internal auditing firm, Moss Adams LLP, was tasked with conducting a management review of the Centre Plaza, and

WHEREAS, one of the objectives of the management review was to evaluate the ongoing financial stability of the operation and subsidy levels and determine whether the business was a candidate for outsourcing or privatization, and

WHEREAS, Moss Adams concluded that options did exist for outsourcing the operations, and

WHEREAS, given that conclusion and the tough economic conditions the City seeks to explore the option of outsourcing the management, maintenance and operations of the Centre Plaza in order to reduce the City’s overall cost of operations, and

WHEREAS, the outsourcing option will be conducted through a managed competition formal RFP process, and

WHEREAS, by authority of Council Resolution No. 96-676 titled “Competitive Delivery of City Services” representatives of both the Modesto City Employees Association (MCEA) and the Modesto Confidential and Management Association
(MCMA) have been noticed of the proposed RFP and will be given the opportunity to submit a proposal, and

WHEREAS, the resolution also gives the City Manager the authority to consider retaining consultant assistance to help the City team prepare its proposal and historically the City Manager has granted this assistance at a departmental cost of $12,000- $15,000 for the services, and

WHEREAS, the outsourcing RFP process will be administered in coordination with Moss Adams, and

WHEREAS, the issuance of a formal bid will conform to Modesto Municipal Code Section 8-3.203,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to issue a formal Request for Proposal (RFP) for a managed competition process for the management, maintenance, and operations of the Modesto Centre Plaza.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Lopez

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE INSTALLATION OF ANGLED PARKING ON THE EAST SIDE OF 10TH STREET, BETWEEN I AND J STREETS, AND RESCINDING RESOLUTION NO. 2011-050

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

WHEREAS, city staff re-evaluated the parking layout on 10th Street, between I and J Streets, and

WHEREAS, on August 8, 2011, the Economic Development Committee recommended installing angled parking on the east side of 10th Street, with no centerline, per Attachment C, and

WHEREAS, staff evaluated the traffic volumes and the speeds for this section of roadway and concluded that the prevailing speeds are slightly lower than other similar downtown streets, and

WHEREAS, on August 17, 2011, Community and Economic Development staff visited and surveyed 13 of the 17 downtown businesses on 10th Street, and all expressed support of the proposed angled parking on the east side of 10th Street, between I and J Streets,

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

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

- Portions of 10th Street, between I & K Streets (west side) (diagonal)
- 18th Street, between G and H Streets (west side) (diagonal)
- F Street, between 10th and 11th Streets (south side) (diagonal)
- I Street, between 9th and 12th Streets (both sides) (diagonal)
- P Street, between 9th and Needham Streets (both sides) (diagonal)
- Coldwell Avenue, between Tully Road and College Avenue
- 4th Street, between E Street and G Street (west side)
- 16th Street, between I Street and J Street (east side)
- Elm Street, between Jefferson and Washington Streets (diagonal)
- Jefferson Street, between 8th and Laurel Streets (diagonal)
- 13th Street, between H and L Streets (east side)
- J Street, between 7th Street and 8th Street (north side)
- 10th Street, between G Street and F Street (east side) (diagonal)
- F Street, between 10th Street and 11th Street (north side) (diagonal)
- 15th Street, between K Street and H Street (east side) (diagonal)
- F Street, between 9th Street and 10th Street (north side) (diagonal)
- 8th Street, between J Street and K Street (east side) (diagonal)
- 8th Street, between K Street and L Street (east side) (diagonal)
- Sierra Drive between F Street and 4th Street (north side)
- 8th Street between L Street and Jefferson Street (east side) (diagonal)
- M Street between 7th Street and 8th Street (south side) (diagonal)
- 10th Street between G Street and I Street (east side) (diagonal)
- Sierra Drive between 6th Street and the alley at the west property edge of New Bethany Missionary Baptist Church (diagonal)
• Sierra Drive between 5th Street and 6th Street (north side) (diagonal)
• 6th Street, Sierra Drive to north property line of New Bethany Missionary Baptist Church (west side) (diagonal)
• 13th Street between F and G Streets (east side) (diagonal)
• K Street between 415 K Street and 6th Street (north side) (diagonal)
• 10th Street between I Street and J Street (east side/west side) (diagonal)

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

SECTION 3. Resolution No. 2011-050 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL FOR THE
FURNISHING OF FORMS PRINTING AND MAILING SERVICES FOR THE
FINANCE DEPARTMENT, CUSTOMER SERVICE DIVISION, TO ABS
DIRECT, INC., MODESTO, 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 $146,270

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal
Request for Proposals (RFP) for the furnishing of forms printing and mailing services,
and

WHEREAS, the Purchasing Division issued RFP No. 1011-08 Forms Printing
and Mailing Services to twenty-five (25) prospective proposers, fifteen (15) of which
were local companies, posted the RFP on the City’s website and formally advertised as
required by law, and

WHEREAS, proposals were formally opened in the City Clerk’s office, six (6)
companies chose to respond, one of which was a local company, and

WHEREAS, all six (6) companies provided responsive and responsible proposals,
and

WHEREAS, an evaluation committee comprised of City staff members evaluated
and graded the proposals and then made a recommendation for award, and

WHEREAS, Intent to Award letters were sent to all proposers, and

WHEREAS, one proposer took exception to the City’s announced decision and
filed a formal protest, per established Protest and Appeal Procedures, and
WHEREAS, during the protest process, pricing inconsistencies were discovered, and

WHEREAS, the City determined that a Best and Final Offer (BAFO) was in order, based on the relevant information that came to light during this process, and

WHEREAS, the BAFO was issued and received, and shared with the evaluation committee, and

WHEREAS, the evaluation committee reviewed the BAFO responses and adjusted scoring accordingly, based on all relevant information, and made a final determination for recommendation of award, and

WHEREAS, based on being ranked highest in total evaluation criteria the evaluation committee recommends the award of proposal for the furnishing of forms printing and mailing services to ABS Direct, Inc., Modesto, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of proposal for the furnishing of forms printing and mailing services to ABS Direct, Inc., Modesto, CA, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted for the furnishing for forms printing and mailing services in Primary Appropriation Units: 0100-12430-53300, 0100-12440-53300, 0100-12450-53300, 4100-41420-53300, 4210-41320-53300 and 4480-41220-53300.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal for the furnishing of forms printing and
mailing services for the Finance Department, Customer Service Division, to ABS Direct, Inc., Modesto, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated annual cost of $146,270.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September 13, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ingular services for the Finance Department, Customer Service Division, to ABS Direct, Inc., Modesto, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated annual cost of $146,270.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September 13, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING ADJUSTMENTS TO THE MAXIMUM RATE SCHEDULE FOR CITY RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL SOLID WASTE COLLECTION SERVICES, TO BECOME EFFECTIVE OCTOBER 1, 2011, INCLUDING FUEL COST, AND RESCINDING RESOLUTION NO. 2011-255

WHEREAS, with the adoption of Ordinance No. 3068-C.S. in November of 1997, the City no longer sets rates for the collection of garbage in Modesto, and instead performs a comprehensive review of cost information submitted by the contract garbage haulers, and

WHEREAS, the City sets a maximum rate that the haulers may charge for the various types of services provided under the contracts based on cost data provided by the lowest cost hauler, and

WHEREAS, Section f (2) of the City’s Service Agreements with its solid waste collectors requires that when the City makes adjustments to the collection services provided under the Agreements, any additional costs should be covered by adjustments to the maximum rates, and

WHEREAS, in addition, maximum rates for solid waste collection services are reviewed annually as requested by the City’s garbage collection companies, and

WHEREAS, the City conducted an analysis using the audited financial statements provided by the garbage haulers, supplemental data provided by the garbage haulers, and fuel price information and forecast prices developed by the United States Department of Energy, and
WHEREAS, new maximum rates were calculated, and a recommendation for a new maximum rate schedule was developed, which included a recommendation that quarterly adjustments to the fuel component of the maximum rates be made, and

WHEREAS, a report dated August 23, 2011, from the Parks, Recreation and Neighborhoods Department, a copy of which is on file in the office of the City Clerk, sets forth said recommendations, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised as recommended, and that quarterly adjustments to the fuel component of the maximum rates should be made, and

WHEREAS, staff has adjusted the fuel component of the maximum rates and has incorporated the fuel component adjustment into the schedule of Maximum Charges for Garbage Service attached hereto, marked Exhibit “I” and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the adjustments to the Maximum Charges for Garbage Service as attached hereto, marked Exhibit “I” and incorporated herein by reference. Said Maximum Charges for Garbage Service includes twice-a-year bulky item pickup for residential customers and all other residential services as stipulated in the Service Agreements and shall become effective October 1, 2011, and shall remain in effect until revised by Council.
BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 2011-255 is hereby rescinded, effective October 1, 2011.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MAXIMUM CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS
Maximum Monthly Rates
(Once a Week Pickup Service)

Standard container service shall include the following:
- One, 96-gallon container for garbage
- One, 96-gallon container for green waste, food, paper, and other organics
- Countertop container for kitchen scraps
- Drop-off of old TV and computer tubes
- Two bulky item collections per year by appointment
- Pruned Refuse Collection

Standard container service customers may opt for smaller containers; however, maximum rates apply. Containers must be placed in a location set forth in Section 5-5.111 of the Municipal Code.

1. **Standard container service**
   - a. The maximum rate for new sign ups for service or changes in service that occur after July 1, 1996, shall be **$24.87 per month** regardless of size of container. A fuel component of $1.38 per month is included in the maximum rate for the quarter beginning October 1, 2011 and ending December 31, 2011. The fuel component may be adjusted quarterly.
   - b. The maximum rate for each additional garbage container shall be **$18.52 per month, and $9.93 per month** for each additional green waste container.

2. **60-gallon container service (grandfathered customers)**
   - a. The maximum rate for customers with 60-gallon containers who subscribed to service at an address prior to July 1, 1996 and who have not changed their service address shall be **$20.88 per month**. A fuel component of $1.38 per month is included in the maximum rate for the quarter beginning October 1, 2011 and ending December 31, 2011. The fuel component may be adjusted quarterly.
   - b. The maximum rate for each additional 60-gallon garbage container shall be **$18.06 per month**.

3. **Fuel Component adjustments** - The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October 1/April-June; January 1/July-September; April 1/October-December. Average prices shall be determined based on published prices for California from the Department of Energy, Energy Information Agency.
1. **Weekly rental/Detachable Containers** - Shall not exceed the rate for 1 pickup per week for each size container.

2. **Fuel Component** - A fuel component of $1.20 per cubic yard per month ($0.28 per cubic yard) for a 1 cubic yard container collected once a week is included in the maximum rate for the quarter beginning October 1, 2011 and ending December 31, 2011. The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October/April-June; January 1/July-September; April 1/October-December. Average prices shall be determined based on published prices for California from the Department of Energy.

**DROP BOX CONTAINERS**

1. **Pick up charge** - $231.10 per pick up
2. **Rental** - $0.85 per day up to 7 day maximum rental
   - $3.00 per day for boxes kept 7 or more days without servicing
   - $10.00 per day for boxes kept 21 or more days without servicing
3. **Disposal charge** - Actual charge to be paid by customer. Garbage company will provide up to 40 CY Drop Box containers for above stated charges subject only to load limit of transfer vehicle. An AB 939 Green Waste Diversion Fee of $8.56 per ton will be added to the disposal charges.
COMPACTORS

Front Loader Type:

<table>
<thead>
<tr>
<th>Container Size</th>
<th>1 CY</th>
<th>2 CY</th>
<th>3 CY</th>
<th>4 CY</th>
<th>5 CY</th>
<th>6 CY</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 CY</td>
<td>$265.86</td>
<td>$531.72</td>
<td>$797.58</td>
<td>$1,063.44</td>
<td>$1,329.30</td>
<td>$1,595.16</td>
</tr>
<tr>
<td>4 CY</td>
<td>$354.48</td>
<td>$708.96</td>
<td>$1,063.44</td>
<td>$1,417.92</td>
<td>$1,772.40</td>
<td>$2,126.88</td>
</tr>
<tr>
<td>6 CY</td>
<td>$531.72</td>
<td>$1,063.44</td>
<td>$1,595.16</td>
<td>$2,126.88</td>
<td>$2,658.60</td>
<td>$3,190.32</td>
</tr>
</tbody>
</table>

Roll-Off Type:
1. 6 CY to 40 CY $231.10 per pickup
2. Medical waste compactors $265.00 per pickup
3. Washing compactor $30.00
4. Disposal Charge: Actual charge to be paid by customer
5. AB 939 Green Waste Diversion Fee $8.56 per ton

EXTRA PICKUPS
1. Standard containers or equivalent $3.50 plus $1.38/container
2. Detachable containers $12.00 plus $2.75/cubic yard

SPECIAL SERVICE CONDITIONS

In situations where none of the above maximum rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer.

DETACHABLE CONTAINER ONLY REPLACEMENT AND CLEANING SERVICE

<table>
<thead>
<tr>
<th>Container Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 CY</td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td>$10.12</td>
</tr>
</tbody>
</table>

NOTATIONS
1. The above maximum rates include a $0.25 per month residential recycling fee; a $0.05 per cubic yard ($0.22/cubic yard/month) commercial recycling fee; and a $5.00 per pull ($0.25 per ton) industrial recycling fee, a $0.15 per month residential litter abatement fee, and a $0.05 per cubic yard ($0.22/cubic yard/month) commercial litter abatement fee.
2. The above residential maximum rates include a $1.63 per month per household AB 939 Green Waste Diversion Fee.
3. The above commercial bin and front-loader compactor maximum rates include an AB 939 Green Waste Diversion Fee of $2.92 per yard/month.
4. The above maximum rates include Carpenter Road Landfill Mitigation Fees of $0.25 per month on residential wastes, $0.21 per cubic yard ($0.90/cubic yard/month) on commercial wastes; and $5.00 per pull on industrial wastes.
5. Pursuant to Section 11-6.16(c)(2) of the Modesto Municipal Code, the garbage company may require a deposit equivalent to two (2) months service charge from customers prior to beginning service. The deposit will be credited back to the customer after 18 months under specified conditions.
RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(593) (L STREET ARCHITECTS)

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by L Street Architects on July 5, 2011, to reclassify from the Low Density Residential Zone, R-1, to Planned Development Zone, P-D(593), to allow for a professional medical office building, property located on the west side of Oakdale Road opposite Morningside Drive, described as follows:

R-1 to P-D(593)

All that certain real property being a portion of the east half of Section 22, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particularly described as follows:

Beginning at the northwest corner of the property described as Adjusting Parcel 1 in the document recorded January 30, 2004 as Document No. 2004-0012949, Stanislaus County Records, said corner also being the northwest corner of Parcel "A" as shown on that certain map filed for record November 7, 1987 in Book 40 of Parcel Maps, at Page 16, Stanislaus County Records; thence coincident with the north line of said document and said Parcel "A", North 89° 56' 30" East, 500.05 feet to a point on the west right-of-way line of Oakdale Road; thence coincident with said right-of-way line, South 00° 45' 00" East, 251.59 feet; thence leaving said right-of-way line, South 89° 15' 00" West, 289.26 feet; thence North 00° 45' 00" West, 34.00 feet; thence South 89° 15' 00" West 210.75 feet to a point of the west line of said document and said Parcel "A"; thence coincident with said west line North 00° 45' 00" West, 223.62 feet to the Point of Beginning.

Also including the western 50.00 feet of Oakdale Road immediately adjacent to the above-described property.

WHEREAS, after a public hearing held on August 15, 2011, 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. 2011-14, that rezoning of
the property as requested is required by public necessity, convenience, and general
welfare for the following reasons:

1. The proposed zone change to P-D is consistent with the Modesto Urban
   Area General Plan. The General Plan designates this area as “MU”
   (Mixed-Use), which allows for medical office uses.

2. The conditions of approval will ensure that the proposed project is
   compatible with the adjacent residential and commercial uses.

3. The proposed medical offices will provide health services to City
   residents.

WHEREAS, said matter was set for a public hearing of the City Council to be
held on September 13, 2011, 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 the
application of I Street Architects to rezone property located on the west side of Oakdale
Road opposite Morningside Drive from R-1 to Planned Development P-D(593) be
granted as consistent with public necessity, convenience and general welfare for the
reasons set forth in Planning Commission Resolution No. 2011-14 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3553-C.S. on the 13th day
of September, reclassifying the above-described property from the Low-Density
Residential Zone (R-1), to Planned Development Zone, P-D(593),

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

SECTION I. DEVELOPMENT PLAN. The development plan for Planned
Development Zone, P-D(593), is hereby approved subject to the following conditions:
PLANNING

1. Prior to issuance of a building permit, trash enclosures shall be designed using building materials, colors and finishes which are consistent or compatible with those used in the major buildings of the development, as approved by the Director of Community and Economic Development or designee.

2. Construction drawings shall demonstrate that all building drainage gutters, down spouts, vents, etc. located on exterior walls, are completely concealed from public view or designed to be architecturally compatible (decorative) with the exterior building design and color to the satisfaction of the Director of Community and Economic Development or designee.

3. Prior to issuance of a building permit, the developer shall submit a lighting plan that includes the location and design of proposed lighting fixtures for review and approval by the Director of Community and Economic Development or designee.

4. All signs shall comply with the sign requirements of the P-O Zone.

5. Prior to Certificate of Occupancy of any structure, all ground mounted utility structures such as transformers and HVAC equipment shall be located out of view from a public street to the satisfaction of the Director of Community and Economic Development or designee. Equipment shall be placed underground or adequately screened through the use of landscaping or walls.

6. Prior to issuance of a building permit, a photometric lighting plan shall be submitted for review and approval by the Community and Economic Development Director. Fixtures should be of a type or adequately shielded so as to prevent glare from normal viewing angles. Said plans shall include specifications of the proposed lighting fixtures and demonstrate the adequate shielding of lighting fixtures to minimize glare or light spillage upon neighboring residents to the west of the project site. The height of the lighting fixtures in the area between the western property line and the building should not exceed 15 feet above grade.

PARKS

7. Prior to issuance of a building permit, the applicant must submit landscape and irrigation plans that are compliant with current State of California Model Water Use Ordinance for review and approval when they submit building plan sets to the Building Safety Division.

8. Prior to occupancy, the applicant shall provide parking lot shade trees, placed within seven (7) feet of a parking stall, at the ratio of one (1) tree per eight (8) parking stalls, and additional trees on the rear parking row, as shown on the approved site plan. Trees shall provide 50% parking area shading within ten (10) years of planting.
9. Prior to occupancy, the applicant shall install concrete mow strip/border at the back of planters in all planter areas that do not receive a CMU block wall along north and south property lines.

10. Prior to occupancy, the applicant shall plant climbing vines, spaced at no more than ten (10) feet on center along the CMU block to deter the application of graffiti.

LAND DEVELOPMENT ENGINEERING

11. Prior to the issuance of a building permit, improvement plans for any required improvements shall be prepared by a Registered Civil Engineer and approved by the City Engineer or designee. Improvements shall be constructed in accordance with the approved plans.

12. All public improvements shall be designed and constructed according to City of Modesto Standard Specifications or as required for the public health and safety by the City Engineer or designee.

13. Prior to issuance of a building permit, the developer shall dedicate public utility easements as required by the utility companies and the City Engineer or designee.

14. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required. The existing irrigation line located on the west side of the property is not required to be replaced.

15. The property has an existing 12-inch connection to the 30-inch storm drain main in Oakdale Road. The proposed site may utilize the existing connection to discharge a 5 year 24 hour flows for a residential development, the difference between residential and commercial flows will be designed to percolate or be detained and metered to be discharged to the existing storm drain main in Oakdale Road within 48 hours, and as approved by the City Engineer.

TRAFFIC

16. Prior to issuance of building permit, the applicant shall provide an irrevocable offer of street dedication of 12 feet on Oakdale Road to the satisfaction of the City Engineer or designee to alleviate a health, safety, or traffic problem in the area. The irrevocable offer of dedication shall include a provision requiring the removal of all business signage located in the right-of-way, at the request of the City Engineer or designee. The costs of removing the signage in the dedication area shall be borne by the owner.
17. The existing southerly driveway on project site shall be closed to the satisfaction of the City Traffic Engineer or designee.

STORMWATER

18. Prior to the issuance of a Grading or Building Permit, Developer shall obtain coverage for the construction project under the current General Construction Activity Permit (General Permit) issued by the State Water Resources Control Board (SWRCB). To obtain coverage under the General Permit, a Notice of Intent (NOI) must be filed with the SWRCB. Upon receipt of NOI, the SWRCB will issue a Waste Discharge Identification Number (WDID Number) to the construction project. Submit one copy of the WDID Number to Land Development Engineering, Stormwater.

The General Construction Permit requires the Developer to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) for the construction project. Submit one copy of the SWPPP to Land Development Engineering, Stormwater for review.

19. Prior to the issuance of a Grading or Building Permit, Developer shall provide plans for trash enclosure(s) to be sufficiently elevated to prevent stormwater run-on from parking lot. Floor of enclosure shall be graded to drain to adjacent landscape area(s).

20. Prior to the issuance of a Grading or Building Permit, Developer shall submit a plan to retain and infiltrate stormwater runoff on site, incorporating pervious landscape features into the project design wherever possible.

21. Prior to the issuance of a Grading or Building Permit, Developer shall submit a plan to provide permanent, post-construction treatment (grass swale, vegetative strip, or other approved proprietary device) to remove pollutants from the first 1/2" of stormwater run-off from site.

22. Stormwater treatment device(s) shall be designed to standards contained in the current edition of the City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures.

23. Prior to the issuance of a Grading or Building Permit, property owner shall provide a signed and notarized Stormwater Treatment Device Access and Maintenance Agreement to Land Development Engineering, Stormwater for recording.

GENERAL CONDITIONS

24. Prior to the issuance of a building permit, all development shall conform to the development plan and building elevations titled "Shell Medical Building" stamped approved by the City Council.
25. Exterior building elevations showing building wall materials, roof types, exterior colors and appropriate vertical dimensions shall be included in the development construction drawings.

26. All department Conditions of Approval for the project shall be included on the sheet following the title sheet, which shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.

27. Prior to issuance of a building permit, any variation from the approved site plan or building elevations on file with the City must be reviewed and approved by the Director of Community and Economic Development.

28. All construction documentation shall be coordinated for consistency, including but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Division.

29. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorney’s fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

30. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.

31. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris, and all exposed wall surfaces shall be kept free of graffiti.

In addition, the following recommended Conditions of Approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report that should be applied to the project:

32. AQ-40: The City of Modesto shall require all access roads, driveways, and parking areas serving new commercial and industrial development are to be constructed with materials that minimize particulate emissions in accordance with the requirements of SJVAPCD Regulation VIII and are appropriate to the scale and intensity of the use.
33. AQ-42: All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

34. AQ-43: All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

35. AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

36. AQ-45: With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

37. AQ-46: When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

38. AQ-47: All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

39. AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

40. AQ-49: Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

41. AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

42. AQ-51: Limit traffic speeds on unpaved roads to 15 mph.

43. AQ-52: Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).

44. AQ-53: Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

45. AQ-54: Install wind breaks at windward side(s) of construction areas.

46. AQ-55: Suspend excavation and grading activity when winds exceed 20 mph. Regardless of wind speed, an owner/operator must comply with Regulation VIII’s 20 percent (20%) opacity limitation.
47. AQ-56: Limit the area subject to excavation, grading and other construction activity at any one time.

48. N-3: Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.

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

The Noise Ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or Federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

a. A hammer or any other device or implement used to pound or strike an object.

b. An impact wrench or other tool or equipment powered by compressed air.

c. A hand-powered saw.

d. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.

e. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.

f. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
g. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

h. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

50. 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.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(593):

The entire construction program be accomplished in one phase, construction to begin on or before September 13, 2013, and completion to be not later than September 13, 2015.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(593), becomes effective.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.
BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on September 13, 2011, and that if a protest is not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

APPROVED AS TO LEGAL DESCRIPTION:

By: Community & Economic Development Department Planning Division
MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-388  

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007072023): AMENDMENT OF SECTION 22-3-9 OF THE ZONING MAP TO REZONE FROM LOW-DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(593), PROPERTY LOCATED ON THE WEST SIDE OF OAKDALE ROAD OPPOSITE MORNINGSIDE DRIVE (L STREET ARCHITECTS)  

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, L Street Architects has proposed that the zoning designation for property located on the west side of Oakdale Road opposite Morningside Drive be amended to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(593), in the City of Modesto ("Project") to allow for a 25,000 square foot professional medical office building, and  

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto’s Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2011-21 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and  

WHEREAS, in accordance with CEQA guidelines beginning on August 24, 2011, the City caused to be published a 20-day notice of the City’s intent to make a finding that the subsequent 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 September 13, 2011, 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 rezone to Planned Development Zone, P-D(593), a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

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

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent 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 13th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:  

SEAL

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
EXHIBIT A

Initial Study

EA/C&ED 2011-21
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist
C&ED No. 2011-21

For the proposed:

Oakdale Road Shell Medical Building: Rezone to Planned Development, (P-D)

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division
7-22-2011

Updated: October 2008
- Intentional Blank Page -
City of Modesto  
Master EIR Initial Study Environmental Checklist  

I. PURPOSE  
CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the proposed rezone to Planned Development (P-D) 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: Oakdale Road Shell Medical Building: Rezone to Planned Development (P-D)  
B. Address or Location: 1225 Oakdale Road (APN 032-015-044)  
C. Applicant: L Street Architects  
D. City Contact Person: David Wage  
   Project Manager: David Wage  
   Department: Community and Economic Development  
   Phone Number: (209) 577-5302  
   E-mail address: dwage@modestogov.com  
E. Current General Plan Designation(s): Mixed Use (MU)  
F. Current Zoning Classification(s): Low-Density Residential (R-1)
G. Surrounding Land Uses:
   North: Planned Development, P-D(422) (Restaurant and RV storage)
   South: Planned Development, P-D(394) (C-2 Uses)
   East: Low-Density Residential (R-1)
   West: Low-Density Residential (R-1)

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

The proposed development includes a rezone a 2.75 acre portion of a 6.50 acre parcel (APN 032-015-044) from Low-Density Residential (R-1) to Planned Development, P-D to facilitate development of a single-story, 25,000 medical office building. The project will include 140 onsite parking spaces. The project site is currently vacant.

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

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

1. **Within the Scope** - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:
   
   A. The proposed project is of a type described in Chapter II of the Master EIR.
   
   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
   
   C. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.
   
   D. Based on the Initial Study, the City of Modesto finds and determines:
      a) The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
      b) No new or additional mitigation measures or alternatives are required.
   
   E. The criteria for currency of the Master EIR were reviewed (section 5 below) and it was determined that the Master EIR is current for all areas of the Initial Study.

2. **Mitigated Negative Declaration Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:
   
   A. The proposed project is of a type described in Chapter II of the Master EIR.
   
   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

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

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

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

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

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.

(1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.  

(2) City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.  

(3) Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).  

(4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.  

(5) The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.  

(6) Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.  

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 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.

(1) Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.  

(2) This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:
   (a) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.  
   (b) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.  
   (c) Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.
IV. ENVIRONMENTAL ANALYSIS

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

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

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

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

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

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

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

**Cumulative Impacts**

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

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

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

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

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

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

**Discussion:**

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

| 2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? |
| [ ] | [ ] | [ ] | [X] |

| 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. |
| [ ] | [ ] | [ ] | [X] |

| 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). |
| [ ] | [ ] | [ ] | [X] |

| 5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff. |
| [ ] | [ ] | [ ] | [X] |

| 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. |
| [ ] | [ ] | [ ] | [X] |
7) The proposed project would result in an increase in energy consumption associated with the operation on highway project, 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>Impact Level</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
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<td>[ ]</td>
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</table>

Discussion:

(1 & 3) The proposed project is consistent with the General Designation and the traffic volumes assumed in the MIER. The project will not result in an increase 100 additional trips than what was assumed in the MIER or degradation below LOS D and therefore no new mitigation measures are necessary.

(2) The project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). The City Engineering and Traffic Department has evaluated the project and has determined that the existing design layout of the project is in accordance to City standards.

(4) Police and Fire Staff have reviewed this proposal and have indicated that there is no emergency access problem.

(5) City staff has reviewed the project and determined the project has provided sufficient parking for the proposed medical office buildings.

(6) The proposed project has been reviewed by Traffic, Planning and Transit staff and would not conflict with any adopted plans for alternative transportation.

(7) The proposed project is would not result in an increase in energy consumption in excess of what was considered in the Urban Area 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 (PM10) and 2.5 microns or less in diameter (PM2.5) (see MEIR Table 2-8, page V-2-27).
Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

Cumulative Impacts

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

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

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

Discussion:

The appropriate mitigation to be applied to this project includes AQ-40 and AQ-42 through AQ-56 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-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\textsubscript{x}, PM\textsubscript{10}, and PM\textsubscript{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\textsubscript{x}, PM\textsubscript{10}, and PM\textsubscript{2.5}.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
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<td>[X]</td>
</tr>
</tbody>
</table>
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>4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>5) The proposed project would create objectionable odors affecting a substantial number of people.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project was referred to the San Joaquin Valley Unified Air Pollution Control District who determined that the project would not have a significant effect on the ambient air quality with the incorporation of the mitigation measures listed above.

(2) This project incorporates the best management practices for PM10 reduction established by the SJVUAPD (see mitigation measures above).

(3) Applicable General Plan Policies will be applied to the project; therefore, project-specific effects will be less than significant for this impact (see mitigation measures above).

(4) The land uses proposed are not in themselves significant contributors to air pollution levels and therefore the primary source of air pollution associated with the development would be traffic related. Since the traffic impacts are within the scope of the MEIR, so are the traffic-related air quality impacts. The PM10 emissions created through construction activities will be mitigated as called for by the MEIR with the mitigation measure listed above.

(5) The proposed project will not produce objectionable odors.

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:**

There mitigation to be applied to this project includes N-3 and N-7 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

**c. Project-Specific Effects**

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

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

<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:

(1,2,3) The project is consistent with the noise policies of the General Plan. General Plan MEIR Mitigation Measure N-7 requires non-residential development to demonstrate that the project will incorporate measures to reduce noise impacts to a less than significant level. The proposed Medical Office buildings are not anticipated to generate noise levels that exceed the noise thresholds described above. Business activities will be conducted indoors with the exception of traffic coming and going from the site.

(4) The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity. There will be some construction related noise, but the noise mitigation measure N-3 called for by the General Plan for projects within the baseline developed area, has been incorporated.

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</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>agricultural land.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan's planning area boundary.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[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. It is an infill project proposed within the urbanized area of the City. The site is currently vacant 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 will not involve changes to the existing environment that could result in the conversion of farmland to non-agricultural uses. The General Plan designates the property as Mixed Use. The adjacent property is also designated Mixed Use and is already developed with urban 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</td>
<td>The proposed project is inconsistent with water supply policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>2</td>
<td>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>
</tr>
<tr>
<td>3</td>
<td>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>
</tr>
</tbody>
</table>

**Discussion:**

1. The project is consistent with the water supply policies in the General Plan.
2. The project was referred to Land Development Engineering Staff who determined the water proposed development will not exceed estimates or water supplies for needed to serve other entitlements and resources.
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 ground water 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 caused 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>Increased Demand for Sanitary Sewer Services</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</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 is consistent with the Mixed Use designation and will generate sewer flows within what was anticipated for the project site.

(3) The project was referred to Land Development Engineering Staff who determined there is adequate capacity to accommodate the proposed development in addition to existing commitments.

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>Loss of Sensitive Wildlife and Plant Habitat</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[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.
(4) 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.

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

(6) 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 the measures listed in 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>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project would modify or demolish a structure more than 50 years in age.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

1) The project is consistent with the archeological and historical resource policies in the General Plan.

(2 & 3) There are no existing structures on the project site.

(4) The project would not affect a resource that is listed or eligible for listing in the California Register of Historic Resources.

(5) 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:
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-9.B of the MEIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

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

Discussion:

(1) The project is consistent with the storm drain policies in the Urban Area General Plan.

(2) The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system.

(3) The project will utilize low impact strategies and meet the standards contained in the ‘Guidance Manual for New Development-Storm Water Quality Control Measures.’

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

No mitigation measures 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-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>
<tr>
<td>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.</td>
<td></td>
<td></td>
<td></td>
<td>[X]</td>
</tr>
<tr>
<td>8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.</td>
<td></td>
<td></td>
<td></td>
<td>[X]</td>
</tr>
</tbody>
</table>
Discussion:

(1) 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 limited to commercial uses.
(4) The project is not located within a 100-year flood plain.
(5) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures.
(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.
(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.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.
(2) The project would not eliminate an existing park or designated open space.
(3) The project would include a commercial development and would not cause a significant increase in the use of existing neighborhood and 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:

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

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

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

Discussion:

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

(2) The project was referred to Modesto City Schools who indicated no opposition to the project.
13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

No mitigation measures 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-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>

City of Modesto
General Plan Master EIR 27

Initial Study EA No. 2011-21
7-22-11
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:

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-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

<table>
<thead>
<tr>
<th>Impact Description</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the fire service 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 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>
<tr>
<td>3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

**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.

(3) The project would not significantly impact adjacent fire districts or result in the elimination of fire protection 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-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:
No mitigation measures 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-15.8 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>GENERATION OF SOLID WASTE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County’s disposal capacity.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:
(1) The project is consistent with the solid waste policies in the General Plan.
(2) This project was referred to the County and Solid Waste Division for review, and no indication was given that there would be a problem serving this project.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

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

Discussion:

No mitigation measures 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-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>
<tr>
<td>3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>
Discussion:

(1) 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:

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-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:
**GEOLOGY, SOILS, AND MINERAL RESOURCES**

<table>
<thead>
<tr>
<th>Impact Description</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The 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:
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-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>ENERGY</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:

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-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>Potential Impact</td>
<td>Less Than Significant Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------------------------</td>
<td>-----------------------------</td>
<td>-----------</td>
<td></td>
</tr>
<tr>
<td>3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[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) The project would not impact views of riverside areas from roadways or nearby properties.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

Discussion:

No mitigation measures 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-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>
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<tr>
<td>1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.</td>
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<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>
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<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>
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<td>4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.</td>
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</table>

**Discussion:**

(1) The project is consistent with the Mixed Use land use designation in the General Plan, which allows commercial zoning and uses such as a medical office development.

(2) The project would not divide an established community. The surrounding properties along Oakdale Road are designated Mixed Use in the General Plan. Within the Mixed use area there is a mixture of residential and commercial zoning. The proposed rezoning to Planned Development to allow commercial uses would not divide an established community and is consistent with the horizontal mixture of uses found in the area and the commercial uses along Oakdale Road.

(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:

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

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<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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</table>

Discussion:

(1) The City of Modesto General Plan Master EIR addressed potential climate change impacts due to development and other activities associated with the Urban Area General Plan (UAGP). The Urban Area General Plan Master EIR (MEIR) determined that buildout of the UAGP would make a cumulatively considerable contribution to global climate change. The UAGP nonetheless authorizes development that will contribute to global climate change by virtue of the production of greenhouse gases. The MEIR states the projected rate of growth of vehicle miles traveled (VMT) will increase the City's contribution to global climate change as the City develops. Development under the UAGP is expected to generate approximately 1,096,226.4 metric tons per year above 2005 emissions. The City Council adopted a Statement of Overriding Considerations in 2008, finding that the benefits of the UAGP outweighed the City's increased contribution to global climate change.

The MEIR identifies policies CL-3 through CL-26 as policies in effect that have been determined to reduce, avoid or mitigate air quality environmental impacts within the existing City limits and within the Planned Urbanizing Areas as they annex and develop. These policies include but are not limited to, the use of shade trees to reduce the heat island effect, current energy efficient building standards to reduce energy consumption, and the inclusion of facilities for alternative transportation. The proposed project will develop in accordance with climate change policies included in the UAGP and the MEIR.

The General Plan designation for the site is Mixed Use. The proposed development is consistent with these designations in terms of land-use and intensity.

(2) Climate change is an inherently cumulative impact because no single project can produce enough greenhouse gases to substantially alter the global climate. No thresholds have been set for individual or cumulative greenhouse gases. Nonetheless, the proposed project would result in greenhouse gas emissions due primarily to automobile travel and energy use for lighting, heating, cooling and other activities. The primary source of CO₂ emissions generated from the project would be related to automobile trips. As identified under the traffic and circulation discussion, traffic engineering staff has determined that the project will be in substantial conformance with the GP MEIR assumptions for traffic generation, the CO₂ emissions generated from the project would also be in substantial conformance with that which was assumed under the GP MEIR analysis.

(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:**

AQ-40: The City of Modesto shall require all access roads, driveways, and parking areas serving new commercial and industrial development are to be constructed with materials that minimize particulate emissions in accordance with the requirements of SJVAPCD Regulation VIII and are appropriate to the scale and intensity of the use.

AQ-42: All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

AQ-43: All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

AQ-45: With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

AQ-46: When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

AQ-47: All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

AQ-49: Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

The following measures should be implemented at construction sites when required to mitigate significant PM10 impacts (note, these measures are to be implemented in addition to Regulation VIII requirements):

AQ-51: Limit traffic speeds on unpaved roads to 15 mph; and

AQ-52: Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).

AQ-53: Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

AQ-54: Install wind breaks at windward side(s) of construction areas.

AQ-55: Suspend excavation and grading activity when winds exceed 20 mph. Regardless of wind speed, an owner/operator must comply with Regulation VIII’s 20 percent (20%) opacity limitation.

AQ-56: Limit the area subject to excavation, grading and other construction activity at any one time.

**Generation of Noise:**

N-3: Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers’ recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.
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)

b. 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.

c. 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.

d. 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.

e. 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.

f. 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.
A RESOLUTION APPOINTING DONALD PHILLIPS TO THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY BOARD

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

WHEREAS, the Downtown Improvement District Board of Directors are recommending the appointment of DONALD PHILLIPS to a term ending January 1, 2014, to the Downtown Improvement District Advisory Board to fill one existing vacancy created by a resignation.

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

SECTION 1. DONALD PHILLIPS is hereby appointed to the Downtown Improvement District Advisory Board.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of Downtown Improvement District Advisory Board, and as Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [signature]

APPROVED AS TO FORM:

By: [signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF MODESTO OR HIS DESIGNEE TO SIGN AN AGREEMENT WITH THE CITY OF LAVAL, FRANCE TO ESTABLISH A SISTER CITY RELATIONSHIP

WHEREAS, the City of Modesto and the City of Laval, France are interested in establishing a sister city relationship, and

WHEREAS, Modesto Sister Cities International has recommended the relationship, and

WHEREAS, such a relationship will promote cooperation, mutual understanding and friendship between the communities,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a sister city relationship between the City of Modesto and the City of Laval France,

BE IT FURTHER RESOLVED that the Mayor of the City of Modesto, or designee, is hereby authorized to execute a sister city agreement with Laval, France.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 27th day of September, 2011, by Councilmember Lopez,
who moved its adoption, which motion being duly seconded by Councilmember
Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

(Seal)

**APPROVED AS TO FORM:**

By: SUSANA ALCALA WOOD, City Attorney

(SEAL)
RESOLUTION ACCEPTING THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT, FOR A JOINT AWARD WITH THE COUNTY OF STANISLAUS AND THE CITY OF MODESTO IN THE AMOUNT OF $186,199; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, on July 5, 2011, the City Council, by Resolution No. 2011-264, approved a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application to the Edward Byrne Memorial Justice Assistance Grant Formula Program in the amount of $186,199, and

WHEREAS, the City of Modesto will use its allocation of $127,568 to purchase wearable recording devices and related hardware and software upgrades, and

WHEREAS, the County of Stanislaus will use its allocation of $54,686 for the Probation Department and the Sheriff’s Operations Division, and

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

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

WHEREAS, the Memorandum of Agreement was approved at the Board of Supervisors meeting on July 19, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Edward Byrne Memorial Justice Assistance Grant, for a joint award with the County of Stanislaus and the City of Modesto in the amount of $186,199.
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 27th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE MULTI-YEAR 2011/12 OPERATING BUDGET, ESTIMATING REVENUE OF $127,568 FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, AND APPROPRIATING FUNDS

WHEREAS, on July 5, 2011, the City Council, by Resolution No. 2011-264, approved a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application to the Edward Byrne Memorial Justice Assistance Grant Formula Program in the amount of $186,199, and

WHEREAS, recommended distribution of the 2011 grant is as follows:

- Stanislaus County Probation $ 13,261
- Stanislaus County Sheriff $ 39,784
- Stanislaus County (Admin Fee) $ 3,945
- Modesto Police Department $127,568

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Multi-Year 2011/2012 Operating Budget as indicated in Attachment A, which is attached hereto.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

( SEAL )

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
# Request for Budget Adjustment

(Projects and Grants)

**Contact Person:** Julie Hendee  
**Telephone:** 372-9518

**Submitting Department:** Police  
**Council Action Date:**  
**Resolution Number:**  
**Date Submitted by Dept:**  
**Fiscal Year being Adjusted:** 2011-2012

<table>
<thead>
<tr>
<th>Project Name: 2011 - Edward Byrne JAG</th>
<th>Project Fund: 1340- Block Grants</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contact Person:</strong> Julie Hendee</td>
<td><strong>Telephone:</strong> 372-9518</td>
</tr>
<tr>
<td><strong>Submitting Department:</strong> Police</td>
<td><strong>Council Action Date:</strong></td>
</tr>
<tr>
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<tr>
<td><strong>Fiscal Year being Adjusted:</strong></td>
<td><strong>Telephone:</strong> 372-9518</td>
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<tr>
<th>Revenues</th>
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## Justification for Budget Adjustment

This budget amendment is being made to: I) Establish a new multi-year operating budget organization for 2011 Edward Byrne Justice Assistance Grant (JAG), Project Account MY-1340-19999-100650-0000-0000 and; 2) Program revenue and offsetting expenses in the amount of $127,568. Funds will be used for the purchase of Wearable Recording Devices and related hardware and software upgrades on which to store video data.

---

### Authorization

- **Administrative Services Officer (if needed)**
- **Deputy Director (if needed)**
- **Department Director or Authorized Designee**
  - **Financial Analyst**
  - **Finance Director**
  - **City Manager**

---

**To be Completed by Finance Staff**

**Transfer Number:**  
**Completed By:**
RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH RMC WATER AND ENVIRONMENT (RMC) FOR ON-CALL GRANT RESEARCHING AND WRITING SERVICES FOR VARIOUS CITY UTILITY-RELATED PROJECTS IN AN AMOUNT NOT TO EXCEED $40,000 PER YEAR, WITH TWO (2) ONE (1) YEAR EXTENSIONS, AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT

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

WHEREAS, this water supply would be used for the parts of Modesto that are in the TID service area south of the Tuolumne River, and

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

WHEREAS, additionally, the City is working with the cities of Turlock, Ceres, and Hughson to develop an Integrated Water Resource Management Plan (IRWMP) for our region, which is required for our projects to compete effectively for state funding related to water, wastewater, and stormwater programs, and

WHEREAS, the costs associated with the RSWSP, NVRRWP, and projects identified through the IRWMP process make it prudent to seek grant funding and other alternative funding to help reduce costs to the ratepayers, and
WHEREAS, City staff determined it was advisable to seek professional grant researching and writing assistance for obtaining grants to provide funding for these proposed projects and programs, and

WHEREAS, on October 12, 2010, by Resolution 2010-443, the City Council approved an on-call agreement for grant researching and writing services with RMC, and

WHEREAS, RMC has done a very good job in performing these services (i.e., identifying, coordinating, and submitting applications to various funding agencies for potential grants), and

WHEREAS, as a result of RMC’s efforts, the City is moving closer to possible funding for some of these various water resource-related projects, and

WHEREAS, the Agreement will expire on October 12, 2011, and staff has determined it necessary to amend the Agreement to increase the Agreement amount to $40,000 per year, and increase the term to include two (2) one (1) year extensions at the sole discretion of the City, and

WHEREAS, continuation of the grant writing services provided by RMC will allow the City to apply for a wide variety of grants to help fund these proposed projects and programs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to agreement with RMC Water and Environment for on-call grant researching and writing services for various City utility-related projects in an amount not to exceed $40,000 per year, with two (2) one (1) year extensions, at the sole discretion of the City.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment to Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH BROWN AND CALDWELL FOR DESIGN SUPPORT DURING CONSTRUCTION OF THE PRIMARY OUTFALL REHABILITATION PROJECT – PHASE 2 IN AN AMOUNT NOT TO EXCEED $140,358 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $14,036 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $154,394, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto’s 6.5 mile 60-inch diameter pipeline transports primary effluent from the Sutter Avenue Primary Water Quality Control Plant (Primary Plant) to the Jennings Road Secondary Plant (Secondary Plant), and

WHEREAS, due to severe internal corrosion and insufficient capacity, this pipeline is being rehabilitated, and

WHEREAS, the rehabilitation of the Primary Outfall was divided into three phases due to the length of the pipeline, limited construction period, and the large number of property acquisitions necessary to perform the work, and

WHEREAS, Phase 1 construction was successfully completed and was accepted by City Council on October 12, 2010, by Resolution No. 2010-444, and

WHEREAS, on March 9, 2010, by Resolution No. 2010-085, the City Council approved an amendment to agreement with Brown and Caldwell for final design services for the Primary Outfall Rehabilitation Project – Phase 2, and

WHEREAS, the final design for Phase 2 was satisfactorily completed and the construction contract was awarded on September 6, 2011, and

WHEREAS, due to the magnitude, and specialized construction materials and methods for this project, engineering support is required during construction to provide technical support to the Construction Manager, and
WHEREAS, Brown and Caldwell is the engineer of record for the project and successfully provided valuable engineering support during Phase 1 construction, and

WHEREAS, therefore, City staff recommends approving an agreement with Brown and Caldwell for design support during construction for Phase 2 of the Primary Outfall Rehabilitation Project, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Brown and Caldwell for design support during construction for Primary Outfall Rehabilitation – Phase 2 for an amount not to exceed $140,358 for the identified scope of services, plus $14,036 for additional services (if needed), for a maximum total amount of $154,394.

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 27th day of September, 2011, by Councilmember Lopez,
who moved its adoption, which motion being duly seconded by Councilmember
Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-395

RESOLUTION APPROVING A JOINT POWERS AUTHORITY AGREEMENT BETWEEN THE CITIES OF CERES, MODESTO, AND TURLOCK TO FORM THE STANISLAUS REGIONAL WATER AUTHORITY (SRWA) FOR THE PURPOSE OF DIRECTING THE FUTURE OF THE PROPOSED REGIONAL SURFACE WATER SUPPLY PROJECT (RSWSP), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, for many years the Cities of Ceres, Hughson, Modesto, and Turlock have been working with the Turlock Irrigation District (TID) to develop a Regional Surface Water Supply Project (RSWSP) that would pump water from the Tuolumne River, treat it to drinking water standards, and then distribute the treated water to the four cities, and

WHEREAS, TID originally planned to finance, construct, own, and operate the proposed RSWSP, subject to each participating city repaying TID for the construction, operation, and maintenance costs, and

WHEREAS, on March 7, 2006, the City Council, by Resolution No. 2006-128, entered into a First Drinking Water Agreement with TID, which authorized TID to move forward with work related to the design, engineering, preparatory, and development of bid specifications for award of bid for the RSWSP construction, and

WHEREAS, to date, TID has completed various elements of the project, including an Environmental Impact Report, Preliminary Design Report, and construction of the infiltration gallery, and

WHEREAS, on July 12, 2011, the City Council, by Resolution 2011-281, approved reimbursing TID for the City’s share of the work, and
WHEREAS, in 2008, TID informed the participating cities that it would no longer be able to finance the project, and as a result the four cities formed a technical advisory committee to determine how best to proceed in evaluating and potentially developing the RSWSP, and

WHEREAS, in 2010, the participating cities, with each Council’s approval, created a RSWSP Steering Committee (Committee) in order to provide policy direction and recommendations on the future of the RSWSP, and

WHEREAS, the Committee held its first meeting on January 26, 2011, and has been meeting monthly, and

WHEREAS, based on the Committee’s review of the project alternatives and the information provided by staff regarding JPA agreements, the Committee voted unanimously at its July 19, 2011 meeting to recommend the formation of a JPA for the purpose of making responsible decisions related to the future RSWSP, and

WHEREAS, the formation of the JPA will allow the participating cities to begin the negotiation of a raw water purchase agreement with TID, and also complete preliminary work needed to more fully determine financing alternatives, and

WHEREAS, the City of Hughson desires to continue participation in the project; however, it cannot become a member of the JPA at this time due to financial constraints, and

WHEREAS, the City of Hughson may elect to explore options for participation with the JPA should the JPA be formed, and

WHEREAS, the City of Ceres presented formation of the Stanislaus Regional Water Authority (SRWA) JPA to its Council for approval on September 26, 2011, and
the City of Turlock is presenting the formation of the SRWA JPA to its Council for approval on September 27, 2011, the same date as Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Joint Powers Authority Agreement between the Cities of Ceres, Modesto, and Turlock to form the Stanislaus Regional Water Authority for the purpose of directing the future of the proposed Regional Surface Water Supply Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

(SIGNATURE)

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE 2010 SANITARY SEWER COLLECTION SYSTEM REPLACEMENT PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH J.W. EBERT CORP OF SAN JOSE, CALIFORNIA, IN THE AMOUNT OF $1,142,002, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the 2010 Sanitary Sewer Collection System Replacement project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the 2010 Sanitary Sewer Collection System Replacement project were opened at 11:00 a.m. on August 23, 2011, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of $1,142,002 received from J.W. Ebert Corp be accepted as the lowest responsible bid and the contract be awarded to J.W. Ebert Corp,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the 2010 Sanitary Sewer Collection System Replacement project, accepts the bid of J.W. Ebert Corp, Inc., of San Jose, California in the amount of $1,142,002, and approves the contract.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Ridenour

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney