RESOLUTION ACCEPTING THE STRATEGIC GROWTH COUNCIL'S PROPOSITION 84 COUNTYWIDE PLANNING GRANT, IN THE AMOUNT OF $92,000, ON BEHALF OF THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY NECESSARY GRANT CONTRACTS AND RELATED DOCUMENTS

WHEREAS, the people of the State of California approved Proposition 84 in 2006, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act, which also authorized the Legislature to appropriate $90 million for planning grants and incentives to reduce energy consumption, conserve water, improve air and water quality, and provide other community benefits, and

WHEREAS, the California Strategic Growth Council has the authority to award grants of financial assistance for the development and implementation of plans that reduce greenhouse gas emissions and achieve other specified public objectives, and

WHEREAS, the City of Modesto is participating in a Proposition 84 grant application prepared and administered by County staff to assist in updating general plans, community plans, specific plans; revise development codes; prepare corridor studies; develop energy and water efficiency, conservation, and innovation programs; engage the community in developing smart growth programs; and coordinate implementation strategies and capacity building, which will allow Stanislaus County agencies to have greater influence over future development patterns that are consistent with both the San Joaquin Valley Blueprint and the greenhouse gas reduction goals of AB 32 and SB 375, and
WHEREAS, on August 10, 2010, the City Council, by Resolution No. 2010-375, approved the City’s joint applications with other cities in Stanislaus County, the County of Stanislaus, and the Stanislaus Council of Governments for Proposition 84 grant funding with a in-lieu match of staff time, and

WHEREAS, the County of Stanislaus submitted a grant application to the Strategic Growth Council for a Proposition 84 Countywide Planning Grant as authorized by City Council, and

WHEREAS, the Strategic Growth Council reviewed the grant application and awarded the project a Proposition 84 Planning Grant including $92,000 for the City of Modesto’s portion of the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the $92,000 Proposition 84 Countywide Planning Grant from the Strategic Growth Council, and authorizes the $18,000 matching funds of in-lieu staff time.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute any grant contracts and related documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 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, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: [Signature]

SEPHANIE LOPEZ, City Clerk

(SEAL)
RESOLUTION AMENDING THE FISCAL YEAR 2011-2012 MULTI-YEAR OPERATING GRANT FUND BUDGET TO ESTABLISH A NEW MULTI-YEAR BUDGET FOR THE STRATEGIC GROWTH COUNCIL’S PROPOSITION 84 COUNTYWIDE PLANNING GRANT AND TO APPROPRIATE $92,000 IN GRANT REVENUE AND EXPENSE

WHEREAS, the people of the State of California approved Proposition 84 in 2006, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act, which also authorized the Legislature to appropriate $90 million for planning grants and incentives to reduce energy consumption, conserve water, improve air and water quality, and provide other community benefits, and

WHEREAS, the California Strategic Growth Council has the authority to award grants of financial assistance for the development and implementation of plans that reduce greenhouse gas emissions and achieve other specified public objectives, and

WHEREAS, the City of Modesto is participating in a Proposition 84 grant application prepared and administered by County staff to assist in updating general plans, community plans, specific plans; revise development codes; prepare corridor studies; develop energy and water efficiency, conservation, and innovation programs; engage the community in developing smart growth programs; and coordinate implementation strategies and capacity building, which will allow Stanislaus County agencies to have greater influence over future development patterns that are consistent with both the San Joaquin Valley Blueprint and the greenhouse gas reduction goals of AB 32 and SB 375, and
WHEREAS, on August 10, 2010, the City Council, by Resolution No. 2010-375, approved the City’s joint applications with other cities in Stanislaus County, the County of Stanislaus, and the Stanislaus Council of Governments for Proposition 84 grant funding with a in-lieu match of staff time, and

WHEREAS, the County of Stanislaus submitted a grant application to the Strategic Growth Council for a Proposition 84 Countywide Planning Grant as authorized by City Council, and

WHEREAS, the Strategic Growth Council reviewed the grant application and awarded the project a Proposition 84 Planning Grant including $92,000 for the City of Modesto’s portion of the project, and

WHEREAS, the Fiscal Year 2011-2012 Multi-Year Operating Grant Fund budget must be amended as shown in Exhibit A, which is attached to this resolution and incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amending the Fiscal Year 2011-2012 Multi-Year Operating Grand Fund budget as shown on the attached Exhibit A.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 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, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEND:

(SEAL)

APPROVED AS TO FORM:

By:

SUSANA ALCALA WOOD, City Attorney
Request for Budget Adjustment
(Projects and Grants)

Contact Person: Debbie Magdaleno
Telephone: 577-5473
Submitting Department: CEDD

Council Action Date: 7/5/2011
Resolution Number:
Date Submitted by Dept: 5/16/2011

Project Name: Prop 84 Countywide Form Based Code
Fiscal Year being Adjusted: MY

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Justification for Budget Adjustment
This action is to establish a new multi-year budget for the Prop 84 Countywide Form Based Code grant. This action was presented to Council on June 7, 2011.

Authorization

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<th>Administrative Services Officer (if needed)</th>
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To be Completed by Finance Staff
Transfer Number: Completed By:
RESOLUTION APPROVING THE TRANSFER OF FOUR (4) PARCELS (APNs 106-042-001, 106-042-002, 106-042-003 and 106-042-004) OWNED BY THE REDEVELOPMENT AGENCY TO THE CITY OF MODESTO, AND MAKING CERTAIN FINDINGS RELATING THERETO

WHEREAS, the City Council of the City of Modesto ("City") approved and adopted the Modesto Redevelopment Plan ("Redevelopment Plan") for the Modesto Redevelopment Project (the "Project Area"), and

WHEREAS, the Redevelopment Agency of the City of Modesto ("Agency") is engaged in activities to execute and implement the Redevelopment Plan pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000, et seq.) ("CRL"), and

WHEREAS, for the improvement of the Project Area and the immediate neighborhoods in which the Project Area is located, the Agency has recognized the need for certain public improvements, which improvements are located within the boundaries of the Project Area, and

WHEREAS, in accordance with the CRL, the Agency has used its tax increment funds received pursuant to CRL Section 33670 to pay for all or part of the cost of the value of land for certain properties located within the Project Area (collectively, the "Agency Properties"), as listed on the attached Exhibit A, and

WHEREAS, in response to the Governor’s proposed State budget package and proposals for FY 2011-2012, which include recommending the elimination of redevelopment agencies “to realign the delivery of state services to counties and local governments” and eliminate a projected State deficit of $25.4 billion, the City Manager
and Agency Executive Director have proposed the transfer of the Agency Properties to the City to avoid losing control of these properties, and provide flexibility to preserve local public assets, and

WHEREAS, the Governor’s budget proposal threatens the ability of the Agency to control the use of the Agency Properties, and control of the use of the Agency Properties is important to successful redevelopment of the Project Area, and

WHEREAS, transfer of the Agency Properties to the City is necessary in order to continue to carry out the Redevelopment Plan, and

WHEREAS, CRL Section 33430 authorizes a redevelopment agency to sell, lease, exchange, subdivide, transfer, assign, encumber and dispose of any real property or any interest in real property, and

WHEREAS, the City Council has considered all terms and conditions of the proposed transfer, and has determined that the proposed action is in the best interests of the City and in accord with the public purposes and provisions of applicable State and local laws, and

WHEREAS, the Agency is the lead agency pursuant to the California Environmental Quality Act (codified as Public Resources Code Sections 21000 et seq) (“CEQA”) and the State CEQA Guidelines, and

WHEREAS, Agency staff has determined that the Agency’s authorization of the transfer of the Agency Properties is exempt from CEQA, pursuant to the CEQA Guidelines set forth in California Code of Regulations, Title 14, Section 15378(b)(5), which provides that such authorizations are not considered a project subject to CEQA.
review because the transfer of the Agency Properties is an organizational activity that will not result in direct or indirect physical changes in the environment,

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

Section 1. Recitals: The Recitals set forth above are true and correct and incorporated herein.

Section 2. Findings: The Council hereby finds and determines, based on the Recitals set forth above and the information made available in the staff report accompanying this resolution, the oral presentation of City staff, and all other written and oral evidence presented to the Council, that the Agency’s transfer of the Agency Properties is of benefit to the Project Area because the transfer of the Agency Properties to the City: (1) is in the best interest of the City and the health, safety, morals and welfare of its residents, businesses, tenants, and property owners, and (2) will assist in the elimination of one or more blighting conditions in the Project Area, stimulate economic development and minimize depreciated or stagnant property values and high business vacancies, while improving aesthetics and visibility in the Project Area.

Section 3. Transfer Authorization: In the event that the adoption of legislation is imminent, or legislation is adopted, whereby the Agency is disestablished, prohibited from continuing activities or making any new agreements for non-affordable housing related matters under the CRL, the Council authorizes and directs the City Manager, with the concurrence of the City Attorney, to execute and deliver on behalf of the City, one or more grant deeds for the conveyance of the Agency Properties listed on Exhibit A to the City and to take any action and execute any other documents as may be necessary to
implement this resolution. Should it be later discovered that the Agency owns other properties not shown on Exhibit A, the Council further authorizes and directs that those properties be transferred to the City immediately upon discovery.

Section 4. CEQA: The City directs and authorizes that a Notice of Exemption shall be filed with the Clerk of the County of Stanislaus, California, within five (5) working days following the date of adoption of this resolution.

Section 5. Effective Date: This resolution shall take effect immediately upon its adoption.

Section 6. Certification: The City Clerk shall certify to the passage and adoption of this resolution and the same shall thereupon take effect and be in force immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 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, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
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| **Annexation:**            | Original City                  | Original City               |
| **Perimeter (Ft.):**       | 380.039515499222               | 380.039584655545            |
| **Square Footage:**        | 7001.83721893764               | 7001.82319021312            |
RESOLUTION AUTHORIZING A 60-DAY EXTENSION OF THE IRREVOCABLE DIRECT PAY LETTER OF CREDIT SUPPORTING THE GENERAL FUND’S LEASE REVENUE REFUNDING BONDS, SERIES 2008, AND RATIFYING THE CITY MANAGER’S EXECUTION OF THIS EXTENSION

WHEREAS, the City has issued General Fund Lease Revenue Refunding Bonds, Series 2008 (Bonds) with an outstanding amount of $63,255,000, and WHEREAS, the Bonds were issued to refund the Series 1998 and Series 2007 Lease Revenue Bonds (together the “Prior Bonds”), and

WHEREAS, the Prior Bonds were issued in order to assist in the financing of certain public capital improvements in the City which consist of the following: (i) the Redevelopment Agency’s parking garage, (ii) the City’s one-half interest in the City-County JPA’s administration building, (iii) the City’s police headquarters building and police operations building, (iv) certain miscellaneous City properties and (v) the City’s one-half undivided interest in the Communications Dispatch Center, and

WHEREAS, the City has an irrevocable direct pay Letter of Credit (LOC) with Bank of America, and

WHEREAS, the Bank of America LOC has an annual fee of .60%, and

WHEREAS, the Bank of America LOC expires on August 1, 2011, and

WHEREAS, the Bonds require the City maintain this liquidity support, and

WHEREAS, in December 2010, the City began discussion with Bank of America to renew the LOC on the Bonds, and
WHEREAS, the City, with assistance from Public Financial Management, Inc. (PFM), issued a Request for Proposal to financial institutions for a new LOC to provide liquidity support to the Bonds, and

WHEREAS, the City did not receive any responses to the Request for Proposal, and

WHEREAS, on June 10, 2011, Bank of America offered the City a one-year LOC, and

WHEREAS, Bank of America also offered the City a 60-day extension of the existing LOC at 1.40% which will result in additional costs of $85,000 during this period, and

WHEREAS, the 60-day extension had to be executed on or before June 30, 2011, and

WHEREAS, the City Manager executed the extension prior to June 30, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a 60-day extension of the irrevocable direct pay Letter of Credit supporting the General Fund’s Lease Revenue Refunding Bonds, Series 2008.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby ratifies the City Manager’s execution of the 60-day extension prior to June 30, 2011.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 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]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF STANISLAUS AND THE CITY OF MODESTO FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM FISCAL YEAR 2011 LOCAL SOLICITATION AUTHORIZING A JOINT APPLICATION WITH THE COUNTY OF STANISLAUS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT APPLICATION UPON AWARD

WHEREAS, the allocation of Edward Byrne Memorial Justice Assistance Grant (JAG) is based on a formula of population and violent crime statistics, in combination with a minimum allocation to ensure that each state and territory received an appropriate share of funding, and

WHEREAS, the JAG Program allows states, tribes and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions, and

WHEREAS, the City of Modesto Police Department is eligible to apply for $131,513 and Stanislaus County is eligible for $54,686, and

WHEREAS, the City of Modesto Police Department is considered a “disparate” under the terms of this grant because the City is eligible to receive one and one-half times more than a County (150% more than the County with concurrent jurisdiction), and

WHEREAS, the Modesto Police Department and Stanislaus County are required to submit a joint application for the total eligible allocation of $186,199 and

WHEREAS, recommended distribution of the 2011 JAG funds is as follows:

- Probation $ 13,261
- Sheriff $ 39,784
- Sheriff (Administrative Fee) $ 5,586
- Modesto Police Department $127,568
WHEREAS, the City of Modesto will use its allocation to purchase personal recording devices and an additional computer server to store the videos, and

WHEREAS, there is no match required for this grant, and

WHEREAS, the awards are made in the first fiscal year of the appropriation and may be expended during the following three years for a total of four years, and

WHEREAS, Stanislaus County will be the fiscal agent for this grant, and

WHEREAS, the County will charge the City a three percent (3%) administrative fee in the amount of $3,945 to cover the reporting costs associated with the grant, and

WHEREAS, the administrative fee reduces the City’s total projected grant award to $127,568 ($131,513 less the 3% administrative fee of $3,945), and

WHEREAS, the grant requires that a trust fund must be established for fund deposits, and funds cannot be commingled with funds from any other source, and

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

WHEREAS, grant requires a signed Memorandum of Understanding for the application,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Fiscal Year 2011 Local Solicitation, authorizing a joint application with the County of Stanislaus.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the grant application upon award.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 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 APPROVING A GRANT DEED WITH STANISLAUS COUNTY THAT WIDENS ITS RIGHT-OF-WAY ON WEST MAIN STREET REQUIRED BY THE MEMORANDUM OF UNDERSTANDING RELATED TO THE JENNINGS ROAD TREATMENT PLANT ANNEXATION; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT DEED

WHEREAS, on August 4, 2010, the City Council, by Resolution No. 2010-347, approved a Memorandum of Understanding (MOU) between the City of Modesto and the County of Stanislaus regarding the dedication of right-of-way along West Main Street, and

WHEREAS, the MOU was approved as part of the City’s application to annex 4,665 acres located at 7007 Jennings Road, which is used for Secondary Wastewater Treatment Plant operations, and

WHEREAS, the annexation was approved and recorded on January 10, 2011, and

WHEREAS, the MOU defines the responsibilities of each agency regarding the 1.77 miles of West Main Street that passes through the annexed land, and

WHEREAS, one of the requirements of the MOU is that the City will grant the County a grant deed for 20 feet of right-of-way consisting of 10 feet on each side of West Main Street as it passes through the annexed area, and

WHEREAS, this will bring the right-of-way width for West Main Street into conformance with Stanislaus County road standards for its future development as a four-lane Class “C” expressway with a right-of-way width of 110 feet,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant Deed with Stanislaus County that widens its right-of-way
on West Main Street required by the Memorandum of Understanding related to the
Jennings Road Treatment Plant.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the
City Manager, or his designee, is hereby authorized to execute the Grant Deed.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 5th day of July, 2011, by Councilmember Lopez, who
moved its adoption, which motion be 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]

SUSAN ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-266

RESOLUTION FREEZING THE ANNUAL INFLATIONARY ADJUSTMENT FOR THE WASTEWATER CAPACITY CHARGE AND THE WATER CONNECTION CHARGE FOR FISCAL YEAR 2011/2012

WHEREAS, Section 5-6.801 of the Modesto Municipal Code (MMC) provides that the Council may establish by resolution charges for the connection of property to the sewage system, and

WHEREAS, on May 8, 2007, by Resolution No. 2007-287, the City Council authorized the Director of Public Works to administratively make an annual inflation adjustment to the Wastewater Capacity Charges, and

WHEREAS, Section 11-1.04 of the MMC authorizes the Council, by resolution, to establish charges for water service installation, and MMC Section 11-1.05 authorizes the Council, by resolution, to establish charges for water main connection charges, and MMC Section 11-6.05 authorizes the Council, by resolution, to establish charges for metered water services, and MMC Section 11-6.06 authorizes the Council, by resolution, to establish charges for unmetered water services, and

WHEREAS, on November 23, 2004, the City Council, by Resolution No. 2004-627, rescinded all previous water fee resolutions, establishing a single rate base, and establishing fees for the provision of water and all fees associated with water operations and management, and

WHEREAS, on April 26, 2005, the City Council, by Resolution No. 2005-204, amended Sections 3 and 14 of Resolution No. 2004-267 to clarify that water connection charges are actual hookup fees and are not land based, and
WHEREAS, on October 4, 2005, the City Council, by Resolution No. 2005-492, amended and restated Resolution No. 2005-282 to add section 10A clarifying policy issues on water connection fees and amending Section 14, footnote 1 to clarify inflation adjustment for connection charges, and

WHEREAS, on November 4, 2009, the City Council, by Resolution No. 2009-519, established the Utility Planning and Projects Department and the position of Director of Utility Planning and Projects who would assume a portion of the duties previously assigned to the Director of Public Works,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby freezes the annual inflationary adjustment for the Wastewater Capacity Charge and the Water Connection Charge for Fiscal Year 2011/2012.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 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

07/05/2011/UP&P/RUlm/Item 9
A RESOLUTION DENYING THE APPEAL BY CHARLES EVINS II OF A DECISION BY THE BOARD OF ZONING ADJUSTMENT DENYING A VARIANCE TO ALLOW A 33-FOOT HIGH, 48-SQUARE FOOT ELECTRONIC MESSAGE BOARD SIGN AT PROPERTY LOCATED ON SIERRA DRIVE BETWEEN THE NEW BETHANY MISSIONARY BAPTIST CHURCH AT 315 6TH STREET AND STATE HIGHWAY 99

WHEREAS, on January 11, 2011, Charles Evins II applied for a Variance (File No. VAR-11-002) from Section 10-2.2114(e) of the Modesto Municipal Code to allow for a 33-foot high, 48-square foot freestanding electronic message board sign for property located on Sierra Drive between the New Bethany Missionary Baptist Church at 315 6th Street and State Highway 99, and

WHEREAS, Sections 10-1.202(a) and 10-2.2501 of the Modesto Municipal Code authorize the Board of Zoning Adjustment to grant variances subject to findings specified in Section 10-2.2502 of the Modesto Municipal Code, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on March 24, 2011, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Board of Zoning Adjustment, by Resolution No. 2011-06, denied the application for a variance from Modesto Municipal Code Section 10-2.2114(e) regulating electronic message board signs, and

WHEREAS, by the same resolution the Board of Zoning Adjustment allowed for a 33-foot high 48-square foot freestanding static-copy non-electronic sign at the subject site, thereby granting a variance from Modesto Municipal Code Section 10-2.2111(a)
Table 21-1 regulating the maximum height of church identification signs in the residential zones of the City, and

WHEREAS on March 24, 2011, an appeal to the denial by the Board of Zoning Adjustment of the application for a variance from Modesto Municipal Code Section 10-2.2114(e) regulating electronic message board signs was filed by Charles Evins II, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council to be held on April 12, 2011, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which time said public hearing was held, and evidence both oral and documentary was received and considered,

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

1. That denying the appeal of Charles Evins II and affirming the decision of the Board of Zoning Adjustment to deny a variance to allow for a 33-foot high, 48-square foot freestanding electronic message board sign is required for the following reasons:

   a. The applicant failed to establish any special circumstances or conditions applicable to this property which do not exist for other properties or buildings in the same zone or immediate vicinity pursuant to Modesto Municipal Code Section 10-2.2502(a).

   b. The applicant failed to establish any special circumstances or conditions that would deprive the applicant of practical use of the property or buildings due to strict application of the zoning code, pursuant to Modesto Municipal Code Section 10-2.2502(b).

   c. The applicant failed to establish that granting the variance will be consistent with the purpose and intent of the zoning regulations, pursuant to Modesto Municipal Code Section 10-2.2502(c). Because the current zoning regulations do not authorize electronic message boards for churches, and a church does not fall into one of the existing uses allowed for an electronic message board sign, granting the proposed variance for an electronic message board sign under the current ordinance would not be consistent with the purpose and intent of the zoning regulations.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2011, by 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

APPROVED AS TO LEGAL DESCRIPTION

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. 2011-267

A RESOLUTION APPROVING A REPAYMENT SCHEDULE FOR THE LOAN
ISSUED BY THE CITY OF MODESTO TO THE MODESTO
REDEVELOPMENT AGENCY

WHEREAS, from 1984 to 2004, the City of Modesto made annual loans to the
Redevelopment Agency for payment of debt service, projects and staff administration,
and
WHEREAS, the total principal amount of the City loans to the Agency is
$21,578,400, and
WHEREAS, in accordance with the agreement between the City and the Agency
there was a 7% interest rate attached to the loans, and
WHEREAS, in January 2008, the Agency made a loan payment in the amount of
$1,300,000, and
WHEREAS, in 2009 the Agency made a payment of $250,000, and
WHEREAS, the total principal only balance due is now $20,028,400, and
WHEREAS, in June of 2008, the Agency adopted the Fiscal Year 2009-2010
budget, which contained the following loan repayment schedule:

- A Minimum of $1 Million in Net Revenue is required in a given
  fiscal year before a loan repayment to the City is considered for
  that fiscal year.

- If the Net Tax Increment equals $1 Million in a given fiscal year,
  then minimum annual repayment to the City will be $100,000, or a
  set 10%, whichever is greater.

- The last 10 years of Net Tax Increment of the Redevelopment
  Agency (Years 2032-2042) will go entirely to loan repayment to
  the City to ensure that the loan is not repaid before 2042, and
WHEREAS, based on this schedule, the projected first fiscal year of repayment by the Agency to the City is Fiscal Year 2014-2015.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the loan repayment schedule as noted above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 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

[Signature]

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE CITY COUNCIL OF THE CITY OF MODESTO, ACTING AS THE GOVERNING BODY OF ALL ITS COMMUNITY FACILITIES DISTRICTS, TO ORDER JUDICIAL FORECLOSURE OF DELINQUENT ANNUAL SPECIAL FACILITIES TAXES PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982, AND TO ORDER THAT THE STANISLAUS COUNTY TAX COLLECTOR BE CREDITED WITH THOSE TAXES

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

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

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

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

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

WHEREAS, on July 12, 2011, the City Council, by Resolution No. 2011-269, authorized the City Manager to execute an Amendment No. 1 to Task Order No. 1 to the Master Professional Services Agreement with Goodwin Consulting Group, Inc., a firm experienced and qualified to process such judicial collection and foreclosure actions,

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

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

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

3. The Act provides for the payment of the costs and attorneys fees for prosecution of the foreclosure lawsuits on redemption prior to entry of judgment as well as on post-judgment redemption, and hereby authorizes Attorney to require payment on its behalf of all costs and all attorneys’ fees incurred to collect the delinquent special taxes as a condition of such redemption as provided in the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 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

( SEAL )

ATTEST: ____________________________

STEFHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ____________________________

SUSANA ALCALA WOOD, City Attorney
Exhibit "A"
Delinquent Parcels as of June 10, 2011
Missed 3 or More Installments

<table>
<thead>
<tr>
<th>APN</th>
<th>CFD</th>
<th>Tax Year</th>
<th>Unpaid Taxes</th>
</tr>
</thead>
<tbody>
<tr>
<td>056-096-065-000</td>
<td>CFD 2003-1 (Fairview Village)</td>
<td>2009</td>
<td>$943.72</td>
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<td>077-055-076-000</td>
<td>CFD 2004-1 (Village One #2)</td>
<td>2009</td>
<td>$551.79</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2010</td>
<td>$1,125.66</td>
</tr>
</tbody>
</table>
A RESOLUTION APPROVING AMENDMENT NO. 1 TO TASK ORDER NO. 1 TO THE MASTER PROFESSIONAL SERVICES AGREEMENT FOR CONSULTANT SERVICES WITH GOODWIN CONSULTING GROUP, INC. TO SERVE AS FORECLOSURE COUNSEL FOR THE ADMINISTRATION, COLLECTION AND JUDICIAL FORECLOSURE OF DELINQUENT ANNUAL SPECIAL FACILITIES TAXES PURSUANT TO THE MELLO-ROOS ACT OF 1982, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AMENDMENT NO. 1 TO TASK ORDER NO. 1

WHEREAS, the City Council is desirous of administering and maintaining its existing Community Facilities Districts ("CFDs"), and

WHEREAS, on February 13, 2007, the City Council, by Resolution No. 2007-105, approved a Master Professional Services Agreement for Consultant Services with Goodwin Consulting Group, Inc. ("Consultant") for the administration of CFDs, and

WHEREAS, on July 24, 2007, the City Council, by Resolution No. 2007-433, approved Task Order No. 1 for the administration of the City’s then existing CFDs, and

WHEREAS, Consultant has prepared Amendment No. 1 to Task Order No. 1 ("Amendment") to serve as Foreclosure Counsel for the administration, collection and judicial foreclosure of delinquent annual special facilities taxes, attached hereto as Exhibit "A" and incorporated herein by reference, and

WHEREAS, the Foreclosure Counsel is funded by payment from property owners as part of the delinquency recovery, and in the event recovery from property owner is not possible, then the City of Modesto Community Facilities District No. 2003-1 (Fairview Village) and City of Modesto Community Facilities District No. 2004-1 (Village One #2) will be responsible for the payment of Foreclosure Counsel’s advanced fees, costs, and expenses,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 1 to Task Order No. 1 to the Master Professional Services Agreement for Consultant Services with Goodwin Consulting Group, Inc. to serve as Foreclosure Counsel for the administration, collection and judicial foreclosure of delinquent annual special facilities taxes.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute Amendment No. 1 to Task Order No. 1.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2011, 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: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
Exhibit A

AMENDMENT NO. 1 TO TASK ORDER NO. 1
FOR GOODWIN CONSULTING GROUP INC. MASTER PROFESSIONAL SERVICES AGREEMENT FOR CONSULTANT SERVICES

This AMENDMENT NO. 1 TO TASK ORDER NO. 1, made and entered into in the City of Modesto, State of California, this ____ day of ________________, by and between the CITY OF MODESTO, a Charter City and municipal corporation of the State of California, hereinafter referred to as “CITY”, and GOODWIN CONSULTING GROUP, INC., hereinafter referred to as “CONSULTANT”.

RECITALS: This Amendment No. 1 to Task Order No. 1 is made with reference to the following recitals:

A. A Master Professional Services Agreement for Consultant Services was entered into between CITY and CONSULTANT on February 13, 2007,

B. Task Order No. 1 to the Master Professional Services Agreement for Consultant Services was entered into between CITY and CONSULTANT on June 24, 2011,

C. CITY and CONSULTANT desire that CONSULTANT perform the additional services identified in the attached Exhibit “C”.

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. Section 2 of Task Order No. 1 to the Master Professional Services Agreement for Consultant Services shall be amended to read as follows:

   SCOPE OF SERVICES. Consultant shall perform the services described in Exhibit “A”, Exhibit “B”, Exhibit “C” and Exhibit “D” attached hereto and incorporated herein by reference. CONSULTANT shall not replace its Authorized
Exhibit A

Representative, nor shall CONSULTANT use any subcontractors or subconsultants not listed in this Task Order, without the prior written consent of the CITY.

2. Section 4 of Task Order No. 1 to the Master Professional Services Agreement for Consultant Services shall be amended to read as follows:

   COMPENSATION: For services performed by CONSULTANT in accordance with Amendment No. 1 to Task Order No. 1, CONSULTANT agrees to accept a sum not to exceed $77,500 annually for annual administration services. CONSULTANT shall be paid at the times and in the manner set forth in Paragraph 3 of the Master Professional Services Agreement, unless expressly provided otherwise in the attached Amendment No. 1 to Task Order No. 1.

   For services performed by CONSULTANT in accordance with Amendment No. 1 to Task Order No. 1 for services related to delinquent special tax management and coordination of foreclosure activities, CONSULTANT agrees to defer all fees and advance all costs and expenses and will receive payment from the property owners as part of the delinquency recovery. CONSULTANT shall be paid at the times and in the manner set forth in Paragraph 3 of the Master Professional Services Agreement, unless expressly provided otherwise in the attached Amendment No. 1 to Task Order No. 1.

3. Except as otherwise provided herein, each and every and all of the terms and conditions of the Master Professional Services Agreement for Consultant Services between the parties dated June 24, 2007 are hereby incorporated by reference, and shall continue in full force and effect.
Exhibit A

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Amendment No. 1 to Task Order No. 1 for Goodwin Consulting Group, Inc. Master Professional Services Agreement for Consultant Services in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2011-____, adopted by the Council of the City of Modesto on the ____ day of ___________, 2011. and CONSULTANT has caused this Amendment No. 1 to Task Order No. 1 to be duly executed.

CITY OF MODESTO, a municipal corporation

By ____________________________  
GREG NYHOFF, City Manager

CONSULTANT, GOODWIN CONSULTING GROUP, INC.

By ____________________________  
Name Title

By ____________________________  
Name Title

APPROVED AS TO FORM:  
SUSANA ALCALA WOOD, City Attorney  
(Seal)

By ____________________________  
ROLAND STEVENS, Assistant City Attorney

ATTEST:

By ____________________________  
STEPHANIE LOPEZ, City Clerk

Consultant’s Federal ID #______

* Corporations - signature of two (2) officers required or one (1) officer plus corporate seal.

Partnership - signature of a partner required
This task order sets forth the scope of work and fee schedule for Goodwin Consulting Group, Inc. (GCG) to provide services related to the annual administration of the City of Modesto Community Facilities Districts (CFD) listed above. Five of the eight CFDs do not allow for the issuance of bonds and, therefore, a separate scope of services is provided for these CFDs in Section I below. Section II includes all tasks associated with levying the special tax, complying with continuing disclosure requirements, and preparing arbitrage rebate calculations for CFD No. 2003-1 (Fairview Village) and CFD No. 2004-1 (Village One #2).

**SECTION I. CFDs WITHOUT BOND ISSUANCE AUTHORITY**

This Section I shall apply to the following City of Modesto CFDs:

- Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder)
- Community Facilities District No. 2000-2 (Coffee-Claratina)
- Community Facilities District No. 1997-1 (North Beyer)
- Community Facilities District No. 2002-1 (North Pointe)
- Community Facilities District No. 1996-1 (Village One)
- Community Facilities District No. 1998-1 (Enterprise Business Park)

Each fiscal year, GCG will prepare the special tax levy for the CFDs listed above pursuant to the adopted Rate and Method of Apportionment of Special Tax for each CFD. Preparation of the levy will include the following tasks:
(1) GCG will update the database with land use, parcel and acreage data provided by the Districts.

(2) GCG will consult with the Districts to confirm the following items and determine the amount of the levy: (i) maintenance costs to be funded by the CFDs, (ii) CFD administrative costs, and (iii) surplus/deficits in CFD accounts.

(3) GCG will determine the special tax that will be levied on each parcel within each CFD to generate the amount needed to pay the annual maintenance expenses and will submit the corresponding levy to the Stanislaus County Auditor-Controller’s Office.

(4) GCG will provide the Districts with an annual summary of the components of the special tax calculation and levy. This summary will include a list of Assessor’s parcels that will be taxed in the then current fiscal year and the corresponding special tax that will be levied on each parcel.

(5) After April 10th, GCG will determine if there have been special tax delinquencies in the CFDs, discuss the amount of such delinquencies with the Districts, and if requested, prepare demand letters to the owners of such delinquent parcels.

(6) GCG will provide the County Tax Collector’s Office with a GCG contact name and phone number to allow them to field calls from homeowners, realtors, appraisers, title companies, and other interested parties. The Districts can also forward all calls directly to GCG, and calls will generally be returned the day they are received.

SECTION II. CFDs WITH BOND ISSUANCE AUTHORITY

This Section II shall apply to the following City of Modesto CFDs:

- Community Facilities District No. 2003-1 (Fairview Village)
- Community Facilities District No. 2004-1 (Village One #2)

Each fiscal year, GCG will provide the following tasks for each of the CFDs listed above to ensure submittal of the special tax levy, compliance with continuing disclosure requirements, and monitoring arbitrage earned on CFD accounts.
A. **CFD SPECIAL TAX ADMINISTRATION**

1. **Database Development**

With parcel and building permit data provided by City staff, GCG will construct a database that will be used to calculate the annual special tax levy for each CFD. This task will include the following:

- **Map, Parcel and Permit Data:** Coordinate with City staff to obtain information needed for the allocation of special taxes, including assessor parcel numbers (APNs), date of subdivision and building permit issuance, property use, and acreage for each parcel in the CFDs in each fiscal year.

- **Classification of Property:** Pursuant to the Rate and Method of Apportionment (RMA) of Special Tax for each CFD, categorize each parcel to the appropriate special tax classification.

- **Database Management:** Prepare a database for the CFDs which will contain all properties, parcel numbers, assigned tax categories, and other relevant information which will allow for the assignment of the special tax pursuant to the RMA.

2. **Annual Special Tax Levy Calculation**

GCG will calculate the special tax levy for each taxable parcel in each CFD by applying the Rate and Method of Apportionment of Special Tax. GCG will identify all CFD expenses including annual debt service, administrative expenses, and collection costs. Any applicable surplus special taxes, interest earnings, and other credits will be applied to reduce the annual special tax levy.

3. **Annual CFD Administration Report Preparation**

GCG will annually prepare a special tax administration report for each CFD which contains the results of our parcel research and findings of the financial analysis. An explanation of the methodology employed to calculate the special taxes levied will be incorporated. The report will also include annual reporting items required by Senate Bill 165 (Local Agency Special Tax and Bond Accountability Act). The appendix to this report will identify the special tax levy for each assessor’s parcel for the fiscal year.

4. **Annual Special Tax Enrollment**

GCG will compile a list of parcels in each CFD that will be subject to the special tax levy and format it in compliance with the specific formatting instructions of the Stanislaus County Auditor-Controller’s Office. The formatted tax levies will be submitted to the Auditor-Controller’s Office on or before August 10 (or other specified date) for inclusion on the consolidated property tax bills.
5. **Delinquent Special Tax Reporting**

GCG will monitor the Auditor-Controller’s tax collection summaries and report on delinquent parcels and corresponding delinquent CFD taxes. If requested by the City, GCG will prepare and mail demand letters to property owners with delinquent special taxes. Additionally, GCG will work with the City to ensure each CFD’s compliance with any foreclosure covenants and provisions in the bond documents.

6. **Answer Inquiries from Various Parties**

GCG will respond to property owners, realtors, title companies, appraisers and other parties’ questions regarding the special tax and other CFD related issues. A GCG staff member will be listed as the contact for calls that are received by the County Treasurer/Tax Collector’s Office; most calls will be responded to on the day received.

7. **Mello-Roos Cash Flow Analysis**

If needed, GCG will update the financial cash flow model for each CFD to examine the relationship of special tax revenues and debt service requirements. This cash flow model will incorporate information regarding bonded indebtedness, annexations, prepayments, and current and projected development.

8. **Prepayments**

If a property owner is interested in reducing or ceasing the levy of special taxes on a Parcel, GCG will provide the City with a prepayment estimate based on the formula provided in the Rate and Method of Apportionment of Special Tax. GCG will ensure that prepayments include all required bond premiums, negative arbitrage estimates, reserve fund credits and administrative charges.

9. **Coordination of Foreclosure Activities**

GCG will assist the City in complying with provisions in the bond indenture or fiscal agent agreement regarding actions to be taken in the event of a foreclosure on a property due to tax delinquency. GCG will coordinate with City staff and legal counsel to identify those parcels for which judicial foreclosure will be initiated.

B. **CONTINUING DISCLOSURE**

GCG will provide information to the Nationally-Recognized Municipal Securities Information Repositories (pursuant to S.E.C. regulations) and the California Debt and Investment Advisory Commission (pursuant to Senate Bill 1464) and prepare special tax disclosure materials to home buyers as specified in Senate Bill 1464. This task shall include the following subtasks:
Exhibit A

Prepare the annual Continuing Disclosure Report and respond to secondary information requirements set forth in SEC Section 15c2-12, as amended.

Submit the annual Fiscal Report as specified in Government Code Section 53359.5 to California Debt and Investment Advisory Commission by October of each year.

Prepare special tax disclosure materials on the City's behalf for resale properties as required by Government Code Section 53340.2.

C. ARBITRAGE REBATE CALCULATION

GCG will prepare the annual or five-year arbitrage rebate calculations. A report, identifying the rebate liability for each CFD, will be produced. GCG will determine the amount, if any, that must be rebated to the federal government at each five-year interval.
EXHIBIT B

GOODWIN CONSULTING GROUP, INC.

TASK ORDER 1

FEESCHEDULE WORK FOR ANNUAL ADMINISTRATION

CARVER BANGS CFD NO. 1998-2
COFFEE CLARATINA CFD NO. 2000-2
FAIRVIEW VILLAGE CFD NO. 2003-1
NORTH BEYER CFD NO. 1997-1
NORTH POINTE CFD NO. 2002-1
VILLAGE ONE CFD NO. 1996-1
VILLAGE ONE CFD NO. 2004-1
ENTERPRISE BUSINESS PARK CFD NO. 1998-1

A. **Maximum Annual Budgets**

The budget for annual administration for each of the CFDs is as follows:

<table>
<thead>
<tr>
<th>CFD</th>
<th>Budget for Fiscal Year 2006-07*</th>
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<tbody>
<tr>
<td>CFD No. 1998-2 (Carver-Bangs/Pelandale-Snyder)</td>
<td>$10,000</td>
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<tr>
<td>CFD No. 2000-2 (Coffee-Claratina)</td>
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<tr>
<td>CFD No. 1997-1 (North Beyer)</td>
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<td>CFD No. 2002-1 (North Pointe)</td>
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<td>CFD No. 1996-1 (Village One)</td>
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<tr>
<td>CFD No. 2004-1 (Village One #2)</td>
<td>$13,000</td>
</tr>
<tr>
<td>CFD No. 1998-1 (Enterprise Business Park)</td>
<td>$0</td>
</tr>
</tbody>
</table>

*Effective through fiscal year 2006-07 and may be adjusted for inflation thereafter.*

B. **Hourly Fee Schedule**

Services provided pursuant to this scope of work will be billed using the following fee schedule:
Exhibit A

GCG HOURLY SERVICE RATES *

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate</th>
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<tbody>
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</tr>
<tr>
<td>Principal</td>
<td>200/Hr</td>
</tr>
<tr>
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<td>170/Hr</td>
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<tr>
<td>Associate</td>
<td>150/Hr</td>
</tr>
<tr>
<td>Analyst</td>
<td>135/Hr</td>
</tr>
<tr>
<td>Research Assistant</td>
<td>80/Hr</td>
</tr>
</tbody>
</table>

* Effective through fiscal year 2007-08 and may be adjusted for inflation thereafter.

C. General Terms and Conditions

GCG will charge for time and materials, using the hourly rates set forth in above, up to the proposed budget maximums, subject to the limitations below, unless otherwise agreed to by the City. Monthly invoices will be presented to the City to provide details of services rendered and expenses incurred. At the City’s request, services in addition to those identified in the scope of work may be provided if the total fee to complete the tasks selected is less than the budget. Alternatively, if the selected tasks can be completed for less than the budget, only the hours actually expended will be billed.

In addition to fees for services, GCG will be reimbursed for mileage, photocopying, database services or materials, facsimile and telephone calls, clerical services, and other out-of-pocket expenses in an amount not to exceed $500 per year per CFD.
AMENDMENT TO SCOPE OF WORK FOR TAX DELINQUENCY MANAGEMENT SERVICES

Goodwin Consulting Group, Inc. (GCG) proposes the following Amendment to Scope of Work and Fee Schedule (Exhibit B) to provide services related to the annual tax delinquency management services for the City of Modesto Community Facilities District (CFD) Nos. 2003-1 (Fairview Village) and 2004-1 (Village 1 #2). The following tasks will be provided by GCG on an annual basis or as needed basis:

**Delinquent Special Tax Management**

- GCG will monitor the Auditor-Controller’s tax collection summaries and provide a report to the City identifying parcels and corresponding delinquent CFD taxes after each of the two annual tax installments and at the end of the fiscal year, as necessary.

- If directed by the City, GCG will prepare and mail a Reminder Letter after each delinquent tax installment to each delinquent property owner.

- If directed by the City, GCG will prepare and mail a tax delinquency Demand Letter to property owners with delinquent special taxes. Demand Letters will be sent to property owners whose delinquent taxes have contributed to a violation of the bond foreclosure covenants. The Demand Letter provides notice to the property owner that CFD taxes will be stripped from the tax roll if payment is not made to the County Tax Collector’s office by a certain date.

**Coordination of Foreclosure Activities**

- GCG will coordinate with the City to ensure compliance with all foreclosure covenants and provisions in the bond documents. Should the City decide to initial foreclosure, GCG will assist the City in drafting a City Council resolution to remove the delinquent property owners from the county tax roll.

- GCG will prepare and record the Notice of Intent to Remove Delinquent Special Tax Installments From the Tax Roll (NOI) and subsequently coordinate with the county to remove the CFD taxes from the county roll.
Exhibit A

- GCG will send a final Foreclosure Letter to the property owner requesting payment of delinquent CFD taxes by a certain date. The Foreclosure Letter provides the property owner an opportunity to pay only their CFD tax portion of the tax bill instead of the entire bill if it was paid through the County. All CFD taxes, including penalties, interest, and service fees will be sent to GCG and forwarded to the City.

- If delinquent CFD taxes are still outstanding after the deadline noted in the Foreclosure Letter, GCG will research property documents to determine the primary lien holder. GCG will contact the lien holder and send a Lien Holder Letter demanding payment of all CFD taxes, penalties, interest, and administration fees for the City and GCG. All CFD tax payments, including penalties, interest, and service fees will be sent to GCG and forwarded to the City.

- If delinquent CFD taxes are still outstanding after the deadline noted in the Lien Holder Letter, GCG will coordinate with the City and foreclosure attorney on proceeding with foreclosure. GCG will provide the foreclosure attorney with a detailed report of all parcels subject to foreclosure along with associated CFD taxes, penalties, interest, and other service fees.

- GCG will record a Notice of Payment of Delinquent Special Tax for parcels whose delinquent taxes have been remedied.
Exhibit A

Exhibit D

FEE SCHEDULE

A. Services
General delinquency monitoring and reporting services will be billing against the fee schedule budget in the original CFD agreement for CFD administration services. Services associated with individual delinquent properties, as described in Amendment to Scope of Work in Exhibit A above, will be based on the fees in Table 1 below. Additional out-of-scope shall be billed on a time and materials based on the rate schedule in Table 2 below.

<table>
<thead>
<tr>
<th>Services</th>
<th>Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reminder Letter</td>
<td>$10 per letter</td>
</tr>
<tr>
<td>Demand Letter</td>
<td>$20 per letter</td>
</tr>
<tr>
<td>Foreclosure Letter</td>
<td>$40 per letter</td>
</tr>
<tr>
<td>Lien Holder Research and Letter</td>
<td>$60/parcel/year</td>
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<tr>
<td>Record NOI - Remove of Tax from County Roll and Record Subsequent Cancellation of NOI</td>
<td>$120/parcel/year</td>
</tr>
<tr>
<td>Foreclosure Management Services</td>
<td>$150/parcel/year</td>
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</table>

Table 1

DELINQUENCY MANAGEMENT RATES

<table>
<thead>
<tr>
<th>Services</th>
<th>Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Managing Principal</td>
<td>$250/Hour</td>
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<tr>
<td>Principal</td>
<td>240/Hour</td>
</tr>
<tr>
<td>Vice President</td>
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<tr>
<td>Senior Associate</td>
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<td>Associate</td>
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<tr>
<td>Analyst</td>
<td>145/Hour</td>
</tr>
<tr>
<td>Research Assistant</td>
<td>80/Hour</td>
</tr>
</tbody>
</table>

Table 2

GCG HOURLY SERVICE RATES *

*These rates are effective through fiscal year 2011-12 and may be adjusted for inflation thereafter.

B. Expenses
In addition to fees for services, GCG shall be reimbursed for all out-of-pocket expenses and
costs related to delinquency and foreclosure management services including, but not limited to, travel, document recordings, photocopying, data purchases, postal service, courier, overnight delivery, and long-distance telephone expenses.
RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 ANNUAL OPERATING BUDGET

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 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 votes:

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
EXHIBIT A

CITY CLERK’S OFFICE
An adjustment is necessary to appropriate $76,949 from General Fund Reserves (0100) to increase the General Fund Elections Organization for unbudgeted costs relating to the November 2, 2010 elections. This additional expense brings the City’s total cost of the election to $97,162.

FINANCE
On October 12, 2010 Modesto City Council, by Resolution #2010-437, approved funding for a new Slurry Seal project to an existing Multi-Year Slurry Seal project. It was later found that the existing appropriation amounts were incorrect. The funding for this project stems from Prop 42 funds which must be spent by June 30, 2011. An adjustment in the amount of $250,000 is necessary to correct the appropriation to be spent on this project.

FLEET
The initial purchase of non-General Fund vehicles and equipment takes place in the Fleet Replacement Fund 5410. After the purchase has been completed, and approved by Fleet, the Fleet Replacement Fund 5410 is reimbursed by the purchasing departments Fleet Replacement Fund. In some cases, purchases can span over multiple fiscal years.

An adjustment is necessary to transfer funds in the amount $24,570 from Water Replacement Fund 4109 to Fleet Replacement Fund 5410 for purchase made FY09/10 Resolution 2009-533, which included Truck ¾ Ton Full Size (5517 object).

An adjustment is necessary to transfer funds in the amount $228,804 from Solid Waste Replacement Fund 4899 to Fleet Replacement Fund 5410 for purchase made FY09/10 Resolution 2010-29, which included Loader W/Claw Attachment (5514 object).

An adjustment is necessary to transfer funds in the amount $68,114 from Sewer Operations Replacement Fund 4219 to Fleet Replacement Fund 5410 for purchase made FY09/10 Resolution 2010-177, which included Truck W/Utility Body & Crane (5518 object).

An adjustment is necessary to transfer funds in the amount $24,074 from Surface Transportation Replacement Fund 1709 to Fleet Replacement Fund 5410 for purchase made FY10/11 Resolution 2011-05, which included Loader with Box Scraper (4612 object).

PARKS, RECREATION & NEIGHBORHOODS
An adjustment is necessary to reduce the Developer Tree Organization’s (4714) anticipated revenue in the amount of $41,469, and appropriations in the amount of $97,786. This organization was created to reserve funding paid by developers to plant trees in new subdivisions. Due to economic conditions, subdivision growth is at a standstill, and the City does not foresee planting of new trees at this time.

As part of the FY 2010-11 budget adoption, the Parks, Recreation, and Neighborhoods Department committed to raising $25,000 in donations to offset staff costs associated with managing the Amgen Tour and other community events. An adjustment is necessary to recognize unbudgeted donation revenue in the amount of $25,000 and appropriate these funds to Salary Adjustment - Increase.
POLICE
An adjustment is necessary to recognize unbudgeted Supplemental Law Enforcement Services Fund (SLESF) revenue in the amount of $103,543, and appropriate these funds to Overtime Expense.

PUBLIC WORKS
The Airport Capital Fund (4320) receives funding from the Airport Operating Fund (4310) for the Parking Lot Improvement Project (A041). An adjustment is necessary to reduce the transfer from the Airport Operating Fund to the Airport Capital Fund in the amount of $52,125 to reconcile the budget with funding for this project.

UTILITY PLANNING & PROJECTS
An adjustment is necessary to transfer funds in the amount of $1,500 from Wastewater Developer Fees Fund Reserves (4211) to the Wastewater Developer Fees Fund (4211) Intergovernmental Services to provide funding for Stanislaus Local Agency Formation Commissions (LAFCO) application fees for an Out-of-Boundary Service Agreement can be processed.
RESOLUTION ACCEPTING TWO GRANTS FROM THE JOHNNY BRENDEL FUND OF THE TED AND DR ROBERTA MANN FOUNDATION TO SUPPORT ADDED SECURITY IN THE DOWNTOWN AREA OF MODESTO IN THE AMOUNT OF $95,000, AND CLEAN-UP AND BEAUTIFICATION OF THE DOWNTOWN AREA IN THE AMOUNT OF $43,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY GRANT DOCUMENTS AND ANY AGREEMENTS THAT WILL IMPLEMENT THE DOWNTOWN CLEANUP PROGRAM

WHEREAS, the City Manager, working with the Modesto Chamber of Commerce, submitted a grant application to the Ted and Dr. Roberta Mann Foundation (Mann Foundation), and

WHEREAS, on June 13, 2011, the City Manager received notification that the City was successful in receiving two grants from the Johnny Brenden Fund of the Mann Foundation in the amount of $138,000, and

WHEREAS, up to $95,000 will cover the costs to support added security for the downtown area of Modesto, and

WHEREAS, up to $43,000 will cover the costs to support clean-up and the beautification of the downtown area of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts two Grants from the Johnny Brenden Fund of the Mann Foundation in the amount of $138,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents and any agreements that will implement the Downtown Cleanup Program.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 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: ________________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-272

RESOLUTION AMENDING THE FISCAL YEAR 2011/2012 MULTI-YEAR OPERATING BUDGET, ADOPTED BY THE CITY COUNCIL ON JUNE 7, 2011, TO APPROPRIATE GRANT FUNDS IN THE AMOUNT OF $138,000 TO SUPPORT ADDLED SECURITY AND CLEAN-UP AND BEAUTIFICATION OF THE DOWNTOWN AREA

WHEREAS, the City Manager, working with the Modesto Chamber of Commerce, submitted a grant application to the Ted and Dr. Roberta Mann Foundation (Mann Foundation), and

WHEREAS, on June 13, 2011, the City Manager received notification that the City was successful in receiving two grants from the Johnny Brenden Fund of the Mann Foundation in the amount of $138,000, and

WHEREAS, up to $95,000 will cover the costs to support added security for the downtown area of Modesto, and

WHEREAS, up to $43,000 will cover the costs to support clean-up and the beautification of the downtown area of Modesto, and

WHEREAS, the Fiscal Year 2011-2012 Multi-Year Operating budget must be amended to receive and appropriate these grant funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2011/2012 Multi-Year Operating Budget adopted by the City Council on June 7, 2011.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 12th day of July, 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: [Signature]

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-273

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE PURCHASE OF ONE HYDRO EXCAVATOR TRUCK FOR THE WATER DIVISION, THROUGH THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, BY “ACCESSING THE TERMS” OF A COMPETITIVELY BID CONTRACT WITH THE COUNTY OF SACRAMENTO, CA, TO MUNICIPAL MAINTENANCE EQUIPMENT, SACRAMENTO, CA, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $328,394

WHEREAS, the Water Division has budgeted over $80,000 annually for service credit charges from the Wastewater Division for hydro excavation work, and

WHEREAS, the work performed by the Wastewater Division results in their crews having less time to devote to their priority work, and

WHEREAS, staff is recommending that the Water Division purchase a hydro excavator truck eliminating the need to call on Wastewater crews for various water projects and will result in the following benefits, quicker response times to water leaks and priority jobs will be expedited, time saved for meter box clean-outs, eliminating damage to high risk utilities (liability), allowing safer ways to locate water lines for the engineers, operators will work from the surface instead of in the trench (safety), a more thorough cleaning of the job sites, safer excavation repairs after hours without USA, saving the backhoe/loader for other tasks, and

WHEREAS, on May 27, 2010, the County of Sacramento went through a competitive bid process for the purchase of one hydro excavator truck. The most responsive and responsible bidder that met the bid specifications was Municipal Maintenance Equipment, Sacramento, CA, and
WHEREAS, On November 18, 2010, Municipal Maintenance Equipment was awarded the County of Sacramento bid and is extending the same bid pricing to the City of Modesto, and

WHEREAS, there are no local vendors for this type of equipment and to take advantage of this process and award by "accessing the terms" of the County of Sacramento’s competitive bid process is an efficient and effective way to purchase the hydro excavator truck, by saving the time and expense to the City to formally solicit RFB’s, and

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

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

WHEREAS, sufficient funds are budgeted in Fiscal year 2011-12 in the following Water Fund account 4100-55050-57020,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of contract for the purchase of one hydro excavator truck for the Water Division, through the Public Works Department, Fleet Services Division, to Municipal Maintenance Equipment, Sacramento, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue a purchase order for an estimated total cost of $328,394.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 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: [Signature]

(Seal)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DEL RIO CC FOUNDATION TO MANAGE THE CLUBHOUSE AT MUNICIPAL GOLF COURSE; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto owns, operates and manages the Municipal Golf Course ("Muni"), and

WHEREAS, Del Rio CC Foundation (Del Rio) is the local chapter sponsor for the World Golf Foundation, Inc., known as "The First Tee," and

WHEREAS, The First Tee is a national program formed to promote involvement of young people in golf and teach life skills as part of its curriculum, and

WHEREAS, on June 10, 2003, the City Council, by Resolution No. 2003-284, approved an agreement with the Del Rio to administer The First Tee program at Muni Golf Course, and

WHEREAS, both the City of Modesto and The First Tee feel that a partnership that promotes youth and family golf can be beneficial to Muni Golf Course, and

WHEREAS, Del Rio desires to assume the daily operations of the Muni Golf Course and practice facility and provide food and beverage services, and

WHEREAS, the City and Del Rio have agreed to a three (3) year contract with one three-year extension option, and

WHEREAS, on August 11, 2010, the Finance Committee met and supported a partnership between the City of Modesto and Del Rio to manage the clubhouse at Muni Golf Course,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement between Del Rio CC Foundation and the City of Modesto to manage the clubhouse at Muni Golf Course.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________

(STEPHANIE LOPEZ, City Clerk)

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

(SUSANA ALCALA WOOD, City Attorney)
RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FISCOE MANAGEMENT TO PROVIDE GOLF PROFESSIONAL SERVICES AT DRYDEN PARK AND CREEK SIDE GOLF COURSES; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto owns, operates and manages the Municipal Golf Course ("Muni"), Dryden Park Municipal Golf Course ("Dryden Course"), Dryden Park Municipal Golf Course Driving Range ("Dryden Range"), Creekside Municipal Golf Course ("Creekside Course") and Creekside Municipal Golf Course Driving Range ("Creekside Range"), and

WHEREAS, on April 28, 2009, the City Council, by Resolution No. 2009-185, approved an agreement between the City of Modesto and Fiscoe Management (FM) to provide golf professional services at Muni Golf Course, Dryden Course, Dryden Range, Creekside Course, Creekside Range, and to provide concession services at Muni Golf Course, Dryden Course Clubhouse and Creekside Clubhouse, and

WHEREAS, on March 24, 2011, the City Council, by Resolution No. 2000-131, approved an amendment to the Agreement between the City of Modesto and FM to incorporate management changes, and

WHEREAS, a new agreement between the City of Modesto and FM is required to retain FM as golf course professional to provide golf professional services at Dryden Course, Dryden Range, Creekside Course, Creekside Range, and to provide concession services at Dryden Course Clubhouse and Creekside Clubhouse, and

WHEREAS, the City and FM have agreed to a three (3) year contract with two additional five (5) year extension options,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement between the City of Modesto and Fiscoe Management to provide golf professional services at Dryden Course, Dryden Range, Creekside Course and Creekside Range and to provide concession services at Dryden Course Clubhouse and Creekside Clubhouse.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 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: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION REJECTING ALL BIDS FOR THE ARRA ROOF AND SOLAR IMPROVEMENTS PROJECT AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT FOR THE ARRA ROOF AND SOLAR IMPROVEMENTS PROJECT

WHEREAS, the bids received for the ARRA Roof and Solar Improvements at Modesto Centre Plaza and Police Training Facility Project were opened at 11:00 a.m. on June 14, 2011, and later tabulated by the Director of Utility Planning & Projects for the consideration of the Council, and

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

WHEREAS, City staff will clarify the equipment and soil conditions in the ARRA Roof and Solar Improvements at Modesto Centre Plaza and Police Training Facility Project, and

WHEREAS, City staff recommends re-advertising the project for the ARRA Roof and Solar Improvements at Modesto Centre Plaza and Police Training Facility Project, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the ARRA Roof and Solar Improvements at Modesto Centre Plaza and Police Training Facility Project, opened in the office of the City Clerk on June 14, 2011,

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project for the ARRA Roof and Solar Improvements at Modesto Centre Plaza and Police Training Facility Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 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 ADJUST THE EXPENSE BUDGET FOR 100203.INSTALL FOAM ROOF.PRN.PARK PLANNING AND DEVELOPMENT & 100204.INSTALL SOLAR PANELS.PRN.PARK PLANNING AND DEVELOPMENT

WHEREAS, a budget adjustment is necessary in order to adjust the expense budget for each object in the Parks CIP Accounts 100203.Install Foam Roof.PRN.Park Planning and Development & 100204.Install Solar Panels.PRN.Park Planning and Development; and

WHEREAS, additional funding of $92,983 from non-designated ARRA-EECBG funds and a transfer of Solid Waste Reserve 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.

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 12th day of July, 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: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
Request for Budget Adjustment  
(Projects and Grants)

<table>
<thead>
<tr>
<th>Contact Person:</th>
<th>Loren Holt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone:</td>
<td>571-5573</td>
</tr>
<tr>
<td>Submitting Department:</td>
<td>PRN</td>
</tr>
<tr>
<td>Project Name:</td>
<td>Install Solar Panels</td>
</tr>
<tr>
<td>Fiscal Year being Adjusted:</td>
<td>MY FY11-12</td>
</tr>
</tbody>
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| Revenues |  |  |  |  |  |  |  |
| MY 3100 | 39999 | 42020 | 100202 | $273,000 | ($46,983) | $226,017 | Intergov-Federal American Rec Reimb Act |
| MY - 3100 | 39999 | 42020 | 100204 | $376,070 | ($38,440) | $337,630 | Intergov-Federal American Rec Reimb Act |
| TO |  |  |  |  |  |  |  |
| MY - 3100 | 39999 | 42020 | 100203 | $294,000 | $85,423 | $379,423 | Intergov-Federal American Rec Reimb Act |

| Expenses |  |  |  |  |  |  |  |
| MY - 100204 - CON | - | Construction | $300,856 | ($37,082) | $263,774 | PRN.Parks Planning and Development |
| MY - 100204 - CTGY | - | Contingency | $24,068 | ($2,966) | $21,102 | PRN.Parks Planning and Development |
| MY - 100204 - EDA | - | ENG/Design/Admin | $27,078 | ($701) | $26,377 | PRN.Parks Planning and Development |
| MY - 100202 - F-CTGY | - | Finance Contingency | $46,983 | ($46,983) | $0 | PRN.Parks Planning and Development |
| - 100204 - CA | - | Construction Administration | $24,068 | $2,309 | $26,377 | PRN.Parks Planning and Development |
| - 100203 - CA | - | Construction Administration | $10,000 | $19,578 | $29,578 | PRN.Parks Planning and Development |
| MY - 100203 - CTGY | - | Contingency | $10,000 | $13,662 | $23,662 | PRN.Parks Planning and Development |
| MY - 100203 - CON | - | Construction | $218,000 | $77,777 | $295,777 | PRN.Parks Planning and Development |
| MY - 100203 - EDA | - | ENG/Design/Admin | $10,000 | $20,406 | $30,406 | PRN.Parks Planning and Development |

Justification for Budget Adjustment
Adjustment reflects the budget needed to award the project and is based on the lowest responsible bid received to complete this project.

Authorization

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

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: _________________________
### Request for Transfer

**Contact Person:** Susana Diaz  
**Telephone:** 577-5345  
**Submitting Department:** Parks, Recreation & Neigh  
**Fund Title:** Install Solar Panels  

**Resolution Number:** 7/17/2011  
**Date Submitted by Dept:**  
**Fiscal Year being Adjusted:** FY 11-12  

### Transfers between Fiscal Year Cost Centers (Expense and Revenue)

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<th>FY</th>
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### Transfers between Fiscal Year Cost Centers (Expense and Revenue) and Projects (Revenue)

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### Transfers between Projects (Expense and Revenue)

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### Transfers between Projects (Expense and Revenue) and Fiscal Year Cost Centers (Revenue)

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### Justification for Budget Adjustment

Transfer from Solid Waste is eligible to be used on this project because the City is required by Cal Recycle and State law to promote "green building practices", including energy efficiency measures that reduce energy use and preserve natural resources. This transfer will provide the needed funds to be able to award the contract "ARRA Roof and Solar Improvements at Modesto Centre Plaza and Police Training Facility".

### Authorization

<table>
<thead>
<tr>
<th>Administrative Services Officer (if needed)</th>
<th>Signature</th>
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<tr>
<td>Deputy Director (if needed)</td>
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<td>Department Director or Authorized Designee</td>
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<td>Financial Analyst</td>
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<td>Director Of Finance</td>
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<tr>
<td>City Manager</td>
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To be Completed by Finance Staff
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-278

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE TANK 8 INTERIOR RECOATING PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH ADVANCED INDUSTRIAL SERVICES, INC. OF PARAMOUNT, CALIFORNIA, IN THE AMOUNT OF $156,800, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the Tank 8 Interior Recoating project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Tank 8 Interior Recoating project were opened at 11:00 a.m. on May 31, 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 $156,800 received from Advanced Industrial Services, Inc. be accepted as the lowest responsible bid and the contract be awarded to Advanced Industrial Services, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Tank 8 Interior Recoating project, accepts the bid of Advanced Industrial Services, Inc. of Paramount, California in the amount of $156,800, 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 12th day of July, 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: SUSAN ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $67,645 IN ORDER TO FULLY FUND CONSTRUCTION, CONTINGENCY, AND CONSTRUCTION ADMINISTRATION PLUS ENGINEERING CONSTRUCTION SUPPORT AND CITY FORCE WORK BY CITY STAFF FOR THE TANK 8 INTERIOR RECOATING PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $67,645, in order to fully fund construction, contingency, and construction administration plus engineering construction support and City force work by City staff for the Tank 8 Interior Recoating project, and

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

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

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 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
Form SQC-PG13

Request for Budget Adjustment
(Projects and Grants)

Contact Person: Gail Clement
Telephone: 571-5538
Submitting Department: Utility Planning & Projects

Project Name: Recoat & Inspect Tanks 2nd
Project Fund:

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Justification for Budget Adjustment

This budget amendment is being made to transfer funds from Primary CIP Account 100564 "Wellhead Treatment - Primary" to unrelated stand alone CIP Account 100342 "Recoat & Inspect Tanks 2nd". The initial project cost was based on an estimate prepared by the operations staff that did not include complete construction costs and contingencies required to perform the work. Therefore, additional funds are necessary to set up and fund construction, contingency and construction administration for the project, and award the project to Advanced Industrial Services, Inc. There are sufficient funds in Primary Account 100564 to effect this transfer for the required reappropriation of funds to Construction, Contingency, and Construction Administration in CIP Account 100342 necessary for the project.

Authorization

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<tr>
<td>Deputy Director (UP&amp;P)</td>
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<tr>
<td>Department Director (UP&amp;P)</td>
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To be Completed by Finance Staff

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<th>Transfer Number</th>
<th>Completed By</th>
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RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION IN THE AMOUNT OF $75,000 FOR DEVELOPMENT OF A FEASIBILITY STUDY FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM – EASTSIDE IMPROVEMENTS UNDER THE STATE WATER RESOURCES CONTROL BOARD WATER RECYCLING FACILITIES PLANNING GRANT PROGRAM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT-RELATED DOCUMENTS

WHEREAS, the North Valley Regional Recycled Water Program (NVRRWP) provides a regional solution to part of California’s water crisis by making tertiary-treated water available to the drought-impacted west side of several California counties (Stanislaus, San Joaquin, and Merced) for farmland irrigation, and

WHEREAS, the NVRRWP is a partnership formed in April 2010, by Resolution No. 2010-153, with the Cities of Modesto, Turlock, and Ceres, Stanislaus County and Del Puerto Water District (DPWD), and

WHEREAS, in January 2010, the City of Modesto and DPWD agreed to share costs in a study to determine the feasibility of delivering recycled water to DPWD (Resolution No. 2010-016), and

WHEREAS, this Phase 1 Feasibility Study was completed in January 2011 and concluded that it is feasible to provide recycled water to DPWD to augment its irrigation needs and provides several alternatives for the delivery of water, and

WHEREAS, to maximize the grant funding opportunities, it was determined that the subsequent phase of work should be divided into three studies (Phase II), which includes the Eastside Improvements (Modesto), the Westside Improvements (DPWD), and San Joaquin River Improvements (Turlock), and
WHEREAS, it was determined that the City of Modesto should apply for the State Water Resources Control Board Water Recycling Facilities Planning Grant Program to help fund the cost of the Eastside Improvements Feasibility Study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes and directs the City Manager to sign and file, for and on behalf of the City of Modesto, a Financial Assistance Application for a loan/grant from the State Water Resources Control Board in the amount not to exceed $75,000, for development of a feasibility study for the North Valley Regional Recycled Water Program – Eastside Improvements.

BE IT FURTHER RESOLVED that the City of Modesto hereby agrees and further does authorize the aforementioned representative, or his designee, to certify that the Agency has and will comply with all applicable state and federal statutory and regulatory requirements related to any federal and state loan/grants received.

BE IT FURTHER RESOLVED that the City Manager, or his designee, of the City of Modesto is hereby authorized to negotiate and execute a loan/grant contract and any amendments or change orders thereto, and to certify loan/grant disbursement on behalf of the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 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

(SEAL)

ATTEST:  

STEPHANIE LOPEZ, City Clerk

(APPROVED AS TO FORM:)

By:  

SUSAN ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE REIMBURSEMENT OF $2,525,354 TO TURLOCK IRRIGATION DISTRICT PURSUANT TO THE FIRST DRINKING WATER AGREEMENT DATED MARCH 7, 2006, FOR WORK PERFORMED RELATED TO THE REGIONAL SURFACE WATER SUPPLY PROJECT

WHEREAS, Turlock Irrigation District (TID) has requested reimbursement for work performed related to the proposed Regional Surface Water Supply Project (RSWSP), and

WHEREAS, on March 7, 2006, the City Council, by Resolution No. 2006-128, entered into a First Drinking Water Agreement with TID, and

WHEREAS, this Agreement authorized TID to move forward with work related to the design, engineering, preparatory, and development of bid specifications for award of bid for the construction of a RSWSP, and

WHEREAS, the work was originally proposed to take place in three phases:

Phase I – Preliminary engineering design, water rights review, environmental review and compliance
Phase II – Production of final engineering design, permitting, land and right-of-way acquisition, legal, and preparatory financial work to support the issuance of bonds or other instruments by TID for financing the project
Phase III – TID will obtain construction bids for the project and develop final financing costs.

WHEREAS, Phase I and Phase II have been substantially completed, and

WHEREAS, the First Drinking Water Agreement provides for two options of repayment to TID: 1) enter into a water sales agreement with TID, with the preliminary work being financed as part of the whole project construction, or 2) make a lump sum payment of the costs of performing the work TID has incurred, plus interest accrued up to
the date of termination, or repay in 24 monthly installments at an interest rate of 4% per annum, and

WHEREAS, as the RSWSP has been in development for a number of years, staff recommends reimbursing TID for the work related to the proposed RSWSP rather than continuing to accumulate interest charges, and

WHEREAS, as part of the repayment, the City of Modesto will receive all work completed by TID to date including pilot study reports, and

WHEREAS, in addition, staff has requested that TID provide assurance that the partner agencies (Ceres, Hughson, Turlock, and Modesto) will have access to the Tuolumne River infiltration gallery and related right-of-way should the project proceed to construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the reimbursement of $2,525,354 to Turlock Irrigation District pursuant to the First Drinking Water Agreement dated March 7, 2006, for work performed related to the Regional Surface Water Supply Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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. 2011-282

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

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

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

WHEREAS, the City’s Community and Economic Development Department by Environmental Assessment Initial Study EA/C&ED 2011-14 ("Initial Study") reviewed the proposed Annexation of the Rouse-Colorado Neighborhood to Sewer District No. 1 and Extension of Sewer Service to the Area ("Project") to determine whether the Project is within the scope of the project covered by the Master EIR, and concluded that the proposed Project is within the scope of the Master EIR and will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no new additional mitigation measures or alternatives are required, and that, therefore, the proposed Project is within the scope of the project covered by the Master EIR, and
WHEREAS, in accordance with CEQA Guidelines beginning on June 21, 2011, the City caused to be published a 20-day notice of the City’s intent to make a finding that the proposed Project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on July 12, 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 Project, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

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

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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 2011-14
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2011-14

For the proposed:
Rouse-Colorado Neighborhood “Measure M” Ballot Measure (ANX-11-002)

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

June 17, 2011

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

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City’s Master Environmental Impact Report (“Master EIR” or “MEIR”). This Initial Study Environmental Checklist (“Initial Study”) is used in determining whether the Rouse-Colorado Neighborhood “Measure M” ballot measure is “within the scope” of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

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

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

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

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

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

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

II. PROJECT DESCRIPTION

A. Title: Rouse-Colorado Neighborhood “Measure M” Ballot Measure (ANX-11-002)

B. Address or Location: The Rouse-Colorado Neighborhood is generally bounded by South Avenue on the north, Sunset Avenue and Colorado Avenue on the east, Robertson Road on the south, and Sutter Avenue on the west (see Figure A).

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

D. City Contact:

   Project Manager: Brad Wall, AICP
   Department: Community & Economic Development
   Phone Number: 209.577.5267
   E-mail address: bwall@modestogov.com

E. Current General Plan Designation(s): R, Residential (City of Modesto General Plan)
F. Current Zoning Classification(s): The entire site is outside the City of Modesto in unincorporated Stanislaus County, and all zoning is based on the Stanislaus County Zoning Code. The majority of the parcels are zoned R-2. R-1, R-3, R-A, C-1 and H-1 zoning designations are also applied within the Rouse-Colorado Neighborhood area.

G. Surrounding Land Uses: Residential and open-space land uses are applied to the surrounding properties within the City of Modesto.

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

This ballot measure would allow the extension of sewer service (annexation to Sewer District 1) to the subject area, which includes 381 parcels within approximately 154 acres in the City of Modesto’s Sphere of Influence. The project site is generally designated for residential uses in/by the County of Stanislaus. Annexation to the City of Modesto is not contemplated at this time. The proposed ballot measure, which is advisory only, would ask Modesto citizens whether sewer service should be provided to this area.

I. Other Public Agencies Whose Approval is Required:

- Stanislaus County must approve a public improvement agreement with the City of Modesto which will establish financial responsibilities.

- Stanislaus County Local Agency Formation Commission must approve an Out of Boundary Service Application in order for Modesto to provide sewer service without annexation.

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

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

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

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

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

   D. Based on the Initial Study, the City of Modesto finds and determines:

      a) The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.

      b) No new or additional mitigation measures or alternatives are required.
E. The criteria for currency of the Master EIR were reviewed (section 5 below) and it was determined that the Master EIR is current for all areas of the Initial Study.

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

   A. The proposed project is of a type described in Chapter II of the Master EIR.
   
   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
   
   C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

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

   A. The proposed project is of a type described in Chapter II of the Master EIR.
   
   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
   
   C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

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

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

<table>
<thead>
<tr>
<th>Statement</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) 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) 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) 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) 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) 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) 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>
</tr>
</tbody>
</table>

Discussion:

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

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

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

(4) The Rouse-Colorado neighborhood is a developed area, therefore, no additional impacts on natural resources is expected to occur.

(5) The Rouse-Colorado neighborhood (County Island Area #9 in the 2009 Urban Growth Review) lies wholly within the City of Modesto’s Sphere of Influence.

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

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

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

Discussion:

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

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

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

(c) Policies developed in the Urban Area General Plan and Wastewater Plan Master EIRs remain in effect and will be applied to this project, as appropriate.
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 Master EIR 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 Master EIR. Adoption of the findings specified in Section III.1, above, after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect 2025 conditions resulting from the Urban Area General Plan, as identified in the Master EIR. The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty-one subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.
1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

Cumulative Impacts

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

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

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

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

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

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

Discussion:

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

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

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

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

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

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

**Direct Impacts**

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

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

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

**Cumulative Impacts**

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

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

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

**Discussion:**

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

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

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

<table>
<thead>
<tr>
<th>2. DEGRADATION OF AIR QUALITY</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NOx, PM10, and PM2.5 by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.</td>
<td>☐</td>
<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, NOx, PM10, and PM2.5.</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>
<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:**

(1-5) The proposed ballot measure could result in the extension of sewer service (annexation to Sewer District #1) outside the City of Modesto. Additional development could occur as a result, and such development would be consistent with existing regulations.

3. **GENERATION OF NOISE**

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

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

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

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

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

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

Cumulative Impacts

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

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

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

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

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>3. GENERATION OF NOISE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
</tbody>
</table>

City of Modesto
General Plan Master EIR

Initial Study EA No. 2011-14
June 17, 2011
<table>
<thead>
<tr>
<th>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>2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.</td>
<td>✗</td>
<td></td>
<td>✗</td>
<td>X</td>
</tr>
<tr>
<td>3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.</td>
<td>✗</td>
<td></td>
<td>✗</td>
<td>X</td>
</tr>
<tr>
<td>4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.</td>
<td>✗</td>
<td></td>
<td>✗</td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

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

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

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

**Cumulative Impacts**

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

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

Discussion:

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

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>4. EFFECTS ON AGRICULTURAL LANDS</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the Urban Area General Plan’s policies relating to agricultural land.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan’s planning area boundary.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

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

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

Water supply mitigation measures pertinent to the proposed project are found on pages V-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 would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
### 5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

<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) 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:**

(1-3) No significant increase in the use of potable water would be expected to occur as a result of the extension of sewer service. Some increase is expected to occur, because it is likely that residents of the Rouse-Colorado Neighborhood have curtailed their use of water to reduce the amount of sewage being processed by their septic systems.

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

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th></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>6. INCREASED DEMAND FOR SANITARY SEWER SERVICES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with sewer policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>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:

(1-3) The Urban Area General Plan Master EIR and the Wastewater Master Plan Master EIR contemplated extension of sewer service to all areas within the City's Sphere of Influence, including the project area. No additional impacts beyond those disclosed in those environmental documents would be anticipated.

City of Modesto
General Plan Master EIR

Initial Study EA No. 2011-14
June 17, 2011
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

**Discussion:**

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

c. Project-Specific Effects

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

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
### 7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

<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>☐</td>
<td>☐</td>
<td>☐</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td>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>
</tr>
<tr>
<td>2)</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td>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>
</tr>
<tr>
<td>3)</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td>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>
</tr>
<tr>
<td>4)</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td>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>
</tr>
<tr>
<td>5)</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td>Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6)</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>x</td>
</tr>
<tr>
<td></td>
<td>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>
</tr>
</tbody>
</table>

**Discussion:**

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

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
## 8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>3) The proposed project would modify or demolish a structure more than 50 years in age.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
<tr>
<td>5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✗</td>
</tr>
</tbody>
</table>

**Discussion:**

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

## 9. INCREASED DEMAND FOR STORM DRAINAGE

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

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

(1-3) The extension of sewer service to the Rouse-Colorado Neighborhood could slightly decrease storm water runoff from the area. Extending sewer service would eventually result in the drying of existing leach fields, which would then be better able to infiltrate rain. No development is expected to occur beyond that which is allowed under current County zoning regulations.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
<table>
<thead>
<tr>
<th>10. FLOODING AND WATER QUALITY</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>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:

City of Modesto
General Plan Master EIR

Initial Study EA No. 2011-14
June 17, 2011
The project site lies outside both the 100- and 200-year floodplains, therefore, no significant flooding is expected to occur. Annexing the Rouse-Colorado Neighborhood to Sewer District #1 and providing service will likely result in incremental improvements in groundwater quality. Currently, the area has a higher concentration of privately-owned septic systems than would be allowed under existing State regulations, resulting in some groundwater contamination. Should sewer service be extended to the area, it is expected that failing privately-operated septic systems will be abandoned and groundwater quality in the area will gradually improve. No new development is expected to occur beyond that which is currently allowed under existing County zoning regulations. Finally, because the area lies outside the City of Modesto and the City does not intend to annex the area to the City, the area is not subject to the City’s stormwater quality control measures.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

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

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>Impact Description</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>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:

(1-3) The project site is outside the City of Modesto, and annexation to the City is not anticipated. Therefore, the area is not subject to the City's parks and open space policies.

## 12. INCREASED DEMAND FOR SCHOOLS

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

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

#### Direct Impacts

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

#### Cumulative Impacts

**Effect:** Similar to direct impacts of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.
b. Master EIR and/or New Mitigation Measures Applied to the Project

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

(1-2) Any new development that may occur in accordance with the County’s zoning regulations will be subject to schools fees in effect at that time. Collecting those fees will be the responsibility of the County, not the City, as the area is not being contemplated for annexation to the City, only to Sewer District #1.
13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

**Discussion:**

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

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>13. INCREASED DEMAND FOR POLICE SERVICES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>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:

(1-2) The possible annexation of the Rouse-Colorado Neighborhood to Sewer District #1 and extension of sewer service to the area would not create a demand for police protection services.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

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

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>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>☒</td>
</tr>
<tr>
<td>2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Discussion:**

(1-3) Should additional development occur as a result of the extension of sewer service to the area, a small increase in the demand for fire protection could occur. However, any new development would be consistent with applicable County regulations.

### 15. GENERATION OF SOLID WASTE

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

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.
Discussion:
No mitigation measures would be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

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

Discussion:

(1-2) Annexing the area to Sewer District #1 and extending sewer service would not directly increase solid waste generation. However, extension of sewer service could indirectly result in increased solid waste generation by allowing new development to occur consistent with existing County zoning. No significant impact or cumulative impact is expected.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

(1-4) Potential annexation of the Rouse-Colorado Neighborhood to Sewer District #1 and extension of sewer service to the area would not generate hazardous materials beyond that normally expected to occur with construction activity. Any impact(s) would be temporary and less than significant.
17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>17. GEOLOGY, SOILS, AND MINERAL RESOURCES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>×</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>×</td>
</tr>
</tbody>
</table>

Discussion:

(1-2) No new impacts relating to geologic hazards or mineral resources would result from the extension of sewer service beyond those anticipated by the Urban Area General Plan Master EIR and Wastewater Plan Master EIR. Furthermore, the soils underlying the project site are incapable of adequately supporting the use of septic tanks at the density at which they are in use. Extending sewer service to the area would result in failing septic tanks to be abandoned and could improve the function of the remaining septic systems.

18. ENERGY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

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

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

c. Project-Specific Effects

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

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

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

Discussion:
(1-2) No energy impacts greater than those anticipated in the Urban Area General Plan Master EIR or Wastewater Plan Master EIR would be expected to result from construction of sewer lines to the Rouse-Colorado Neighborhood or system operations.
19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

Discussion:

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

c. Project-Specific Effects

Section V-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>Effect</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>Impact Description</td>
<td>Potentially Significant Impact</td>
<td>Less Than Significant with Mitigation Incorporated</td>
<td>Less Than Significant Mitigation Incorporated</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 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:

(1-3) Construction activities create an unsightly, but temporary impact. No other effects on visual resources would be expected.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

<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 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:

(1-4) If the Rouse-Colorado Neighborhood is annexed to Sewer District #1 and sewer service is extended to the area, a small amount of new development could be accommodated under the existing County zoning regulations. This level of development is allowed, but is constrained by septic systems that are beyond their capacity and the lack of available sewer service. No other land use impacts beyond those identified in the Master EIR would be expected to occur.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

Discussion:

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

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>Significance Criteria</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>21. CLIMATE CHANGE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would result in average automobile trip lengths or CO₂ emissions higher than those assumed in the Master EIR.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1-3) Extension of sewer service to the Parklawn Neighborhood would allow a small amount of infill development under the existing County zoning regulations, which would help keep the metropolitan area compact, although the amount of development would not be significant. There is no Sustainable Communities Strategy in place at this time. As such, no impacts would be expected to occur as a result sewer service extension.
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, then 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 adopted, all appropriate mitigation measures from the Master EIR must be incorporated into the proposed project. Urban Area General Plan Policies and Master EIR mitigation measures must be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan. All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project’s effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Traffic and Circulation:
None

Degradation of Air Quality:
None

Generation of Noise:
None

Effects on Agricultural Lands:
None

Increased Demand for Long-Term Water Supplies:
None

Increased Demand for Sanitary Sewer Services:
None

Loss of Sensitive Wildlife and Plant Habitat:
None

Disturbance of Archaeological/Historic Sites:
None
Increased Demand for Storm Drainage:
None

Flooding and Water Quality:
None

Increased Demand for Parks and Open Space:
None

Increased Demand for Schools:
None

Increased Demand for Police Services:
None

Increased Demand for Fire Services:
None

Generation of Solid Waste:
None

Generation of Hazardous Materials:
None

Geology, Soils, and Mineral Resources:
None

Energy:
None

Effects on Visual Resources:
None

Land Use and Planning:
None

Climate Change:
None
A RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE
VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION AN ADVISORY
MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO THE
UNINCORPORATED AREA REFERRED TO AS THE "ROUSE-COLORADO
NEIGHBORHOOD," WHICH IS DESCRIBED AS THE AREA GENERALLY
BOUNDED BY SOUTH AVENUE ON THE NORTH, SUNSET AVENUE AND
COLORADO AVENUE ON THE EAST, ROBERTSON ROAD ON THE SOUTH
AND SUTTER AVENUE ON THE WEST

WHEREAS, on March 6, 1979, the voters enacted the Modesto Citizens’
Advisory Growth Management Act (Measure A) which provides that the City Council of
the City of Modesto shall not approve, authorize, or appropriate funds for the extension
of any sewer trench without first holding an advisory election, and

WHEREAS, on November 4, 1997, the voters enacted the Modesto Citizens’
Advisory Growth Management Act of 1995 (Measure M), which provides that the City
Council of the City of Modesto shall not approve, authorize, or appropriate funds for
sewer improvements without first holding an advisory election, and

WHEREAS, in order to satisfy the requirements of Measure A and Measure M
the City Council of the City of Modesto desires to submit to the qualified electors of the
City of Modesto, at the regular municipal election to be held on November 8, 2011, an
Advisory measure relating to the provision of sewer service to a certain unincorporated
area of the County, within the City’s Sphere of Influence,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
as follows:
SECTION 1. BALLOT MEASURE.

That pursuant to California Elections Code Section 9603, the Council of the City of Modesto proposes to, upon request of the Rouse-Colorado Neighborhood, submit to the qualified electors of the City of Modesto at a regular election to be held on November 8, 2011, an Advisory vote relating to the provision of sewer service to a certain unincorporated area known as the “Rouse-Colorado Neighborhood” as set forth below, and hereby designates the form of the ballot measure for use at said election as follows:

Shall the City Council provide sewer service to the following described area:

“Rouse-Colorado Neighborhood”

The unincorporated area designated “Rouse-Colorado Neighborhood” which is described generally as the area bounded by South Avenue on the north, Sunset Avenue and Colorado Avenue on the east, Robertson Road on the south and Sutter Avenue on the west.

SECTION 2. FORM OF BALLOT.

On the ballot to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the advisory question to extend sanitary sewer service:

ADVISORY VOTE ONLY

MEASURE ___

| Shall the City Council provide sewer service to the following unincorporated county area described below? | Yes | ☐  | No | ☐ |

The unincorporated area designated “Rouse-Colorado Neighborhood” which is described generally as the area bounded by South Avenue on the north, Sunset Avenue and Colorado Avenue on the east, Robertson Road on the south and Sutter Avenue on the west.
SECTION 3. CONDUCT OF ELECTION.

The advisory election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, the advisory election shall be held as provided for in the City Charter, and in all particulars not provided for therein, the advisory election shall be held as provided by law for the holding of advisory elections and regular municipal elections in the city of Modesto and otherwise in accordance with the Elections Code of the State of California.

SECTION 4. CITY CLERK CERTIFICATION.

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Elections Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-284

A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL,
OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN
OPPOSITION TO THE ADVISORY MEASURE RELATING TO THE
EXTENSION OF SEWER SERVICE TO A CERTAIN AREA OF THE
MODESTO URBAN AREA GENERAL PLAN, COMMONLY REFERRED TO AS
THE "ROUSE-COLORADO NEIGHBORHOOD"

WHEREAS, the City Council has directed the City Clerk to submit to the voters
at the next regular municipal election to be held on November 8, 2011, an advisory
measure concerning the unincorporated area referred to as the "Rouse-Colorado
Neighborhood", which is generally described as that area bounded by South Avenue on
the north, Sunset Avenue and Colorado Avenue on the east, Robertson Road on the
south, and Sutter Avenue on the west, to the City Attorney for the purpose of preparing
an impartial analysis of said measure,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that pursuant to California Elections Code Section 9282 the members of the City Council,
or any of them, are hereby authorized to file written arguments in favor of or in
opposition to said measure and to change such arguments until and including the date and
time after which no argument may be filed with the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-285

A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THE ADVISORY MEASURE CONSIDERING THE EXTENSION OF SEWER SERVICE TO A CERTAIN UNINCORPORATED AREA OF THE MODESTO URBAN AREA GENERAL PLAN, COMMONLY REFERRED TO AS THE "ROURSE-COLORADO NEIGHBORHOOD", AS DESCRIBED IN THE MODESTO 2009 URBAN GROWTH REVIEW, GENERALLY BOUNDED BY SOUTH AVENUE ON THE NORTH, SUNSET AVENUE AND COLORADO AVENUE ON THE EAST, ROBERTSON ROAD ON THE SOUTH AND SUTTER AVENUE ON THE WEST, TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular general election to be held on November 8, 2011, an advisory measure concerning the unincorporated area designated as the “Rouse-Colorado Neighborhood” or “Area ____” in the Modesto 2009 Urban Growth Review to the City Attorney for the purpose of preparing an impartial analysis of said measure,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an Impartial Analysis of the measure showing the effect of the measure on existing law on the operation of the measure.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers:  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. 2011-286

A RESOLUTION GRANTING THE APPEAL OF DELTA SIERRA BEVERAGE COMPANY, LOCATED AT 3700 FINCH ROAD, FOR MODIFICATION OF ITS CAPITAL FACILITIES FEES

WHEREAS, on June 22, 2010, the Modesto City Council, by Resolution No. 2010-272, amended Resolution No. 2006-055, and updated its Capital Facilities Fees (CFF) Program and established the 2010 CFF Program for the establishment and collection of fees for future capital facilities, and

WHEREAS, the categories identified in the CFF Program include a broad range of uses based on square footage to ensure that each use pays its share of the CFF based on the anticipated impacts of the development, and

WHEREAS, the current City practice is to charge the CFF that is in place at the time of building permit issuance unless “vesting status” provides for a lower rate, and

WHEREAS, if permits are pulled during a sixty (60) day window from the time new fees are adopted and become effective, reimbursements for the difference in fees are issued, and

WHEREAS, in July 2010, Delta Sierra Beverage Company (“Appellant”) pulled a permit for 3700 Finch Road and paid CFF at the 2006 CFF Program Rate, and

WHEREAS, Appellant paid said CFF during a sixty (60) day window period between the establishment and implementation of the 2010 CFF Program, and

WHEREAS, Appellant paid said CFF at the time the City’s Comprehensive Fees Task Force’s study and recommendations for new development fees, including CFF, was underway, and
WHEREAS, in September 2010, Appellant was issued a refund of $9,069.50 for the difference between the 2006 CFF Program Rate and the 2010 CFF Program Rate, and

WHEREAS, on April 4, 2011, Appellant requested a modification of its CFF previously paid in July 2010, requesting the 2011 CFF Program Rate that went into effect on May 23, 2011, and

WHEREAS, Appellant has filed an appeal and is requesting an additional refund of $46,269 for the difference between the 2010 CFF Program Rate and 2011 CFF Program Rate, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, on July 12, 2011, at 5:30 p.m., at which date and time said duly noticed public hearing was held and evidence, both oral and documentary, was received and considered,

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

1. The City Council has reviewed Delta Sierra Beverage Company’s request and has determined that the 2011 CFF Program Rate is appropriate.
2. The permit was issued during a sixty (60 day) window between the establishment and implementation of the 2010 CFF Program.
3. The permit was issued during the City’s Comprehensive Fees Task Force’s study and recommendation of new development fees, including CFF.
4. The City Council adopted the City’s Comprehensive Fees Task Force’s recommendations for new development fees, including the new 2011 CFF Program, on March 22, 2011.
5. Said appeal should be granted as recommended.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby grants the appeal of Delta Sierra Beverage Company, located at 3700 Finch Road, for modification of Capital Facilities Fees.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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
MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-287

A RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION ADVISORY MEASURES RELATING TO CITY EMPLOYEE PENSION REFORM

WHEREAS, Over the last years the City Council has had to make significant cuts to the General Fund Budget due to the economic downturn and the State of California’s transfers of revenue away from our city. For the most part these cut have come through reduction of services. The City of Modesto has arrived at a point where further cuts to services would be potentially damaging to the safety and well-being of Modesto. When confronted with a problem of this magnitude the Council must consider all options to bring fiscal stability to the City; and.

WHEREAS, if the City is to continue the current level of service in a declining revenue climate, it must reduce costs, including the costs of its public workforce retirement program in order to survive. The City of Modesto is not alone in this dilemma. Cities and counties all over California and the nation are facing the same issue; and,

WHEREAS, these Advisory Votes are a chance for the citizens to formally give their opinion on how the Council should proceed forward on taking steps to reduce the costs associated with City employee retirement benefits, thereby allowing the voters of the City to weigh in on how the Council should approach the process of negotiating new agreements in this regard with public employees which will shape Modesto’s financial future; and

WHEREAS, in order to avoid the costs of a special election, the November of 2011 election presents the final opportunity to gather this public input on this important
matter as it will be the last general municipal election before the city employee contracts begin to be renegotiated in 2012 and 2013, and therefore time is of the essence to place this advisory matter on the November, 2011 ballot; and,

WHEREAS, this election provides voters in Modesto the best opportunity for the voters to inform the new mayor, newly elected councilmembers and seated councilmembers of their opinion on this important matter. By placing these advisory measure questions on the ballot, voters will be able to clearly guide the council and the future mayor in working to solve the pension reform issue to better serve the City of Modesto.

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

SECTION 1. BALLOT MEASURES.

That pursuant to California Elections Code Section 9603, the Council of the City of Modesto proposes to submit to the qualified electors of the City of Modesto at a regular election to be held on November 8, 2011, Advisory Measures relating to City Employee Pension Reform as set forth below, and hereby designates the form of the ballot measures for use at said election as follows:

SECTION 2. FORM OF BALLOT.

On the ballot to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the advisory question on City Employee Pension Reform:
### MEASURE ___  
**ADVISORY VOTE ONLY**  
Should the City of Modesto:  

| |  
|-----------------|--------|  
| **• Seek to move employees from a defined benefit plan to a defined contribution (401k style) plan for retirement benefits?** | **Yes** | **No** |  

### MEASURE ___  
**ADVISORY VOTE ONLY**  
Should the City of Modesto:  

| |  
|-----------------|--------|  
| **• Seek to avoid “pension spiking” by city employees by moving to an average of the last three year salary as baseline rather than current last single highest year?** | **Yes** | **No** |  

### MEASURE ___  
**ADVISORY VOTE ONLY**  
Should the City of Modesto:  

| |  
|-----------------|--------|  
| **• Seek retirement formulas that increase employee retirement age to mirror the private sector retirement?** | **Yes** | **No** |  

### SECTION 3. CONDUCT OF ELECTION.  

The advisory election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, the advisory election shall be held as provided for in the City Charter, and in all particulars not provided for therein, the advisory election shall be held as provided by law for the holding of advisory elections and regular municipal elections in the city of Modesto and otherwise in accordance with the Elections Code of the State of California.
SECTION 4. CITY CLERK CERTIFICATION.

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Elections Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 12th day of July, 2011, by Councilmember Hawn, 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, Hawn, Muratore, Mayor Ridenour

NOES:  Councilmembers: Geer, Lopez, Marsh

ABSENT:  Councilmembers: None

ATTEST:  

(SEAL)

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-288

A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THE ADVISORY MEASURE RELATING TO CITY EMPLOYEE PENSION REFORM TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular general election to be held on November 8, 2011, an advisory measure relating to City Employee Pension Reform to the City Attorney for the purpose of preparing an impartial analysis of said measure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an Impartial Analysis of the measure showing the effect of the measure on existing law and the operation of the measure.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 12th day of July, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Geer, Lopez, Marsh

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO: 2011-289

A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPPOSITION TO THE ADVISORY MEASURE RELATING TO CITY EMPLOYEE PENSION REFORM

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 8, 2011, an advisory measure seeking advisory input from the public regarding City Employee Pension Reform; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said advisory measure and to change such arguments until and including the date and time after which no argument may be filed with the City Clerk.
The foregoing resolution was introduced at a meeting of the Council of the City of Modesto held on the 12th day of July, 2011 by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Geer, Lopez, Marsh

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM,

By: 

SUSANA ALCALA WOOD, City Attorney