A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF CRAIG CHAMBERLIN FROM THE DISABLED ACCESS APPEALS BOARD

WHEREAS, Craig Chamberlin was appointed a member of the Disabled Access Appeals Board on August 5, 2009, and

WHEREAS, Craig Chamberlin has tendered his resignation from the Disabled Access Appeals Board, and

NOW, THEREFORE, BE IT RESOLVED that the resignation of Craig Chamberlin from the Disabled Access Appeals Board be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL) Approved as to Form:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
RESOLUTION APPOINTING EMILIO MARTINEZ AS A MEMBER OF THE CULTURE COMMISSION REPRESENTING THE CITY OF MODESTO

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

WHEREAS, the Economic Development Committee met on June 13, 2011, and recommended the Culture Commission appointments of Emilio Martinez as a member, representing the City of Modesto.

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

SECTION 1. Emilio Martinez is hereby appointed as a member of the Culture Commission representing the City of Modesto, with a term expiration of January 1, 2015.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Culture Commission, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION NO. 2011-230

RESOLUTION APPOINTING GEORGE MAUDLIN AND RICHARD PROVOST AS MEMBERS OF THE GOLF COURSE ADVISORY COMMITTEE REPRESENTING THE CITY OF MODESTO

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

WHEREAS, the Economic Development Committee met on June 13, 2011, and recommended the Golf Course Advisory Committee appointments of George Maudlin and Richard Provost as members, representing the City of Modesto.

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

SECTION 1. George Maudlin is hereby appointed as a member of the Golf Course Advisory Committee representing the City of Modesto, with a term expiration of January 1, 2013.

SECTION 2. Richard Provost is hereby appointed as a member of the Golf Course Advisory Committee representing the City of Modesto, with a term expiration of January 1, 2014.

SECTION 3. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Golf Course Advisory Committee, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A WASTEWATER DEFERRAL PROGRAM FOR EXISTING RESIDENTIAL UNITS SEEKING TO CONNECT TO THE CITY’S WASTEWATER TREATMENT SYSTEM; AND AMENDING RESOLUTION NO. 2011-106

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code Section 5-6.801 et. seq., creating and establishing authority for imposing and charging wastewater capacity charges, and

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code Section 5-6.802 et seq., establishing that the City Council may, by resolutions adopted from time to time, establish conditions under which the sewer capacity charges may be spread over a period of time and paid in installments, and

WHEREAS, on May, 22, 2011, the City Council, by Resolution No. 2011-106, approved the Comprehensive Fees Task Force Recommendation for Policy Process and Procedural Changes, and

WHEREAS, the policy changes included adoption of a water and wastewater deferral program, and

WHEREAS, the policy changes did not address deferrals for residential units already constructed and in need of connections to the City’s wastewater system, and

WHEREAS, many of these residential units have failing septic systems that can lead to unsafe public health conditions, and

WHEREAS, staff recommends the existing deferral program be amended to include deferrals for existing residential units seeking to connect to the City’s wastewater treatment system,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council finds and determines that Resolution No. 2011-106 is hereby amended to include the deferral of wastewater capacity charges for existing residential units seeking to connect to the City's wastewater treatment system as follows:

1) Existing residential units connecting to the City's wastewater treatment system shall be required to pay ten percent (10%) of the wastewater capacity charge at the time of connection.

2) Existing residential units connecting to the City's wastewater treatment system shall be required to pay the remaining ninety percent (90%) over a ten year period with interest.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 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 ACCEPTING TWO SAFE ROUTES TO SCHOOL GRANTS FOR STREET IMPROVEMENTS ON THE EAST SIDE OF SUTTER AVENUE IN THE AMOUNT OF $423,376, AND STREET IMPROVEMENTS AROUND EL VISTA ELEMENTARY SCHOOL IN THE AMOUNT OF $362,530; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL THE NECESSARY GRANT DOCUMENTS

WHEREAS, in July, 2010, the Community and Economic Development Department – Traffic Engineering staff, submitted two grant applications for the Safe Routes to School Grant program to install sidewalk, curb and gutter, flashing beacons, lighted crosswalk and street lighting on the east side of Sutter Avenue near James Marshall Elementary School, and to install curb, gutter and sidewalk on portions of Roble Avenue, Violet Avenue and Trask Avenue near El Vista Elementary School, and

WHEREAS, in October, 2010, Traffic Engineering staff received notification that both of these projects were successful in receiving Safe Routes to School grant funding in the combined amount of $785,906, and

WHEREAS, these projects will enhance the safety for students and other pedestrians as they travel to and from James Marshall Elementary School and El Vista Elementary School, and as they utilize the facilities of both of these schools throughout the year, and

WHEREAS, these projects are 90% funded by the grant with a 10% local match,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts two Safe Routes to School Grants in the amount of $785,906.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________

SEAL

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2011/2012 CAPITAL IMPROVEMENT PROGRAM BUDGET, ADOPTED BY THE CITY COUNCIL ON JUNE 7, 2011, TO APPROPRIATE GRANT FUNDS IN THE AMOUNT OF $785,906 FROM THE SAFE ROUTES TO SCHOOL GRANTS TO FUND TWO NEW CIP PROJECTS TITLED “STREET IMPROVEMENTS ON THE EAST SIDE OF SUTTER AVENUE,” AND “STREET IMPROVEMENTS AROUND EL VISTA ELEMENTARY SCHOOL”

WHEREAS, in July, 2010, the City submitted two grant applications for the Safe Routes to School Grant program, and

WHEREAS, in October, 2010, City Traffic Engineering staff received notification that two projects (“Street Improvements on the East Side of Sutter Avenue” and “Street Improvements around El Vista Elementary School”) were successful in receiving Safe Routes to School grant funds in the amount of $785,906, and

WHEREAS, the grants total $785,906 and will cover 90% of the project costs, and

WHEREAS, the City of Modesto will be responsible for a local match in the amount of $40,281, or 10% of the estimated El Vista project costs and $23,521, or 5% of the estimated Marshall Elementary School project costs, and

WHEREAS, it is necessary to transfer $63,802 from STF Gas tax, and

WHEREAS, the Fiscal Year 2011-2012 Capital Improvement Program 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 approves amending the Fiscal Year 2011/2012 Capital Improvement Program Budget adopted by the City Council on June 7, 2011, as shown in Exhibit A.
BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 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
EXHIBIT A

The following budget adjustments are necessary for the new CIP {Sutter Ave. Improvements around James Marshall Elementary School}:

1) Recognize grant revenue in the amount of $423,376
2) Transfer funding from the Surface Transportation Fund to match the grant in the amount of $23,521
3) Establish a receivable from the County for $23,521

The following budget adjustments are necessary for the new CIP {Street Improvements on Various Streets Around El Vista Elementary School}:

1) Recognize grant revenue in the amount of $362,530
2) Transfer funding from the Surface Transportation Fund to match the grant in the amount of $40,281
RESOLUTION AUTHORIZING THE CHANGE OF NAME AND SCOPE OF WORK FOR CIP 100419 FROM “DEMOLITION OF FEEDLOT – JENNINGS” TO “JENNINGS RANCH DWELLING IMPROVEMENTS”

WHEREAS, on November 3, 2010, by Resolution No. 2010-468, the City Council approved a lease agreement with Wendel Trinkler, Jr. for the Jennings Ranch, and

WHEREAS, the lease indicated that the City would demolish the feedlot that is located on the Jennings Ranch property, and

WHEREAS, staff toured the ranch houses located at 8418 and 7475 Jennings Road, and discovered that the house located at 8418 Jennings Road was uninhabitable and needed to be replaced; the house at 7475 Jennings Road needed minor repairs and paint, and

WHEREAS, monies originally earmarked for the demolition of the feedlot will now be used for the purchase and installation of a modular home to replace the uninhabitable house and make minor repairs to the second house on the Jennings Ranch site, and

WHEREAS, the Department of Public Works, Wastewater Division, requests the change of name and Scope of Work for CIP 100419 from “Demolition of Feedlot – Jennings” to “Jennings Ranch Dwelling Improvements”,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the change of name and Scope of Work for CIP 100419 from “Demolition of Feedlot – Jennings” to “Jennings Ranch Dwelling Improvements”. 
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________

SEAL

APPROVED AS TO FORM:

By: _______________________

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE AND INSTALLATION OF A MODULAR DWELLING FOR THE DEPARTMENT OF PUBLIC WORKS, WASTEWATER DIVISION, TO CALIFORNIA HOMES REALTY, INC., TURLOCK, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED COST OF $80,689

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase and installation of a modular dwelling, and

WHEREAS, the Purchasing Division issued RFB No. 1011-18 Purchase and Installation of a Modular Dwelling to fifteen (15) prospective bidders, one of which was a local vendor, posted the bid on the City’s website and formally advertised as required by law, and

WHEREAS, bids were formally opened in the City Clerk’s office, three (3) companies chose to respond, all three (3) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase and installation of a modular dwelling to California Homes Realty, Inc., Turlock, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase and installation of a modular dwelling to California Homes Realty, Inc., Turlock, CA, conforms to the Modesto Municipal Code, and
WHEREAS, funds are budgeted for the purchase and installation of a modular dwelling in Appropriation Unit: 4210-100419-PW-CON,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase and installation of a modular dwelling for the Department of Public Works, Wastewater Division, to California Homes Realty, Inc., Turlock, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated cost of $80,689.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 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)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE FY 2011-2012 WASTE-TO-ENERGY PROJECT BUDGET AND RESCINDING RESOLUTION NO. 2010-284

WHEREAS, on December 17, 1985, the City of Modesto and County of Stanislaus entered into an agreement for administration of the City/County Service Agreement with the Stanislaus Waste Energy Company (now Covanta Stanislaus) for supply and acceptance of solid waste, and

WHEREAS, since that time, the City has been partners with Stanislaus County and Covanta Stanislaus in the Stanislaus Resource Recovery Facility (the “Waste-to-Energy” or “WTE” Facility), and

WHEREAS, the Agreement established a Solid Waste-to-Energy Executive Committee (“Executive Committee”), which prepares an annual budget for each fiscal year, and submits said annual budget to the City Council and Board of Supervisors for approval by August 1st of a year, and

WHEREAS, said Executive Committee may also recommend adjustments to an approved annual budget as necessary to provide sufficient funding for project activities, and

WHEREAS, at its March 17, 2011, meeting the Executive Committee also considered the proposed FY 2011/2012 Budget as shown in Attachment “A”, attached hereto and incorporated herein by reference, and the Executive Committee unanimously approved forwarding this proposed FY 2011-2012 Budget to the Modesto City Council and the Stanislaus County Board of Supervisors for approval,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the FY 2011-2012 Waste-to-Energy Project Budget, a copy of which is attached hereto as Attachmenit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED that Resolution No 2010-284 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
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<tr>
<th>Expenditures</th>
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<td><strong>Pass-Through Costs</strong></td>
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<td>Ash Disposal</td>
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<td>Process Rejects</td>
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<td>Insurance</td>
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<td>Ferrous Metals</td>
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<td>Air Permit Fees</td>
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<td>County Fees/Other Fees</td>
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<td>Franchise Fees</td>
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<td>Carbon Expense</td>
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<tr>
<td>Dolomitic Lime Expense</td>
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<td><strong>Total Pass-Through Costs</strong></td>
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<td><strong>Debt Service Expense</strong></td>
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<td>Bond Interest Expense</td>
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<td>Liquidity Fee</td>
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<td>Remarketing Fee</td>
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<td>DSRF Interest Earnings</td>
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<td><strong>Net Debt Service Expense</strong></td>
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<td><strong>Annual Administrative Expenses</strong></td>
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<td>62200-Memberships (IEPA)</td>
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<td>62410-Rebates &amp; Refunds (Arbitrage Liability)</td>
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<td>62500-Office Supplies</td>
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<tr>
<td>62700-Books/Periodicals</td>
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<tr>
<td>63000-Professional &amp; Special Services</td>
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<td>(Leg. Lobbyist, Audits, F/A's, Energy Consultant)</td>
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<tr>
<td>63400-Engineering Services (Consulting Eng.)</td>
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<td>63410-City of Modesto Admin.</td>
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<td>63640-Legal Services (outside Counsel)</td>
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<td>65000-Public/Legal Notices</td>
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<td>65100-Rent/Equipment</td>
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<td>65700-Education/Training</td>
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<td>67040-Travel Expenses (W/o conf.)</td>
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<td>74080-Central Services Printing</td>
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<td>74250-County Counsel</td>
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<td>74301-County Auditor</td>
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<td>74302-County Purchasing</td>
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<td>74370-County Stores</td>
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<td>74520-County Admin. (incl. project position)</td>
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<td>82130-Office Equipment</td>
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<td>84420-Personal Computer Equipment</td>
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<td>73010-Contributions to other agencies: (HHW and AB935 surcharges)</td>
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<td><strong>Total Administrative Expenses</strong></td>
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<td><strong>Total Expenditure</strong></td>
<td>$18,438,568</td>
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<table>
<thead>
<tr>
<th>Revenues</th>
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<tbody>
<tr>
<td><strong>Electricity Credit</strong></td>
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<tr>
<td>Revenue from Electricity Sales</td>
<td>5,217,912</td>
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<tr>
<td>Fixed Capacity Charge</td>
<td>499,739</td>
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<tr>
<td>Gross Electric Revenues</td>
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<tr>
<td>90% of Gross Electric Revenues</td>
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<td><strong>Total Electricity Credit</strong></td>
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<td><strong>Recovered Metals Credit</strong></td>
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<td><strong>Disposal Fees</strong></td>
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<td><strong>Supplemental Waste Disposal</strong></td>
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<td><strong>RRA Interest Earnings</strong></td>
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<td><strong>Use of RRA Fund Balance</strong></td>
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<td><strong>Total Revenue</strong></td>
<td>$18,438,568</td>
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## ATTACHMENT B

### Stanislaus Waste to Energy Project

#### Proposed Budget Detail FY 2011-2012

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<tr>
<th>Fiscal Year Ending June 30,</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
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<td>Assumptions</td>
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<tr>
<td>Solid Waste Delivered (tons)</td>
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<td>257,329</td>
<td>245,000</td>
<td>245,000</td>
<td>245,000</td>
<td>245,000</td>
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<tr>
<td>Ferrous Metals (tons)</td>
<td>252,639</td>
<td>257,329</td>
<td>245,000</td>
<td>245,000</td>
<td>245,000</td>
<td>245,000</td>
</tr>
<tr>
<td>Solid Waste Processed (tons)</td>
<td>252,639</td>
<td>257,329</td>
<td>245,000</td>
<td>245,000</td>
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<td>kWh per ton</td>
<td>507</td>
<td>488</td>
<td>510</td>
<td>510</td>
<td>510</td>
<td>510</td>
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<td>Net Electricity Generated (MWh)</td>
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<td>125,496</td>
<td>124,050</td>
<td>124,950</td>
<td>124,950</td>
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<td>Price per kWh</td>
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<td>$0.00579</td>
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<tr>
<td>Revenue from Electricity Sales</td>
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<td>$8,312,221</td>
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<td>Fixed Capacity Charge</td>
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<td>Gross Electric Revenues</td>
<td>$11,517,450</td>
<td>$10,983,779</td>
<td>$7,569,915</td>
<td>$5,717,651</td>
<td>$5,717,651</td>
<td>$5,717,651</td>
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<tr>
<td>Ash Produced (% of solid waste processed)</td>
<td>31.0%</td>
<td>31.0%</td>
<td>31.0%</td>
<td>31.0%</td>
<td>31.0%</td>
<td>31.0%</td>
</tr>
<tr>
<td>Ash Disposal (Tons)</td>
<td>74,071</td>
<td>74,452</td>
<td>75,050</td>
<td>75,950</td>
<td>75,950</td>
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<tr>
<td>Ash Disposal Price per Ton</td>
<td>$16.00</td>
<td>$16.00</td>
<td>$16.00</td>
<td>$16.00</td>
<td>$16.00</td>
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<tr>
<td>Ash Disposal</td>
<td>$1,185,136</td>
<td>$1,295,609</td>
<td>$1,215,200</td>
<td>$1,215,200</td>
<td>$1,215,200</td>
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<tr>
<td>Process Rejects (% of solid waste processed)</td>
<td>0.055%</td>
<td>0.055%</td>
<td>0.055%</td>
<td>0.055%</td>
<td>0.055%</td>
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<tr>
<td>Rejected Disposed Tons (Tons)</td>
<td>139</td>
<td>92</td>
<td>133</td>
<td>133</td>
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<tr>
<td>Reject Disposal Price Per Ton</td>
<td>$30.00</td>
<td>$33.00</td>
<td>$33.00</td>
<td>$33.00</td>
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<tr>
<td>Process Rejects</td>
<td>$4,169</td>
<td>$1,705</td>
<td>$4,447</td>
<td>$4,447</td>
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<tr>
<td>Ferrous Metals ($ per ton)</td>
<td>$5.00</td>
<td>$5.00</td>
<td>$5.00</td>
<td>$5.00</td>
<td>$5.00</td>
<td>$5.00</td>
</tr>
<tr>
<td>Property Tax Rate</td>
<td>1.000%</td>
<td>1.000%</td>
<td>1.000%</td>
<td>1.000%</td>
<td>1.000%</td>
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<tr>
<td>Change in Assessed Value</td>
<td>0.000%</td>
<td>0.000%</td>
<td>0.000%</td>
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<tr>
<td>O&amp;M Inflator</td>
<td>4.250%</td>
<td>1.080%</td>
<td>3.000%</td>
<td>3.000%</td>
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<td>Energy Inflator</td>
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<td>0.000%</td>
<td>0.000%</td>
<td>0.000%</td>
<td>0.000%</td>
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<tr>
<td>Sales Tax Inflator</td>
<td>5.000%</td>
<td>1.000%</td>
<td>1.000%</td>
<td>1.000%</td>
<td>1.000%</td>
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<tr>
<td>Insurance Inflator</td>
<td>1.000%</td>
<td>1.000%</td>
<td>1.000%</td>
<td>1.000%</td>
<td>1.000%</td>
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<tr>
<td>Air Permit Fees Inflator</td>
<td>9.000%</td>
<td>5.000%</td>
<td>5.000%</td>
<td>5.000%</td>
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<tr>
<td>Carbon Inflator</td>
<td>4.000%</td>
<td>4.000%</td>
<td>4.000%</td>
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<td>4.000%</td>
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<tr>
<td>Dolomitic Lime</td>
<td>4.000%</td>
<td>4.000%</td>
<td>4.000%</td>
<td>4.000%</td>
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<tr>
<td>Administrative Expense Inflator</td>
<td>3.500%</td>
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<td>2.000%</td>
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<td>2.000%</td>
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<tr>
<td>Bond Interest Rate</td>
<td>5.000%</td>
<td>5.000%</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>DSRF Interest Rate</td>
<td>5.250%</td>
<td>5.250%</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Principal Account Interest Earnings Rate</td>
<td>4.410%</td>
<td>4.410%</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>RRA Interest Earnings Rate</td>
<td>4.250%</td>
<td>1.000%</td>
<td>1.000%</td>
<td>1.000%</td>
<td>1.000%</td>
<td>1.000%</td>
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<tr>
<td>Liquidity Fee</td>
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<td>Remarketing Fee</td>
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<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<td>Operating &amp; Maintenance Expense</td>
<td>$11,448,400</td>
<td>$11,225,065</td>
<td>$12,392,734</td>
<td>$12,764,519</td>
<td>$13,541,872</td>
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<td>Pass-Through Costs</td>
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<td>$1,295,609</td>
<td>$1,215,200</td>
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<tr>
<td>Ash Disposal</td>
<td>$4,169</td>
<td>$0</td>
<td>$4,447</td>
<td>$4,447</td>
<td>$4,447</td>
<td>$4,447</td>
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<tr>
<td>Recovered Materials (Credit)</td>
<td>$340,515</td>
<td>$321,024</td>
<td>$324,234</td>
<td>$327,477</td>
<td>$330,751</td>
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<td>Insurance</td>
<td>$25,715</td>
<td>$31,138</td>
<td>$26,060</td>
<td>$26,000</td>
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<td>Ferrous Metals</td>
<td>$538,007</td>
<td>$606,738</td>
<td>$528,461</td>
<td>$566,738</td>
<td>$506,738</td>
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<td>Property Tax</td>
<td>$26,000</td>
<td>$26,000</td>
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<td>Sales Tax</td>
<td>$17,666</td>
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<td>Description</td>
<td>2009</td>
<td>2010</td>
<td>2011</td>
<td>2012</td>
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<td>2014</td>
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<td>------------------------------------------------------------------------------</td>
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<td>Bond Principal Payment Due January 1st</td>
<td>$21,155,000</td>
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<td>Cumulative Principal Payments</td>
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<td>Outstanding Par at End of Fiscal Year</td>
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<td>Bond Interest Expense</td>
<td>$0</td>
<td>$0</td>
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<td>$0</td>
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<tr>
<td>Liquidity Fee</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>Remarking Fee</td>
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<tr>
<td>DSRF Interest Earnings</td>
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<td>BNY residual Bell&amp;Glover adj. - Dec 2008</td>
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<td>Use of OSRI to Pay Debt Service</td>
<td>$5,876,000</td>
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<td>Annual Administrative Expenses</td>
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<td>60400-Communications</td>
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<td>61600-Maintenance</td>
<td></td>
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<td>62200-Memberships (EPA)</td>
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<td>62410-Rebates &amp; Refunds (Arbitrage Liability)</td>
<td>$15,241</td>
<td>$15,241</td>
<td>$20,000</td>
<td>$20,400</td>
<td>$20,808</td>
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<td>62600-Office Supplies</td>
<td>$228,502</td>
<td>$0</td>
<td>$555</td>
<td>$566</td>
<td>$577</td>
<td>$588</td>
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<td>62780-Books/Periodicals</td>
<td>$0</td>
<td>$0</td>
<td>$555</td>
<td>$566</td>
<td>$577</td>
<td>$588</td>
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<td>63000-Professional &amp; Special Services</td>
<td>$11,742</td>
<td>$25,721</td>
<td>$75,000</td>
<td>$87,600</td>
<td>$86,850</td>
<td>$70,277</td>
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<td>(Leg., lobbyist, Audits, P/A's, Energy Consultant)</td>
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<td>63280-Contracts</td>
<td>$4,672</td>
<td>$0</td>
<td>$50,000</td>
<td>$45,900</td>
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<td>$46,818</td>
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<td>63400-Engineering Services (Consulting Eng.)</td>
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<td>63410-City of Modesto Admin.</td>
<td>$233,083</td>
<td>$262,000</td>
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<td>$248,300</td>
<td>$253,878</td>
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<td>63640-Legal Services (outside Counsel)</td>
<td>$33,831</td>
<td>$9,060</td>
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<td>$90,060</td>
<td>$91,800</td>
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<td>65000-Public Legal Notices</td>
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<td>$539</td>
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<td>65100-Rent/Equipment</td>
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<td>65300-Rent/Structure</td>
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<td>$0</td>
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<td>$0</td>
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<td>65780-Education/Training</td>
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<td>$0</td>
<td>$1,000</td>
<td>$1,020</td>
<td>$1,040</td>
<td>$1,061</td>
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<td>67040-Travel Expenses (Vite cont.)</td>
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<td>$0</td>
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<td>74080-Central Services Printing</td>
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<td>74250-County Counsel</td>
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<td>74301-County Auditor</td>
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<td>$16</td>
<td>$200</td>
<td>$204</td>
<td>$208</td>
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<td>74302-County Purchasing</td>
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<td>74370-County Stores</td>
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<td>$0</td>
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<td>74526-County Admin, (incl. project position)</td>
<td>$268,485</td>
<td>$214,936</td>
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<td>$328,514</td>
<td>$329,924</td>
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<td>74881-A-7 Charges</td>
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<td>-$350</td>
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<td>81230-Office Equipment</td>
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<td>84420-Personal Computer Equipment</td>
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<td>73010-Contributions to other agencies:</td>
<td>$1,537,780</td>
<td>$1,542,431</td>
<td>$1,470,000</td>
<td>$1,470,000</td>
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<td>(HHW and AB 939 surcharges)</td>
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<td>Total Administrative Expenses</td>
<td>$2,237,626</td>
<td>$2,800,717</td>
<td>$2,334,514</td>
<td>$2,280,325</td>
<td>$2,295,323</td>
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<td>Electric Credit</td>
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<tr>
<td>90% of Gross Electric Revenues</td>
<td>$16,365,705</td>
<td>$9,867,395</td>
<td>$6,752,524</td>
<td>$5,145,868</td>
<td>$5,145,868</td>
<td>$5,145,868</td>
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<tr>
<td>90% of PG&amp;E Late Payment</td>
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<tr>
<td>90% of Interest on PG&amp;E Late Payment @ 5.00%</td>
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<tr>
<td>Total Electric Credit</td>
<td>$16,365,705</td>
<td>$9,867,395</td>
<td>$6,752,524</td>
<td>$5,145,868</td>
<td>$5,145,868</td>
<td>$5,145,868</td>
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<td>Service Fee/RRA/Tipping Fee</td>
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<td>Gross Service Fee</td>
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<td>Gross Tipping Fee</td>
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<tr>
<td>Beginning RRA Balance</td>
<td></td>
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<tr>
<td>RRA Interest Earnings / Accounting Adj.</td>
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<td>(Use) of RRA to Stabilize Tipping Fee</td>
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<td>Ending RRA Balance</td>
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<tr>
<td>Disposal Fees from WTE</td>
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<td>Supplemental Waste Revenues</td>
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<td>Net Tipping Fee Before Surcharge</td>
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<tr>
<td>AB 939 Program Implementation Fee</td>
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<tr>
<td>Tipping Fee</td>
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</table>
RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF REPLACEMENT PLAY EQUIPMENT IN THE AIRPORT AREA OF THE TUOLUMNE RIVER REGIONAL PARK AND, CONFIRMING THIS AS A PARK PARTNER PROJECT AND IS EXEMPT FROM HAVING TO GO THROUGH THE PUBLIC BID PROCESS; AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED COST OF $150,000

WHEREAS, building and promoting partnerships that engage neighborhoods and create a sense of community is Council Strategic Commitment #1, and

WHEREAS, providing a safe and inviting community in which to live, work and visit is Council Strategic Commitment #2, and

WHEREAS, championing education partnerships is Council Strategic Commitment #5, and

WHEREAS, enhancing existing facilities and developing new facilities for the betterment of the community is a goal of the Parks, Recreation and Neighborhoods Department, and

WHEREAS, on May 3, 2011, the City Council, by Resolution No. 2011-154, approved the Draft FY 2011-2012 Annual Action Plan that addresses the goals established in the 2010-2015 Consolidated Plan and presents the City of Modesto’s strategies and priorities for addressing community development needs for the upcoming year, and

WHEREAS, staff has determined that the current playground equipment in the Tuolumne River Regional Park is unsafe, and needs to be replaced, and
WHEREAS, the Hispanic Youth Leadership Clubs have adopted the Tuolumne River Regional Park to perform volunteer service projects in perpetuity and have volunteered to install new play equipment, and

WHEREAS, this project qualifies as a City of Modesto Park Partner project as defined in the City of Modesto’s Charter, Article XIII, Section 1307,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase and installation of replacement play equipment in the Tuolumne River Regional Park, and confirms this project as a Park Partner project and is excluded from going through the public bid process.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase order for an estimated cost of $150,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 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

(S Seal)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION SUPPORTING THE APPLICATION BY COUNTY OF STANISLAUS FOR AT LEAST $250,000 IN GRANT FUNDS FOR THE URBAN GREENING GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84)

WHEREAS, the Legislature and Governor of the State of California have provided funds for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), and

WHEREAS, the Strategic Growth Council has been delegated the responsibility for the administration of this grant program, establishing necessary procedures, and

WHEREAS, the County of Stanislaus is proposing to submit an application to the Strategic Growth Council for a grant to develop an Urban Greening Master Plan in the Airport Neighborhood of the City of Modesto and the County of Stanislaus, and

WHEREAS, the Airport Neighborhood is constituted of land that is part County of Stanislaus and part City of Modesto,

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

Support the County of Stanislaus filing of an application for at least $250,000 to prepare a Master Plan for Urban Greening in the Airport Neighborhood Area of the City of Modesto and the County of Stanislaus to provide multiple benefits including storm water mitigation, revitalization of community neighborhoods, improved air and water quality, increased recreational opportunities and multi-jurisdictional cooperation.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion was duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION ACCEPTING THE CALIFORNIA MARIJUANA ERADICATION GRANT FROM THE U.S. DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION IN THE AMOUNT OF $20,000 FOR THE STANISLAUS DRUG ENFORCEMENT AGENCY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

WHEREAS, on May 16, 2011, the Stanislaus Drug Enforcement Agency (SDEA) was awarded the Domestic Cannabis Eradication/Suppression Program Marijuana Eradication Grant in the amount of $20,000, and

WHEREAS, the funding will defray costs relating to the eradication and suppression of illicit cannabis, and

WHEREAS, the costs include marijuana eradication, overtime, training, supplies and removal costs, and

WHEREAS, there is no required match to the City of Modesto, and

WHEREAS, the term of this grant will be from January 1, 2011 through December 31, 2011, and

WHEREAS, the City of Modesto will be the fiscal agent,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the California Marijuana Eradication Grant from the U. S. Department of Justice Drug Enforcement Administration in the amount of $20,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of June, 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

06/28/2011/MPD/CRaymer/Item 13
A RESOLUTION AMENDING THE STANISLAUS COUNTY DRUG ENFORCEMENT AGENCY’S FISCAL YEAR 2011/12 OPERATING BUDGET ESTIMATING REVENUE IN THE AMOUNT OF $20,000 FROM THE U. S. DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION MARIJUANA ERADICATION GRANT

WHEREAS, on May 16, 2011, the Stanislaus Drug Enforcement Agency (SDEA) was awarded the Domestic Cannabis Eradication/Suppression Program Marijuana Eradication Grant in the amount of $20,000, and

WHEREAS, the funding will defray costs relating to the eradication and suppression of illicit cannabis, and

WHEREAS, the costs include marijuana eradication, overtime, training, supplies and removal costs, and

WHEREAS, there is no required match to the City of Modesto, and

WHEREAS, the City of Modesto will be the fiscal agent,

WHEREAS, the term of this grant will be from January 1, 2011 through December 31, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the the Stanislaus County Drug Enforcement Agency’s Fiscal Year 2011/12 Operating Budget as indicated on Attachment 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 28th day of June, 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
**Request for Budget Adjustment**

**Project Name:** Domestic Cannabis Eradication

**Project Fund:** 6600 - SDEA

**Fiscal Year being Adjusted:** 2010 - 11

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**Justification for Budget Adjustment**

This budget adjustment is being made to 1) Recognize federal grant revenue awarded to the Stanislaus Drug Enforcement Agency in the amount of $20,000 for the Domestic Cannabis Eradication/Suppression Program and; 2) To program offsetting expenses as outlined in the grant program document. These actions will establish a new multi-year operating budget beginning in FY 2010-11.
RESOLUTION NO. 2011-241

RESOLUTION ACCEPTING THE 2011 ALCOHOLIC BEVERAGE CONTROL GRANT PROJECT IN THE AMOUNT OF $70,000 FROM THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL TO COMBAT ALCOHOL RELATED CRIMES; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY GRANT DOCUMENTS

WHEREAS, the City of Modesto Police Department desires to undertake a certain project designated as the Modesto ABC Project to be funded in part from funds made available through the Grant Assistance to Local Law Enforcement Agencies Project administered by the Department of Alcoholic Beverage Control (hereafter referred to as “ABC”), and

WHEREAS, the Police Department was awarded a grant in the amount of $70,000 from the State Department of Alcoholic Beverage Control, and

WHEREAS, this $70,000 grant will allow agencies in Stanislaus County and other outlying areas to work in collaboration to proactively address alcohol related crimes in Stanislaus County,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the 2011 Alcoholic Beverage Control Grant Project in the amount of $70,000 from the State Department of Alcoholic Beverage Control to combat alcohol related crimes.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of June, 2011, by Councilmember Lopez, who
moved its adoption, which motion being duly seconded by Councilmember Burnside,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NUMBER 2011-242

RESOLUTION AMENDING THE FISCAL YEAR 2011/2012 OPERATING BUDGET TO REFLECT REVENUES AND EXPENSES IN THE AMOUNT OF $70,000 RELATED TO THE 2011 ALCOHOLIC BEVERAGE CONTROL GRANT PROJECT

WHEREAS, the Police Department acquired a grant award in the amount of $70,000 from the State Department of Alcoholic Beverage Control for several programs developed to reduce alcohol-related crimes, and

WHEREAS, there is no local match required for this program, and

WHEREAS, the Fiscal Year 2011/2012 Operating Budget will be amended as shown on Exhibit A, which is attached to this resolution and incorporated herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amending the Fiscal Year 2011/2012 Operating 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 28th day of June, 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
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Julie Hendee
Telephone No.: x29518
Department: Police Department
Fund Title: Block Grant Reimbursed-ABC

Council Action Date: 6/28/11
Resolution Number: 2011-242
FY: 2011-2012-MY Project
Transfer No.:

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**TRANSFERS BETWEEN FUNDS**

**FROM**

**TO**

**COMMENTS/JUSTIFICATION**

The budget adjustment will receive the revenue of $70,000, eliminate the already $70,718 budgeted FY 12 in AFIN Org 2992, and budget the new grant in a new (unique) project in Oracle. These actions will align revenue with expenses in the budget with those programmed in the grant application.

**AUTHORIZATION (check if required)**

**SIGNATURE**

**DATE**

DEPARTMENT DIRECTOR or
AUTHORIZED ASSISTANT
(Allocation of Dept Appr to Line-Item Level)

FINANCE DIRECTOR
(Transfers to/from Internal Service Charges)
(All items requiring City Manager's Approval)

CITY MANAGER
(Transfers between Budgeted Activities of Departments within Funds)
(Appropriation of Unbudgeted Dept Revenues)
(Transfers into Personnel Services)
RESOLUTION APPROVING AN AMENDMENT TO THE STANISLAUS DRUG ENFORCEMENT AGENCY JOINT POWERS AGREEMENT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on August 6, 2008, the City Council, by Resolution No. 2008-438, approved a Stanislaus Drug Enforcement Agency (SDEA) Joint Powers Agreement in the amount of $786,690 to provide a coordinated multi-agency specially trained police unit to assist each of the participating parties to enforce drug laws and narcotics enforcement, and

WHEREAS, the participating parties include the County of Stanislaus, and the cities of Modesto, Ceres, Oakdale, Turlock, Hughson, Patterson, Waterford, Riverbank and Newman, and

WHEREAS, the Amendment to the SDEA Joint Powers Agreement includes the following changes:

1. The City of Newman has voluntarily left the Joint Powers Agency.

2. Redistribute the costs of legal defense and damage/cost awards and/or settlement amounts incurred in civil litigation which will now be covered by the parties to the Agreement in proportion to the contribution formula set forth in paragraph 6 of the Agreement.

3. All participating agencies will provide cooperation in the investigation and defense of SDEA civil liability cases. The City Attorney for the City of Modesto shall investigate claims where it is alleged that liability arises out of the activities of SDEA, its agents and employees.

The City Attorney of the City of Modesto will defend civil actions arising from claims where the alleged liability arises out of the activities of SDEA, its agents and employees and may provide legal services with in-house counsel, or, upon determining that a matter cannot or should not be handled by legal staff of the City Attorney of the City of Modesto, retain the services of outside counsel to conduct the defense under the direction and supervision of the City Attorney of the City of Modesto.
All costs, fees and attorneys' fees associated with the investigation and/or defense of any personal injury or property damage claim seeking compensation for damages will be paid by the parties to the Agreement in proportion to the contribution formula set forth in paragraph 6 of the Agreement.

4. The City Attorney for the City of Modesto will provide legal representation for settlement and compromise of all civil claims and actions against SDEA.

and,

WHEREAS, on April 20, 2011, the SDEA Governing Board reviewed the proposed Amendment to the SDEA Joint Powers Agreement, and

WHEREAS, each participating entity will be submitting the Amendment to their respective Governing Authority for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Stanislaus Drug Enforcement Agency Joint Powers Agreement.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of June, 2011, by Councilmember Lopez, who
moved its adoption, which motion being duly seconded by Councilmember Burnside,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION ACCEPTING THE WORK BY BRC CONSTRUCTION, INC., FOR THE "2009 SANITARY LIFT STATION REHABILITATION" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $375,577

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the 2009 Sanitary Lift Station Rehabilitation project has been completed by BRC Construction, Inc., in accordance with the contract agreement dated April 28, 2009,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2009 Sanitary Lift Station Rehabilitation project is hereby accepted as complete from said contractor BRC Construction, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling $375,577 is authorized as provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SIGNATURE)

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-245

RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH HOLDREGE & KULL CONSULTING ENGINEERS AND GEOLOGISTS FOR ADDITIONAL SERVICES NOT INCLUDED IN THE ORIGINAL AGREEMENT FOR DESIGN SERVICES FOR EFFLUENT PUMP STATION SOIL STABILIZATION PROJECT (FORMERLY GROUT STABILIZATION OF THE WASTEWATER TREATMENT PLANT CHLORINATION FACILITY) IN AN AMOUNT NOT TO EXCEED $28,636 FOR A MAXIMUM TOTAL AMOUNT OF $114,109, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT

WHEREAS, on October 28, 2008, by Resolution No. 2008-605, City Council approved an agreement with Holdrege & Kull Consulting Engineers and Geologists (Holdrege & Kull) for engineering services to stabilize the soil at the Effluent Pump Station, and

WHEREAS, part of Holdrege & Kull’s scope of services was to provide Construction Quality Assurance (CQA) during construction, and

WHEREAS, the Director of Utility Planning and Projects has filed a report that the Effluent Pump Station Soil Stabilization Project has been completed, and

WHEREAS, numerous construction delays caused a shortfall to Holdrege & Kull’s CQA budget, and

WHEREAS, in order to not impact the construction schedule, work continued to completion while staff evaluated H&K’s request, and

WHEREAS, additional funds are required to account for the shortfall of the CQA budget, and

WHEREAS, therefore, the design agreement will need to be amended for the additional CQA scope of services provided that were not included in the original agreement, and
WHEREAS, this will allow City staff to close out the agreement for services rendered during construction, and

WHEREAS, City staff recommends approving an amendment to agreement with Holdrege & Kull for the additional CQA work provided as the additional CQA work contributed to a construction savings of $53,474,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to agreement with Holdrege & Kull Consulting Engineers and Geologists for additional services not included in the original agreement for Design Services for Effluent Pump Station Soil Stabilization Project, in an amount not to exceed $28,636.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-246

RESOLUTION APPROVING AN ON-CALL CONSULTANT SERVICES AGREEMENT WITH BROWN AND CALDWELL FOR THE WELL FIELD OPTIMIZATION PROJECT PHASE II-A (MODESTO GROUNDWATER SUB-BASIN) IN AN AMOUNT NOT TO EXCEED $200,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the cities of Modesto, Riverbank, and Oakdale; Modesto Irrigation District (MID), Oakdale Irrigation District (OID), and Stanislaus County formed the Stanislaus and Tuolumne River Groundwater Basin Association (STRGBA) to oversee and coordinate groundwater management activities in the Modesto groundwater sub-basin (i.e. area between the Stanislaus River and Tuolumne River), and

WHEREAS, the STRGBA developed an Integrated Regional Groundwater Management Plan (IRGMP), which was approved by the Modesto City Council on June 29, 2005, by Resolution No. 2005-340, and

WHEREAS, one of the IRGMP programs is the Well Field Optimization Project (Project), and

WHEREAS, in order to fund the Project, the STRGBA selected the City of Modesto to submit an application for Local Groundwater Assistance (LGA) Grant Program, and

WHEREAS, on September 14, 2010, by Resolution No. 2010-406, the City Council approved the LGA Program Grant Agreement with the Department of Water Resources, which funds $250,000 of the Project, and

WHEREAS, this grant funding can only be applied to the Modesto Groundwater sub-basin area; therefore, the Project was split into two phases: Phase II-A and Phase II-B, and
WHEREAS, Phase II-A (Modesto Groundwater sub-basin) will include completing the water facilities inventory for each member agency of the STRGBA, excluding MID and OID, and

WHEREAS, a regional map and computer-based tools will be developed that will help the agencies meet the Project goals, and

WHEREAS, domestic water well evaluations and rankings will be performed and improvements needed to optimize the well field will be specified, along with associated costs, and

WHEREAS, the grant funding will fund this Agreement with Brown and Caldwell for $200,000, and

WHEREAS, the balance of the grant funds ($50,000) will be used to cover City staff costs (from Information Technology and Water Operations) related to Phase II-A of the Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-call Consultant Services Agreement with Brown and Caldwell for the Well Field Optimization Project Phase II-A (Modesto Groundwater sub-basin) in an amount not to exceed $200,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN ON-CALL CONSULTANT SERVICES AGREEMENT WITH BROWN AND CALDWELL FOR THE WELL FIELD OPTIMIZATION PROJECT PHASE II-B (TURLOCK AND DELTA MENDOTA GROUNDWATER SUB-BASINS) IN AN AMOUNT NOT TO EXCEED $65,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the cities of Modesto, Riverbank, and Oakdale; Modesto Irrigation District (MID), Oakdale Irrigation District (OID), and Stanislaus County formed the Stanislaus and Tuolumne River Groundwater Basin Association (STRGBA) to oversee and coordinate groundwater management activities in the Modesto groundwater sub-basin (i.e. area between the Stanislaus River and Tuolumne River), and

WHEREAS, the STRGBA developed an Integrated Regional Groundwater Management Plan (IRGMP), which was approved by the Modesto City Council on June 29, 2005, by Resolution No. 2005-340, and

WHEREAS, one of the IRGMP programs is the Well Field Optimization Project (Project), and

WHEREAS, the Project was split into two phases (Phase II-A and Phase II-B) as Phase II-A was approved for grant funding, and

WHEREAS, Phase II-B (Turlock and Delta Mendota sub-basins) will include completing the water facilities inventory for each member agency of the STRGBA, excluding MID and OID, and

WHEREAS, a regional map and computer-based tools will be developed that will help the agencies meet the Project goals, and
WHEREAS, domestic water well evaluations and rankings will be performed and improvements needed to optimize the well field will be specified, along with associated costs, and

WHEREAS, funding for Phase II-B of the Project will be partially funded through Operating Account 43010 (Groundwater Management Plan) $20,000, with the balance coming from Water Fund Reserve,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-call Consultant Services Agreement with Brown and Caldwell for the Well Field Optimization Project Phase II-B (Turlock and Delta Mendota Groundwater sub-basins)) in an amount not to exceed $65,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2011-12 MULTI-YEAR OPERATING BUDGET TO ESTABLISH TWO NEW MULTI-YEAR BUDGETS FOR THE WELL FIELD OPTIMIZATION PROJECT PHASE II-A (100609) AND PHASE II-B (100610) TO APPROPRIATE $250,000 IN GRANT REVENUE AND EXPENSES, AND TO APPROPRIATE $80,000 IN WATER FUND RESERVES

WHEREAS, the cities of Modesto, Riverbank, and Oakdale; Modesto Irrigation District (MID), Oakdale Irrigation District (OID), and Stanislaus County formed the Stanislaus and Tuolumne River Groundwater Basin Association (STRGBA) to oversee and coordinate groundwater management activities in the Modesto groundwater sub-basin (i.e. area between the Stanislaus River and Tuolumne River), and

WHEREAS, the STRGBA developed an Integrated Regional Groundwater Management Plan (IRGMP), which was approved by the Modesto City Council on June 29, 2005, by Resolution No. 2005-340, and

WHEREAS, one of the IRGMP programs is the Well Field Optimization Project (Project), and

WHEREAS, in order to fund the Project, the STRGBA selected the City of Modesto to submit an application for Local Groundwater Assistance (LGA) Grant Program, and

WHEREAS, on September 14, 2010, by Resolution No. 2010-406, the City Council approved the LGA Program Grant Agreement with the Department of Water Resources, which funds $250,000 of the Project, and

WHEREAS, the Fiscal Year 2011-2012 Multi-Year Operating Fund budget must be amended as shown in Exhibits A and B, which are 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 Budget as shown on the attached Exhibits A and B.

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 28th day of June, 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: 

STEFHANTIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Contact Person: Brian MacDonald
Telephone: 241-3922
Submitting Department: UPP

Project Name: Well Field Optimization Phase IIA
Project Fund: Water
Fiscal Year being Adjusted: 2012

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Justification for Budget Adjustment
The City of Modesto (City), through Stanislaus and Tuolumne River Groundwater Basin Association (STRGBA) has secured a Proposition 84 grant of $250,000 under the Local Groundwater Assistance (LGA) Program for Phase IIA. This is a request to recognize the grant revenue and to budget expenses for two agreements with Brown and Caldwell for On-Call Consultant Services. Also included are expense budgets for staff support charges for Project Administration, Information Technology (GIS), Surveying, and Water Operations. $50k will be transferred from Acct 4100-43060 (UPP-Groundwater Management Plan) to fully fund this project. (See Exhibit C).

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To be Completed by Finance Staff

Transfer Number: ___________________________ Completed By: ___________________________
# Request for Budget Adjustment

(Projects and Grants)

**Contact Person:** Brian MacDonald  
**Telephone:** 343-2572  
**Submitting Department:** UPP

**Council Action Date:** 6/26/2015  
**Resolution Number:**  
**Date Submitted by Dept:** UPP

**Project Name:** Well Field Optimization Phase III  
**Project Fund:** Water Fund  
**Fiscal Year being Adjusted:** 2012

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- Interfund Charges - Service Credit Labor Charges

## Expenses

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- Intrafund Charges - Service Credit Labor Charges

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## Justification for Budget Adjustment

This is a request to recognize the service credit revenue and to budget expenses for two agreements with Brown and Caldwell for On-call Consultant Services. Also included are expense budgets for staff support charges for Project Administration, Information Technology (GIS), Surveying, and Water Operations. $80k will be transferred from Water Fund Reserves and $20k will also be transferred from Account 4100-43010 (UPP-Groundwater Management Plan) to fully fund this project. (See Exhibit C).

---

**Authorization**

<table>
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<tr>
<th>Administrative Services Officer (if needed)</th>
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**Deputy Director (if needed)**

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Transfer Number:  
Completed By:  

To be Completed by: Finance Staff
Request for Budget Adjustment
(Fiscal Year Operating Cost Centers)

Contact Person: Brian MacDonald
Telephone: 341-2932
Submitting Department: CTP

Fund Title: Water
Fiscal Year being Adjusted: 2012

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Justification for Budget Adjustment

This transfer is being requested to partially fund the Well Field Optimization Project Phase II-A ($50k) and Phase II-B ($20k).

Authorization

Administrative Services Officer (if needed)
Deputy Director (if needed)
Department Director or Authorized Designee
Financial Analyst
Finance Director
City Manager

Signature

Date

[Signature]
6/14/2011

To be Completed by Finance Staff

Transfer Number: ___________________________  Completed By: ___________________________
RESOLUTION AMENDING THE FISCAL YEAR 2011-12 OPERATING BUDGET TO REDUCE COST CENTER 43010 EXPENSE BUDGET BY $70,000, AND APPROPRIATE NEW REVENUE IN THE COMBINED AMOUNT OF $135,000 FOR INFORMATION TECHNOLOGY DEPARTMENT (COST CENTER 07310), CONSTRUCTION ADMINISTRATION (COST CENTER 42020), WATER OPERATIONS (COST CENTER 55090) AND CAPITAL PLANNING (COST CENTER 43060)

WHEREAS, certain budgetary transactions are necessary to fully fund the Well Field Optimization Project – Phase II-A and Phase II-B, and

WHEREAS, it is necessary to reduce Cost Center 43010 expense budget by $70,000 and redistribute these funds in the amount of $50,000 to Phase II-A (100609) and $20,000 to Phase II-B (100610), and

WHEREAS, it is also necessary to increase revenue in the amount of $135,000 to the following cost centers for work to be performed related to the Well Field Optimization Project:

- Information Technology (07310) $ 50,000
- Construction Administration (42020) $ 30,000
- Water Operations (55090) $ 15,000
- Capital Planning (43060) $ 40,000

WHEREAS, the Fiscal Year 2011-2012 Operating budget must be amended as shown in Exhibits A, B, and C which are 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 Operating Fund budget as shown on the attached Exhibits A, B, and C.
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 28th day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
# Request for Budget Adjustment

(Projects and Grants)

**Contact Person:** Brian MacDonald  
**Telephone:** 341-2932  
**Submitting Department:** UPP  
**Project Name:** Well Field Optimization Phase II A  
**Project Fund:** Water

**Fiscal Year being Adjusted:** 2012

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## Justification for Budget Adjustment

The City of Modesto (City), through Stanislaus and Tuolumne River Groundwater Basin Association (STRGBA) has secured a Proposition 84 grant of $250,000 under the Local Groundwater Assistance (LGA) Program for Phase II-A. This is a request to recognize the grant revenue and to budget expenses for two agreements with Brown and Caldwell for On-call Consultant Services. Also included are expense budgets for staff support charges for Project Administration, Information Technology (IT), Surveying, and Water Operations. $200k will be transferred from Account 100609 (UPP-Groundwater Management Plan) to fully fund this project. (See Exhibit C).

<table>
<thead>
<tr>
<th>Authorization</th>
<th>Signature</th>
<th>Date</th>
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<td>Finance Director</td>
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<tr>
<td>City Manager</td>
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</tbody>
</table>

To be Completed by Finance Staff

| Transfer Number: | Completed By: |
## Request for Budget Adjustment

### (Projects and Grants)

**Contact Person:** Brian MacDonald  
**Telephone:** 341-2032  
**Submitting Department:** UPP  
**Project Name:** Well Field Opt Phase II B  
**Project Fund:** Water Fund  
**Fiscal Year being Adjusted:** 2012

### Revenues

<table>
<thead>
<tr>
<th>FY</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Account</th>
<th>Project</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Account</th>
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### Expenses

<table>
<thead>
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<th>Project</th>
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</table>

### Justification for Budget Adjustment

This is a request to recognize the service credit revenue and to budget expenses for two agreements with Brown and Caldwell for On-call Consultant Services. Also included are expense budgets for staff support charges for Project Administration, Information Technology (GIS), Surveying, and Water Operations. $80k will be transferred from Water Fund Reserves and $20k will also be transferred from Accr 4100-43010 (UPP-Groundwater Management Plan) to fully fund this project. (See Exhibit C).

### Authorization

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<th>Administrative Services Officer (if needed)</th>
<th>Signature</th>
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To be Completed by Finance Staff

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<th>Transfer Number:</th>
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</table>
## Request for Budget Adjustment

**(Fiscal Year Operating Cost Centers)**

<table>
<thead>
<tr>
<th>Contact Person:</th>
<th>Brian MacDonnell</th>
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<tbody>
<tr>
<td>Telephone:</td>
<td>341-2932</td>
</tr>
<tr>
<td>Submitting Department:</td>
<td>UPP</td>
</tr>
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<td>Council Action Date:</td>
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<td>Date Submitted by Dept:</td>
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**Fund Title:** Water  
**Fiscal Year being Adjusted:** 2012

### Revenues

<table>
<thead>
<tr>
<th>FY</th>
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### Expenses

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### Justification for Budget Adjustment

This transfer is being requested to partially fund the Well Field Optimization Project Phase II-A ($30k) and Phase II-B ($20k).

### Authorization

<table>
<thead>
<tr>
<th>Position</th>
<th>Signature</th>
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<tbody>
<tr>
<td>Administrative Services Officer (if needed)</td>
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<td>City Manager</td>
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To be Completed by Finance Staff

Transfer Number: ____________________  
Completed By: ____________________
RESOLUTION AMENDING THE FISCAL YEAR 2011-2012 OPERATING BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that budget adjustments are required to the Operating Budget of the City of Modesto for Fiscal Year 2011-2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the Fiscal Year 2011-2012 budget 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 28th day of June, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
Fiscal Year 2011-12
Adopted Budget Adjustments

1. **Parks, Recreation and Neighborhoods** - Amend the City Council operating expense budget in the General Fund to decrease salary and benefits by $29,122 for the vacant Management Analyst position and decrease the Cultural Services operating revenue budget in the Parks, Recreation and Neighborhoods (PR&N) department in the General Fund by $40,000 in donations. $61,882 of the savings for the vacant Management Analyst position had been reallocated to Cultural Services in the adopted budget for FY 2011-2012 along with a $40,000 increase in the PR&N donations budget. This action will move the remaining vacant position savings of $29,122 from the City Council budget to the PR&N budget, relieve the $40,000 fundraising obligation for donations in the PR&N budget and appropriate $10,878 from General Fund reserves.

2. **Community & Economic Development** - Amend the City Manager operating expense budget in the General Fund to restore $23,472 to services, professional and other expense for and amend the Community and Economic Development operating expense budget in the General Fund to increase salary and benefit expense by $142,618 to fully restore two (2) senior planner positions for FY 2011-2012 and increase job share contract, grant and service credit revenue by $166,090 for partially fund the position restorations.

3. **Human Resources** - Amend the Risk Management operating budget in the Insurance-Administration Fund to decrease salary and benefit expense by $85,236 for the elimination of a Safety Coordinator position in the adopted FY 2011-2012 budget and amend the Worker’s Compensation operating budget in the Insurance Worker’s Compensation Fund to decrease premium assessment revenue by $77,995 and decrease the worker’s compensation expense in the funds and by the amounts identified in Attachment 1 correspondingly.

4. **Fire** - Amend the Modesto Fire Department operating budget in the General Fund to reduce individual expense line budgets as detailed in Attachment 2 and to increase Modesto Regional Fire Authority (MFRA) contribution expense to $25,067,083. In January, 2001, the Modesto City Council, the Stanislaus County Board of Supervisors and the Salida Fire Protection District Board of Directors approved the creation of a new Joint Powers Agency (JPA). This action is needed to adjust the General Fund budget to fund its contribution to the new JPA.
RESOLUTION APPROVING AN AGREEMENT WITH VERDE DESIGN, INC. IN THE AMOUNT OF $599,374 TO PROVIDE THE CITY WITH CONSTRUCTION DOCUMENTS FOR THE MARY E. GROGAN COMMUNITY PARK – PHASE 1 PROJECT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the development of the Mary E. Grogan Community Park is desired by the Council and residents, and

WHEREAS, the City Council, on April 22, 2011, by Resolution No. 2011-107, approved the updated Master Plan and construction funding for Mary E. Grogan Community Park, and

WHEREAS, on April 23, 2011, City staff issued an RFP for Phase 1 Construction Documents, and

WHEREAS, on May 10, 2011, City staff received proposals from sixteen (16) design consultants for Phase 1 Construction Documents, and

WHEREAS, on May 24, 2011, a selection committee interviewed the top four (4) firms and determined that Verde Design, Inc. was the most qualified firm to provide the City with construction documents, and

WHEREAS, City staff recommends an agreement with Verde Design, Inc. to provide construction documents for the development of the Mary E. Grogan Community Park – Phase 1 project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Verde Design, Inc. for the development of construction documents for the Mary E. Grogan Community Park – Phase 1 project in the amount of $599,374.00,
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 28th day of June, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-252


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

WHEREAS, the City of Modesto has proposed an amendment to the General Plan to adopt the 2009 – 2014 Housing Element, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto’s Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED No. 2009-24 (“Initial Study”) which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA Guidelines, beginning on May 14, 2011, the City caused to be published a 20-day notice of the City’s intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on June 28, 2011, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed
2009 – 2014 Housing Element, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

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

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

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

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

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June 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

(Seal)

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
SUSANA ALCALA WOOD, City Attorney
EXHIBIT A

Initial Study

EA/C&ED 2009-24
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist EA/C&ED No. 2009-24

For the proposed:

Fourth Revision of the Housing Element of the Urban Area General Plan (2009 – 2014) (General Plan Amendment 08-001)

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

January 2011

Updated: October 2008
City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether GPA-08-001 is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

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

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

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

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

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

This finding of conformance relies on the analysis contained in the Urban Area General Plan Master EIR (SCH #200707023).

II. PROJECT DESCRIPTION

A. Title: Fourth Revision of the Housing Element of the Urban Area General Plan (2009-2014)

B. Address or Location: citywide

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

D. City Contact Person: Patrick Kelly

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

E. Current General Plan Designation(s): R (Residential), VR (Village Residential)

F. Current Zoning Classification(s): R-1, R-2, R-3, SP
G. Surrounding Land Uses:
   North: various, depending upon specific site location
   South: various, depending upon specific site location
   East: various, depending upon specific site location
   West: various, depending upon specific site location

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

   The project is the update of the City of Modesto Housing Element (2009-2014), Chapter IV of the Urban Area General Plan. The Regional Housing Needs Allocation for this update is 11,130 dwelling units for all income levels combined.

I. Other Public Agencies Whose Approval is Required:

   State of California, Housing and Community Development Department, Division of Housing Policy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Original signed copy on file with CEDD*

<table>
<thead>
<tr>
<th>Project Manager</th>
<th>Title</th>
<th>Date</th>
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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.

YES  NO

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

(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. X  

(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). X  

(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. X  

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

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

Discussion:

(1) The City of Modesto is the lead agency for all residential projects constructed within Modesto’s city limits. Modesto would also be the lead agency for residential development counted as part of the sites inventory in the Housing Element.

(2) Policies/mitigation measures that affect new residential development contained in the Urban Area General Plan and its Master EIR will be applied to new residential development that occurs within Modesto’s city limits.

(3) This project does not result in, nor does it contemplate changes in federal, state, regional, or county regulations.

(4) Neither through the recent update of the Urban Area General Plan, nor through other means, has the City of Modesto been made aware of any significant resources that might underlie the city or its sphere of influence.

(5) The Housing Element (project) affects only those areas within existing city limits or in the city’s sphere of influence.

(6) As noted in #2 above, all residential development must comply with policies/mitigations in the Urban Area General Plan and its Master EIR.
5. Currency of the Master EIR Document

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

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

(2) This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:

(a) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.  

(b) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.  

(c) Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.  

Discussion:

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

(2) The third revision of the Housing Element (2003-2008) is Chapter IV of the Urban Area General Plan. The Housing Element is a required component of the general plan and must be updated every five years.

(a) The physical and regulatory environments creating the circumstances under which the Master EIR for the Urban Area General Plan was certified has not changed appreciably.  

(b) No new information that would affect the adequacy of the Master EIR has become available.  

(c) All of the policies in the Urban Area General Plan and mitigations in the Master EIR affecting new residential construction remain in effect at this time.
IV. ENVIRONMENTAL ANALYSIS

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

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

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

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

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

Cumulative Impacts

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

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

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

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

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

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

Discussion:

No MEIR mitigation will be applied to the 2009 Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.
c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>TRAFFIC AND CIRCULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>(1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.</td>
</tr>
<tr>
<td>X</td>
</tr>
<tr>
<td>(2) The proposed project would substantially increase hazards due to a design feature, such as sharp curves, or the development of incompatible uses in close proximity to one another.</td>
</tr>
<tr>
<td>X</td>
</tr>
<tr>
<td>(3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.</td>
</tr>
<tr>
<td>X</td>
</tr>
<tr>
<td>(4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).</td>
</tr>
<tr>
<td>X</td>
</tr>
<tr>
<td>(5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.</td>
</tr>
<tr>
<td>X</td>
</tr>
<tr>
<td>(6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.</td>
</tr>
<tr>
<td>X</td>
</tr>
<tr>
<td>(7) The proposed project would result in an increase in energy consumption associated with the operation on highway project, rail improvements, and aviation facilities (on a per capita basis) in excess of that considered in the Urban Area General Plan.</td>
</tr>
<tr>
<td>X</td>
</tr>
</tbody>
</table>
Discussions:

(1) The majority of sites described in the sites inventory described in the 2009 Housing Element comprise a smaller portion of development allowed under the existing zoning citywide. Some of the sites in the inventory are included in areas such as Shackelford, Pealandale/McHenry Specific Plan, and Woodglen Specific Plan, are anticipated in the Urban Area General Plan, but are undergoing separate environmental review associated with the activities required prior to annexation of these properties to the City of Modesto. The 2009 Housing Element does not entitlement development, but primarily consists of updated demographic information and a site inventory, plus programs for the continued support, provision, and accommodation of affordable housing. It is largely intended to catalog and preserve development opportunities for housing available to all income levels.

(2) As noted in #1, the 2009 Housing Element would not result in development, but instead catalogs the development anticipated in the 2008 Urban Area General Plan. The Housing Element would not create new streets or modify existing streets and, therefore, would not create road hazards. Furthermore, none of the residential development anticipated in the Housing Element is located near expected hazards, such as manufacturing facilities.

(3) The 2009 Housing Element does not add new development to the city, but catalogs the development potential of the 2008 Urban Area General Plan. Should any program in the 2009 Housing Element be implemented in such a manner that results in residential development that was not evaluated in the Urban Area General Plan Master EIR, it will be subject to further environmental review.

(4) The 2009 Housing Element does not add new development to the city, but catalogs the development potential of the 2008 Urban Area General Plan, therefore, no additional traffic will result from its adoption. Should any program in the Housing Element be implemented in such a manner that results in residential development that was not evaluated in the Urban Area General Plan Master EIR, it will be subject to further environmental review.

(5) The 2009 Housing Element does not add new development to the city, but catalogs the development potential of the 2008 Urban Area General Plan. No impact on parking will result from adoption of the Housing Element.

(6) The 2009 Housing Element neither supports nor conflicts with alternative transportation, as compared to the 2003 Housing Element. It simply catalogs currently available housing opportunities.

(7) The 2009 Housing Element would have a neutral impact on energy consumption, as compared to the 2003 Housing Element, because it catalogs currently available opportunities to construct new housing.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM10) and 2.5 microns or less in diameter (PM2.5) (see MEIR Table 2-8, page V-2-27).
Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

Cumulative Impacts

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

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

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

Discussion:

No MEIR mitigation will be applied to the 2009 Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>DEGRADATION OF AIR QUALITY</th>
<th>Additional Mitigation Needed</th>
<th>Significant Impact with Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO\textsubscript{x}, PM\textsubscript{10}, and PM\textsubscript{2.5} by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.</td>
<td>X</td>
<td>☐</td>
</tr>
<tr>
<td>(2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO\textsubscript{x}, PM\textsubscript{10}, and PM\textsubscript{2.5}.</td>
<td>X</td>
<td>☐</td>
</tr>
<tr>
<td>(3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.</td>
<td>X</td>
<td>☐</td>
</tr>
<tr>
<td>(4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.</td>
<td>X</td>
<td>☐</td>
</tr>
<tr>
<td>(5) The proposed project would create objectionable odors affecting a substantial number of people.</td>
<td>X</td>
<td>☐</td>
</tr>
</tbody>
</table>
Discussion:

(1) The 2009 Housing Element has no effect on air pollutant emissions, as compared to the 2003 Housing Element. The revised Housing Element updates local demographic data and catalogs the number and locations of dwellings that could be developed under existing regulations. Should any program in the 2009 Housing Element be implemented in a way that changes the location or number of dwellings that could be developed, as compared to what was evaluated in the Urban Area General Plan Master EIR, that program would be subject to further environmental review. For example, some of the sites in the inventory are included in areas such as Shackelford, Pelandale/McHenry Specific Plan, and Woodglen Specific Plan, are anticipated in the Urban Area General Plan, but are undergoing separate environmental review associated with the activities required prior to annexation of these properties to the City of Modesto.

(2) The 2009 Housing Element updates local demographic data and catalogs the number and locations of dwellings that could be developed as part of the Urban Area General Plan. Any development project inconsistent with the Urban Area General Plan would be subject to further environmental review.

(3) All residential development proposed within Modesto’s Sphere of Influence is subject to policies contained in the 2008 Urban Area General Plan pertaining to air quality. Any development project that would not comply with these policies is subject to further environmental review.

(4) The 2009 Housing Element has no effect on the exposure of sensitive receptors, including residential development, to air pollutants, as compared to the 2003 Housing Element. The revised Housing Element updates local demographic data and catalogs the number and locations of dwellings that could be developed under existing regulations. Should any program in the Housing Element be implemented in a way that changes the location or number of dwellings that could be developed, that program would be subject to further environmental review.

(5) Residential development does not normally result in the creation of objectionable odors beyond those resulting from construction. Any objectionable odors created would be similar to that expected to occur with the 2008 Urban Area General Plan and 2003 Housing Element.

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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>GENERATION OF NOISE</th>
<th>Additional Mitigation Needed</th>
<th>Significant Impact with Mitigation</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>X</td>
<td>No</td>
</tr>
<tr>
<td>(2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.</td>
<td>X</td>
<td>No</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>X</td>
<td>No</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.</td>
<td>X</td>
<td>No</td>
</tr>
</tbody>
</table>
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 mitigations in the Master EIR are applicable to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>SIGNIFICANT EFFECTS IDENTIFIED IN THE MASTER EIR</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>
</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>
</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>
</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>
</tr>
</tbody>
</table>

Discussion:

(1) The City’s Regional Housing Needs Allocation has been met primarily using sites that lie within the Modesto’s current city boundaries. A small number of affordable sites have been identified in areas outside of city boundaries for which planning activity has been under way for several years, such as Woodglen Specific Plan and Pelandale/McHenry Specific Plan. These areas are within the City’s Sphere of Influence and have been expected to develop, as noted in the 2008 Urban Area General Plan and its Master EIR. Policies affecting development of areas within the Sphere of Influence are in Section VII.D.4 of the Urban Area General Plan. Specific plans, which must be consistent with the Urban Area General Plan, are being prepared for these areas, as well as supporting environmental documents. The Housing Element documents many existing affordable housing opportunities, but defers specific development direction for areas outside city boundaries to Specific Plans.

(2) As noted, the City’s Regional Housing Needs Allocation has been accommodated almost entirely within existing city boundaries. The RHNA sites that are not inside the City have been in the planning process for several years and are also subject to CEQA review. Additionally, recent changes in the regional housing market have resulted in unusually high housing vacancy rates. Therefore, accommodating the Regional Housing Needs Allocation will result in the development of land outside the planning area boundary.
(3) The property on which the Regional Housing Needs Allocation has been accommodated does not have a general plan designation for agriculture and because it is within the Sphere of Influence, it is expected to eventually be annexed to the City of Modesto and developed. Only one parcel of approximately 10 acres has an active Williamson Act contract, but that property lies within the City of Modesto and, as such, is considered to be urbanizing land by the California Department of Conservation, as is all land within a city's Sphere of Influence. The impact on agriculture has been evaluated in the Urban Area General Plan Master EIR.

(4) The Housing Element is consistent with the 2008 Urban Area General Plan and so would result in no new impacts, as compared to those analyzed and disclosed in the Urban Area General Plan Master EIR.

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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.
c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES</th>
<th>Additional Mitigation Needed</th>
<th>Significant Impact with Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.</td>
<td>X</td>
<td></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>X</td>
<td></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>X</td>
<td></td>
</tr>
</tbody>
</table>

Discussion:

(1) All new residential development must comply with water policies in the 2008 Urban Area General Plan or be subject to further environmental review.

(2) The 2009 Housing Element does not propose residential development, but instead catalogs opportunities that exist in the 2008 Urban Area General Plan. Consequently, there is no evidence that the City's water supply would be insufficient to serve the number of dwellings expected in the future.

(3) Because the 2009 Housing Element catalogs opportunities for residential development that are available in the 2008 Urban Area General Plan and because no substantial new information is available regarding available groundwater or recharge areas, as compared to the information disclosed in the MEIR, there is no evidence that development opportunities described in the revised Housing Element would either deplete groundwater or interfere with recharge.
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

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

**Cumulative Impacts**

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

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

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

Discussion:

No MEIR mitigation will be applied to the proposed 2009 Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
<table>
<thead>
<tr>
<th>INCREASED DEMAND FOR SANITARY SEWER SERVICES</th>
<th>Additional Mitigation Needed</th>
<th>Significant Impact with Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The proposed project is inconsistent with the policies in the Modesto Urban Area General Plan.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Discussion:

(1) All new residential development must be consistent with sanitary sewer policies contained in the Urban Area General Plan or be subject to additional environmental review. The revised Housing Element does not propose development, but catalogs existing residential development opportunities.

(2) The revised Housing Element updates demographic data and catalogs existing residential development opportunities that are consistent with the 2008 Urban Area General Plan. The Housing Element does not confer any new entitlements. If any programs contained in the 2009 Housing Element are implemented in such a way that the location or amount of residential development is increased, additional environmental review will be necessary prior to approval.

(3) The 2009 Housing Element has not accounted for any residential development that was not anticipated in the 2008 Urban Area General Plan. Potential residential development that has not been evaluated as part of the Master EIR is subject to further environmental review.
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

**Discussion:**

No MEIR mitigation will be applied to the proposed 2009 Housing Element. 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:
LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Additional Mitigation Needed</th>
<th>Significant Impact with Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</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>X</td>
<td></td>
</tr>
<tr>
<td>2</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>X</td>
<td></td>
</tr>
<tr>
<td>3</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>X</td>
<td></td>
</tr>
<tr>
<td>4</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>X</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>6</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>X</td>
<td></td>
</tr>
</tbody>
</table>

Discussion:

1. All new residential development in Modesto must comply with policies in the 2008 Urban Area General Plan or be subject to further environmental review. The revised Housing Element does not propose new development, as compared to what is anticipated in the Urban Area General Plan.

2. Because the revised Housing Element does not propose new or relocated residential development and is consistent with the 2008 Urban Area General Plan, no new impacts on sensitive wildlife and plant habitat are expected.

3-4. Because the revised 2009 Housing Element does not propose new or relocated residential development and is consistent with the 2008 Urban Area General Plan, no new impacts on sensitive wildlife and plant habitat are expected. Impacts on these resources were evaluated in the Urban Area General Plan Master EIR.

5. Because the revised 2009 Housing Element does not propose new or relocated residential development and is consistent with the 2008 Urban Area General Plan, no impacts on biological resource policies is expected.

6. There are no habitat conservation plans or natural community conservation plans, or other habitat conservation plans in the vicinity of Modesto with which the Urban Area General Plan might conflict.
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 MEIR mitigation will be applied to the proposed 2009 Housing Element. 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:
DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

<table>
<thead>
<tr>
<th></th>
<th>Additional Mitigation Needed</th>
<th>Significant Impact with Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>X</td>
<td>□</td>
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<tr>
<td>2</td>
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<td>□</td>
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<td>3</td>
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<td>□</td>
</tr>
<tr>
<td>4</td>
<td>X</td>
<td>□</td>
</tr>
<tr>
<td>5</td>
<td>X</td>
<td>□</td>
</tr>
</tbody>
</table>

(1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.

(2) The proposed project would modify a historic resource, resulting in a substantial adverse change in its significance or would demolish a listed or eligible historic resource.

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

(4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources, or that is listed by the City of Modesto as a Designated Landmark Preservation site.

(5) The project site is in a riparian zone (see Figure V-7-1 in the MEIR), where archaeological resources are most likely to be discovered, or is otherwise located in an area of high archaeological sensitivity.

Discussion:

(1) All new residential development in Modesto must comply with policies in the 2008 Urban Area General Plan or be subject to further environmental review. The revised Housing Element does not propose new development, but catalogs residential development opportunities.

(2) The revised Housing Element does not propose or entitle new development. However, individual residential projects that may be proposed in the future could have adverse impacts on either archaeological or historical resources. Should the potential for an individual development project to have such an impact, that project would be subject to further environmental review.

(3) The revised Housing Element does not propose or entitle new development. Individual residential projects that may be proposed in the future could have adverse impacts on buildings greater than 50 years old. Should the potential for an individual development project to have such an impact, that project would be subject to further environmental review.

(4) The revised Housing Element does not propose or entitle new development. Individual residential projects that may be proposed in the future could have adverse impacts on cultural resources on Modesto’s Designated Landmark Preservation list or that are on or are eligible for listing on the California Register of Historical Resources. Should the potential for an individual development project to have such an impact, that project would be subject to further environmental review.

(5) The revised Housing Element proposes no changes in either the number or location of residential dwellings that can be built as described in the 2008 Urban Area General Plan. As such, the revised Housing Element represents no change in potential impacts to archaeological resources, as compared to the 2008 Urban Area General Plan.
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 MEIR mitigation will be applied to the proposed 2009 Housing Element. 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:
INCREASED DEMAND FOR STORM DRAINAGE

(1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan. X No Mitigation Needed

(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. X No Mitigation Needed

(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. X No Mitigation Needed

Discussion:

(1) The proposed project is an update to the existing 2003 Housing Element of the 2008 Urban Area General Plan. The demographic information contained in the 2003 Housing Element and a catalog of current residential development opportunities is contained in the revised Housing Element. Therefore, the revised Housing Element continues to be consistent with storm water drainage policies in the 2008 Urban Area General Plan. Any development proposals that do not comply with policies in the Urban Area General Plan are subject to further environmental review.

(2) Because the proposed 2009 Housing Element does not change the locations or quantity of land that can accommodate residential development, the 2009 Housing Element would create no changes in the rate or quantity of runoff or polluted runoff, as compared to the development expected in the 2008 Urban Area General Plan.

(3) The proposed 2009 Housing Element does not entitle any residential development projects. Each development project must be evaluated when it is submitted for review to the City of Modesto to determine whether it is consistent with City storm water drainage policies.
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 MEIR mitigation will be applied to the proposed 2009 Housing Element. 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>FLOODING AND WATER QUALITY</th>
<th>Additional Mitigation Needed</th>
<th>Significant Impact with Mitigation</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>X</td>
<td>□</td>
</tr>
<tr>
<td>(2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.</td>
<td>X</td>
<td>□</td>
</tr>
<tr>
<td>(3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.</td>
<td>X</td>
<td>□</td>
</tr>
</tbody>
</table>

City of Modesto
General Plan Master EIR

Initial Study EA No. 2009-24
January 2011
The proposed project would place structures 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.

The proposed project does not comply with Modesto’s Guidance Manual for New Development Storm Water Quality Control Measures.

The proposed project would violate water quality standards or waste discharge requirements.

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.

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.

Discussion:

The proposed project is an update to the existing 2003 Housing Element of the 2008 Urban Area General Plan. The demographic information contained in the 2003 Housing Element and a catalog of current residential development opportunities is contained in the revised Housing Element. Therefore, the revised Housing Element is consistent with flooding and water quality policies in the 2008 Urban Area General Plan. Any development proposals that do not comply with policies in the Urban Area General Plan are subject to further environmental review.

The proposed 2009 Housing Element updates the demographic information in the 2003 Housing Element and catalogs existing residential development potential. No changes to the location or quantity of housing are proposed, thus the proposed project is consistent with the 2008 Urban Area General Plan and with applicable water quality regulations.

The proposed 2009 Housing Element catalogs existing residential development potential. There are no changes to the location or quantity of potential residential development, as compared to the 2008 Urban Area General Plan, so there is no additional flooding impact on housing.

The proposed project does not alter the residential development pattern or density assumed in the 2008 Urban Area General Plan. No additional impacts on floodwater drainage are anticipated.

The proposed 2009 Housing Element does not create entitlements for new development. Individual residential development projects will be evaluated by the City as they are proposed to determine whether they comply with the City’s storm water quality policies.

No entitlements or specific development project are associated with the 2009 Housing Element. Individual residential development project will be evaluated by the City as they are proposed to determine whether they comply with water quality standards and waste discharge requirements.
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 MEIR mitigation will be applied to the proposed 2009 Housing Element. 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:
### INCREASED DEMAND FOR PARKS AND OPEN SPACE

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Additional Mitigation Needed</th>
<th>Significant Impact with Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No</td>
<td>X</td>
<td>□</td>
</tr>
<tr>
<td>2</td>
<td>No</td>
<td>X</td>
<td>□</td>
</tr>
<tr>
<td>3</td>
<td>No</td>
<td>X</td>
<td>□</td>
</tr>
</tbody>
</table>

#### Discussion:

1. No new development is proposed as part of the draft 2009 Housing Element. No impacts on parks or open space will result from adoption of the project, which is consistent with the 2008 Urban Area General Plan.
2. No changes are proposed in the locations of potential residential development, as compared to the assumptions in the 2008 Urban Area General Plan. No new impacts will occur.
3. The revised Housing Element makes no changes to the locations of residential development assumed to occur as part of the 2008 Urban Area General Plan. Impacts on parks and other recreational facilities disclosed in the Master EIR would not change as a result of the 2009 Housing Element. Should any programs in the Housing Element be implemented in such a way that greater impacts on parks and recreation could occur, further environmental review will be required.

### 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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>INCREASED DEMAND FOR SCHOOLS</th>
<th>Additional Mitigation with Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>Significant Impact</td>
</tr>
</tbody>
</table>

(1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan. X □ □

(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. X □ □

Discussion:

(1) The proposed project makes no changes to the numbers of dwelling units or development patterns established in the 2008 Urban Area General Plan. The draft Housing Element is consistent with the schools policies in the Urban Area General Plan.

(2) Because the draft Housing Element is not an entitlement project, no SB 50/Proposition 1A funding is associated with it. No new impact will occur. School mitigation fees are collected by the affected school district before the City issues a building permit.
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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>INCREASED DEMAND FOR POLICE SERVICES</th>
<th>Additional Mitigation Needed</th>
<th>Significant Impact with Mitigation</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>X</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>X</td>
<td></td>
</tr>
</tbody>
</table>


Discussion:

(1) The draft 2009 Housing Element makes no changes in the development pattern or number of potential dwelling units in Modesto and is consistent with the assumptions in the 2008 Urban Area General Plan. As such, it is consistent with policing policies in the Urban Area General Plan and Master EIR.

(2) Because the proposed project makes no changes to the development pattern assumed in the 2008 Urban Area General Plan, there is no increase in the demand for police facilities and no impact on response times or other policing performance standards.

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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>(1)</th>
<th>The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.</th>
<th>X</th>
<th>No</th>
<th>Mitigation Needed</th>
<th></th>
<th>No</th>
<th>Significant Impact with Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2)</td>
<td>The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.</td>
<td>X</td>
<td>No</td>
<td>Mitigation Needed</td>
<td></td>
<td>No</td>
<td>Significant Impact with Mitigation</td>
</tr>
<tr>
<td>(3)</td>
<td>The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services.</td>
<td>X</td>
<td>No</td>
<td>Mitigation Needed</td>
<td></td>
<td>No</td>
<td>Significant Impact with Mitigation</td>
</tr>
</tbody>
</table>

**Discussion:**

(1) The draft 2009 Housing Element makes no changes in the development pattern or number of potential dwelling units in Modesto and is consistent with the assumptions in the 2008 Urban Area General Plan. As such, it is consistent with fire protection policies in the Urban Area General Plan and Master EIR.

(2) Because the proposed project makes no changes to the development pattern assumed in the 2008 Urban Area General Plan, there is no increase in the demand for fire protection facilities and no impact on response times or other performance standards.

(3) Stanislaus County has indicated a concern that the Housing Element (see Appendix J of the Housing Element) would be accompanied by or implemented by annexations/detachments from some fire protection districts to the City of Modesto and the Modesto Fire Department, with, in the County's opinion, a potentially adverse impact on the financial solvency of the relevant fire protection district(s). The City of Modesto received similar comments from the County, the Salida Fire Protection District, the Consolidated Fire Protection District, and the Stanislaus County Local Agency Formation Commission in response to the Master Environmental Impact Report for the 2008 Urban Area General Plan update (SCH #2007072023), from which this Finding of Conformance is tiered.

In order to meet its Regional Housing Needs Allocation, the City of Modesto has relied on both infill sites and sites in the Planned Urbanizing Area, which are expected to be annexed to the City and be developed. Infill development will have no fiscal impact on fire protection service in the unincorporated portion of Stanislaus County. Regarding the annexation to the City and development of land in unincorporated Stanislaus County, the City noted in Master Response #1—Fire Protection Districts (2008 Urban Area General Plan Final Master EIR) that it is the policy of the City to plan and develop large areas (community planning districts or a portion) within the Planned Urbanizing Area using specific plans (Government Code Section 65450 et seq). The City's policy for the establishment of specific plans includes the preparation of an infrastructure master plan and a finance master plan, which present more specific information about infrastructure and service needs, needed funding, and the financing mechanism. Each specific plan will be subject to environmental review before it may be adopted, which will allow a project-specific analysis to be prepared using the most current information available."

In other words, future development proposals in the Planned Urbanizing Area will be subject to planning and environmental review prior to annexation. When that more detailed work occurs, the potential impacts of the future proposal will be evaluated in light of the information available at that time. By itself, a loss of revenue is not a physical impact subject to CEQA.
The Housing Element, which is Chapter IV of the Urban Area General Plan, is being updated as required by State law; it is not a development proposal, but an inventory of sites and updated demographic information.

Because the updated Housing Element will result in no changes to the development pattern, densities, or location of future development assumed in the 2008 Urban Area General Plan, no new or additional impact on fire protection services either in unincorporated Stanislaus County or in the City of Modesto will occur as a result of the proposed 2009 Housing Element, as compared to that evaluated in the 2008 Urban Area General Plan Master EIR.

Finally, the City of Modesto entered into a Joint Powers Agreement with Stanislaus County and the Salida Fire Protection District on January 11, 2011, to provide fire protection services in the Modesto area. Other fire protection districts were approached, but declined to enter into the agreement with the identified parties.

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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

**Significance Criteria:** Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:
<table>
<thead>
<tr>
<th>GENERATION OF SOLID WASTE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>(1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.</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>
</tr>
</tbody>
</table>

Discussion:

(1) The proposed 2009 Housing Element updates the demographic data contained in the 2003 Housing Element and catalogs residential development opportunities throughout the City and in portions of the Sphere of Influence. Development anticipated by the 2009 Housing Element is consistent with that anticipated in the 2008 Urban Area General Plan and future development must comply with the applicable policies enumerated in the General Plan. Should a future development project not comply with General Plan policies, it would be subject to further environmental review.

(2) Because the proposed Housing Element does not increase the amount of development anticipated to occur in Modesto, there will be no impacts on solid waste disposal capacity, as compared to the impacts disclosed in the 2008 Urban Area General Plan Master EIR.
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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>GENERATION OF HAZARDOUS MATERIALS</th>
<th>Additional Mitigation Needed</th>
<th>Significant Impact with Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.

Discussion:

1. The proposed project will have no impact on the hazardous materials policies in the 2008 Urban Area General Plan because the proposed 2009 Housing Element only updates demographic information in the 2003 Housing Element and catalogs potential residential development throughout the City.

2. Hazardous materials are not normally associated with residential development beyond the expected use of various household hazardous materials, such as cleaning chemicals, pesticides and herbicides for domestic use, batteries for domestic appliances, and similar materials. No increase in the quantity of domestic hazardous materials will result from the proposed project.

3. None of the potential sites available for residential development is known to the State of California to be a hazardous materials site.

4. None of the potential sites available for residential development is known to the State of California to be contaminated.

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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.
c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>GEOLOGY, SOILS, AND MINERAL RESOURCES</th>
<th>Additional Mitigation Needed</th>
<th>Significant Impact with Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>2. The proposed project would expose people or structures to potential substantial adverse effects including the risk off loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Discussion:

1. The proposed revision of the Housing Element creates no new development entitlements or proposes development projects. Consequently, the project is consistent with the geological policies in the 2008 Urban Area General Plan.

2. No changes in either the location or number of potential dwelling units are proposed as part of the project. Rather, the project updates demographic information in the 2003 Housing Element and catalogs the locations at which residential development may occur, consistent with the assumptions in the 2008 Urban Area General Plan. The project will have no impact on geological hazards or mineral resources.
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 MEIR mitigation will be applied to the proposed 2009 Housing Element. 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>ENERGY</th>
<th>Additional Mitigation Needed</th>
<th>Significant Impact with Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>X</td>
<td>[ ]</td>
</tr>
<tr>
<td>(2)</td>
<td>X</td>
<td>[ ]</td>
</tr>
</tbody>
</table>
Discussion:

(1) The proposed project will have no impact on the energy policies in the 2008 Urban Area General Plan because the proposed 2009 Housing Element only updates demographic information in the 2003 Housing Element and catalogs potential residential development throughout the City.

(2) No more energy will be used, as compared to that assumed in the 2008 Urban Area General Plan, if the proposed revised 2009 Housing Element is adopted. No changes in the residential development pattern or quantity will occur. Should any program in the proposed 2009 Housing Element be implemented in such a manner that increases the amount of energy likely to be used when development occurs, further environmental review will be necessary.

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 MEIR mitigation will be applied to the proposed 2009 Housing Element. 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:
EFFECTS ON VISUAL RESOURCES

| (1) | The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan. | X  | No Mitigation Needed |  
| (2) | The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan. | X  | No Mitigation Needed |  
| (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. | X  | No Mitigation Needed |  

Discussion:

(1) The proposed project will have no impact on the visual resources policies contained in the 2008 Urban Area General Plan because the proposed 2009 Housing Element simply updates demographic information in the 2003 Housing Element and catalogs potential residential development throughout the City.

(2) The proposed Housing Element would add no residential development adjacent to the Tuolumne River and Dry Creek, as compared to the development assumptions in the 2008 Urban Area General Plan and Master EIR, and so would have no effect on views from those waterways and the abutting parks.

(3) The proposed Housing Element would add no residential development adjacent to the Tuolumne River and Dry Creek, as compared to the development assumptions in the 2008 Urban Area General Plan and Master EIR, and thus would have no effect on views of Dry Creek and Tuolumne River.

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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>LAND USE AND PLANNING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>(1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.</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>
</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>
</tr>
<tr>
<td>(4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.</td>
</tr>
</tbody>
</table>

Discussion:

(1) The revised Housing Element reflects the location and density of residential development described in the 2008 Urban Area General Plan, and within the bounds of the Urban Area General Plan’s land use categories identifies specific properties on which residential development is expected to occur.

(2) The proposed 2009 Housing Element reflects the existing opportunities for residential development in Modesto as presented more generally in the 2008 Urban Area General Plan. There is no new component of the Housing Element that would have the effect of dividing or creating barriers between established communities.

(3) Because the proposed 2009 Housing Element is essentially a catalog of residential development opportunities generally described in the 2008 Urban Area General Plan, it is consistent with the Urban Area General Plan and with all the various land use policies and regulations contained in it.

(4) There are no habitat conservation plans or natural community conservation plans in or around Modesto, therefore no impact on such plans is anticipated to occur as a result of the 2009 Housing Element.
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 MEIR mitigation will be applied to the proposed 2009 Housing Element. 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:
### CLIMATE CHANGE

<table>
<thead>
<tr>
<th></th>
<th>No</th>
<th>Additional Mitigation Needed</th>
<th>Significant Impact with Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>X</td>
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<td>2</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.

(2) The proposed project would result in average automobile trip lengths or CO₂ emissions higher than those assumed in the Master EIR.

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

**Discussion:**

(1) The updated Housing Element would have no effect on climate change policies in the 2008 Urban Area General Plan. The Housing Element simply catalogs residential development opportunities in the 2008 Urban Area General Plan and updates demographic information in the 2003 Housing Element.

(2) The proposed 2009 Housing Element would result in no change to trip lengths, vehicle miles traveled, or CO₂ emissions as disclosed in the Master EIR for the 2008 Urban Area General Plan because it reflects the location and quantity of residential development opportunities established in the Urban Area General Plan.

(3) StanCOG, the Metropolitan Planning Organization responsible for preparing a Sustainable Communities Strategy for Stanislaus County, has not yet prepared the SCS nor submitted an SCS to the Air Resources Board for approval.
V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

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

A. Master EIR Mitigation Measures Applied to the Project

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

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

B. New or Additional Mitigation Measures or Alternatives Required

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

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

Traffic and Circulation:
None

Degradation of Air Quality:
None

Generation of Noise:
None

Effects on Agricultural Lands:
None

Increased Demand for Long-Term Water Supplies:
None
Increased Demand for Sanitary Sewer Services:
None

Loss of Sensitive Wildlife and Plant Habitat:
None

Disturbance of Archaeological/Historic Sites:
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

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

WHEREAS, on August 15, 1995, the City Council, by Resolution No. 95-409, approved a new General Plan for the City of Modesto entitled "City of Modesto Urban Area General Plan", and


WHEREAS, Government Code Section 65358 permits the amendment of General Plans by the legislative body, and

WHEREAS, the City of Modesto has applied for an amendment to the General Plan to replace the 2003 – 2008 Housing Element with the 2009 – 2014 Housing Element, Chapter IV of the General Plan, and

WHEREAS, the Community & Economic Development Department has analyzed the proposed amendment and concluded that it is within the scope of the Master EIR, and
WHEREAS, on February 28, 2011, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, relating to this proposed amendment to the Modesto Urban Area General Plan to replace the Housing Element, Chapter IV, and

WHEREAS, after said public hearing, the Planning Commission, by Resolution No. 2011-03, recommending to the City Council an amendment to the Modesto Urban Area General Plan to approve the 2009 – 2014 Housing Element replacing the 2003 – 2008 Housing Element, Chapter IV of the General Plan, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on June 28, 2011, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the Modesto Urban Area General Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban General Plan as described in Exhibit “A”, attached hereto and incorporated herein by reference, is required for the public health, safety, and welfare of the citizens of Modesto.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the proposed amendment to the Modesto Urban Area General Plan is consistent with the Master EIR (SCH No. 2007072023) and has been adequately analyzed by the Master EIR.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves the proposed amendment to the Urban Area General Plan as described in Exhibit “A”, attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of the Community and Economic Development Department is hereby authorized and directed to forward certified copies of this resolution and said amendment to the Urban Area General Plan to the Board of Supervisors, and file a Notice of Determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 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]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
EXHIBIT A

City of Modesto Housing Element (2009-2014)

A COPY OF THE 354 PAGE EXHIBIT A IS ON FILE IN THE MODESTO CITY CLERK’S OFFICE
RESOLUTION APPROVING MINOR AMENDMENTS TO THE CITY OF MODESTO URBAN AREA GENERAL PLAN

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

WHEREAS, a new General Plan for the City of Modesto entitled "City of Modesto Urban Area General Plan", as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 95-409 on August 15, 1995, and


WHEREAS, Government Code Section 65358 permits the amendment of General Plans by the legislative body, and

WHEREAS, the City of Modesto has applied for an amendment to the Urban Area General Plan to update the Urban Area General Plan pursuant to Assembly Bill 162 (2007) with respect to hazard plans and groundwater recharge at a date no later than the adoption of the 2009 – 2014 Housing Element; update the Urban Area General Plan pursuant to Senate Bill 5 (2007) relating to flood risks in the Central Valley; make necessary amendments to the Urban Area General Plan to support the location of
passenger rail in downtown Modesto as directed by City Council at its regularly scheduled meeting of January 12, 2010; amend the Urban Area General Plan to include a policy supporting the preparation of transportation corridor studies and to plan for "complete streets;" and make minor text amendments to clarify the language in the Urban Area General Plan, and

WHEREAS, the Community & Economic Development Department has analyzed the proposed amendment and concluded that it is not a project as defined by Section 15378 of the California Code of Regulations and is therefore not subject to review under the California Environmental Quality Act, and

WHEREAS, on February 28, 2011, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, relating to this proposed minor amendment to the Modesto Urban Area General Plan, and

WHEREAS, after said public hearing, the Planning Commission adopted Resolution No. 2011-04, recommending to the City Council a minor amendment to the Modesto Urban Area General Plan, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on June 28, 2011, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed minor amendments to the Modesto Urban Area General Plan,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendments to the Modesto Urban General Plan as described in Exhibit “A”, attached hereto and incorporated herein by reference, are required for the public health, safety, and welfare of the citizens of Modesto.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the proposed amendments to the Modesto Urban Area General Plan are consistent with the Final Master Environmental Impact Report for the Urban Area General Plan (SCH No. 2007072023) and have been adequately analyzed by the Master Environmental Impact Report.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves the proposed amendments to the Modesto Urban Area General Plan as described in Exhibit “A”, attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of the Community and Economic Development Department is hereby authorized and directed to forward certified copies of this resolution and said amendments to the Urban Area General Plan to the Board of Supervisors.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

ATTEST: 

STEFHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By:

SUSANA ALCALA WOOD, City Attorney
The following text and exhibits represent the proposed amendments to the 2008 Urban Area General Plan. Revisions appear in italics and strikethrough. Page numbers and policies reference the Urban Area General Plan.

Chapter III, Community Development Policies

- Replace outdated text as follows (page III-1):

The Housing Element of the Urban Area General Plan identifies future housing need and the approach to meeting those needs. Chapter 6 of the 2004 Housing Element is the Housing Plan, which contains a variety of goals, objectives, policies, and programs intended to achieve a high-quality, balanced housing stock that will meet the needs of existing and future citizens of Modesto. Goal 4 of the Housing Plan is intended to ensure that land use and zoning procedures accommodate housing. Program 4.1 implements Goal 4 by ensuring there is an adequate inventory of sites available for housing. Expected locations for affordable housing and number of expected dwelling units are shown in Chapter 4 and Appendices A, B, C, and D of the Housing Element (Chapter IV of the General Plan).

In order to implement Program 4.1 of the 2004 Housing Element (page 6-19 of the Housing Element), at least 15 percent of the residentially designated areas in the Planned Urbanizing Area shall be planned for multi-family development, at an average of 22 units per acre. Residentially designated areas do not include land planned for commercial or industrial uses. Program 4.1 applies equally to property within City limits and within the City's Sphere of Influence. Additionally, Map A-1 in the Housing Element identifies sites for which the potential exists to add multi-family residential development and on which such development should be considered. These sites lie within the Baseline Developed Area and the Planned Urbanizing Area.

- Clarify language regarding design guidelines

Policy III.C.1.h (page III-12):
Establish and maintain an orderly and compatible land use pattern. Evaluate land use compatibility, design compatibility, and the compatibility of lot size and configuration where new development is proposed within or adjacent to established neighborhoods, as well as noise, traffic, and other environmental hazards, when making land use decisions.

Chapter V, Community Services and Facilities

- Section B, add complete streets text and policy

Section 1, page V-2, insert sixth paragraph:
The California Complete Streets Act (AB 1358) was signed into law in 2008. This law requires that cities and counties modify the general plan's circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways in a manner that is suitable to the context of the general plan and consider how appropriate accommodation varies depending upon its transportation and land use context.
Section 1, page V-2, seventh paragraph:
Transportation modes in Modesto currently include pedestrian, bicycle, bus, two- and four-wheel private motor vehicles, trucks, freight and passenger rail, emergency vehicles, and air (addressed in Section V-F. Community Facilities – Modesto City-County Airport). Each mode has its own requirements, but mode choice and route choice are generally made considering speed, efficiency, comfort, and safety. When transportation decisions are made, tradeoffs that encourage or promote one mode or route to the disadvantage of another mode or route should be considered evaluated in light of AB 1358.

Section 2, page V-2, add goal:

b. The circulation element should be updated to allow the citizens of Modesto to effectively travel by foot, bicycle, and transit to reach important destinations in Modesto and the region. The City should view all transportation improvements, whether new or retrofit, as opportunities to improve safety, access, and mobility for all travelers and recognize bicycle, pedestrian, and transit modes as integral elements of the transportation system, the promotion of which will help the City achieve important financial and air quality objectives. The standard practice should be to construct complete streets while prioritizing project selection and project funding to accelerate development of a balanced, multimodal transportation network that allows residents to choose a variety of modes.

Section B, add corridor planning policy

Policy V.B.2.a, page V-2:
The purpose of transportation and the circulation system is to move people and goods safely, conveniently, and efficiently. The transportation and circulation systems should be designed to make transportation safe and convenient for all users.

In order to implement this goal, the City shall consider preparing corridor (e.g. SR 108/McHenry Avenue, SR 132/Yosemite Boulevard, Crows Landing Road, Paradise Road, SR 132/9th Street) planning studies. Corridor studies focus on the interaction between land use and transportation and identify the mix of investments in transportation improvements (pedestrian, bicycle, bus, rail, automobile) and land uses that would most effectively move people and goods in the context of existing and planned development. The guiding principle of transportation planning is that new transportation investments should reinforce existing travel patterns. Corridor studies should follow this principle and consider the "4 D's" of transportation: density, diversity (of land use), design, and destination accessibility. Studies may include the following elements: number of motor vehicle travel and turn lanes, transit accommodation, safe bicycle and pedestrian accommodation, median refuges and raised medians, land use designations, standards for developing land fronting on and adjacent to corridors, and others as determined appropriate.

Section B, amend existing policies to facilitate a downtown passenger rail station

Policy V.B.6.k, page V-9
Transportation is a local, regional, and interregional issue. Effective improvements to the transportation system depend on the multijurisdictional cooperative efforts of multiple agencies beyond the City of Modesto, such as the State of California, the California High Speed Rail Commission, the San Joaquin Regional Rail Commission, the Stanislaus Council of
Governments, Stanislaus County, various transit agencies, and adjacent cities and counties. The City of Modesto has entered into a Memorandum of Understanding (City Council Resolution 2010-056) to engage in a planning process with the California High Speed Rail Authority, recognizing local, regional, and statewide needs for regional and high-speed rail service in a shared service corridor and has received grant funding to plan for a passenger rail station in downtown.

Land use and transportation are inextricably connected. They must be coordinated so that future development and transportation services will be balanced with each other. The land use and transportation policies in this Plan reflect this relationship.

Modesto is the multi-modal hub of Stanislaus County, providing access to all major travel modes, including highways, transit, rail, and air transport systems. As such, Downtown Modesto should be the site of the passenger rail station, which is consistent with the California High Speed Rail Authority’s service goals. The eventual design of the station should incorporate Landmark 19, the Southern Pacific Transportation Center and be compatible with its architecture.

The City shall encourage the effort to make a safe, efficient, and effective rail service possible by increasing the frequency, speed, and comfort of its passengers. The City recognizes and encourages a safe and convenient interface among rail, transit, automobile, and non-motorized traffic. The following forms of rail services are particularly encouraged:

Revise paragraph 2 to read,

Inter-regional Rail Service. The City supports the extension of the Altamont Commuter Express (ACE) through the northern San Joaquin Valley and advocates its routing through and a station in downtown Modesto. The City also supports the rerouting of San Joaquin rail service to provide service to the downtown area and the intermodal facilities and creation of passenger commute rail service from Modesto to San Joaquin County and over the Altamont Pass to the Bay Area.

Revise paragraph 4 to read,

High Speed Rail. The City encourages and supports and advocates the development of high-speed rail corridor through the San Joaquin Valley and the development of a high-speed rail station in downtown within the City.

Revisions to satisfy the requirements of Assembly Bill 162 and Senate Bill 5

Section C. Water
Add a new figure (Figure V-3-1a and V-3-1b) showing groundwater recharge areas in the sphere of influence.

Insert new text following first paragraph on page V-16 to read,

Figures V-3-1a and V-3-1b illustrate areas within and near the City’s Sphere of Influence suitable for groundwater recharge. These figures also show areas that may be suitable for stormwater management.
Chapter VI, Public Safety Issues

- Revisions to satisfy the requirements of Assembly Bill 162 and Senate Bill 5

Add Figures VI-2-1a and VI-2-1b with new state preliminary flood maps.

Amend text in Section VI.C.2 on page VI-4 to read,

*The Department of Water Resources has prepared the Preliminary 200-Year Floodplain Maps, displayed for informational purposes in the Urban Area General Plan as Figures VI-2.a and VI-2.b. The Federal Emergency Management Agency’s (FEMA) 100-year floodplain map, shown as Figure VI-2, is used by Modesto as the official floodplain map. When the Department of Water Resources finalizes its 200-Year Floodplain Maps and related policies, Figures VI-2.a and VI-2.b may become the official floodplain map.*

The newly-formed Central Valley Flood Protection Board (Board) is responsible for flood protection in the Sacramento and San Joaquin Rivers, their tributaries, and related areas. The flood hazard zone policies below and included here for information, which are intended to protect life and property, may be implemented following the adoption of a flood protection plan in accordance with State law. Current State laws will be implemented with respect to development in floodplains.

When development is proposed on parcels located within any “Flood Potential Study Area” shown on Figure VI-2, the following policies apply:
Figure V-3-1a

Urbanized Area Stormwater Recharge Rates

- High
- Low

Modesto Incorporated Area
Modesto Sphere of Influence

January 25, 2010
Figure VI-2.a Flood Potential Diagram

Preliminary 100- and 200-Year Floodplains Based Upon Best Available Data

LEGEND
- Project Levee Centerline
- Non-Project Levee Centerline
- River/Stream Centerline
- Sacramento-San Joaquin Valley Boundary
- County Boundary
- 100-Year Composite Floodplains
- FEMA Effective Floodplains
- Other Available Floodplain Data
- 200-Year Composite Floodplains
- Available Floodplain Data

State of California
Department of Water Resources
August 20, 2008

PAGE: 03
STANISLAUS COUNTY
Figure VI-2.b Flood Potential Diagram

Preliminary 100- and 200-Year Floodplains Based Upon Best Available Data

LEGEND

- Project Levee Centerline
- Non-Project Levee Centerline
- River/Stream Centerline
- Bay/Estuary/San Joaquin
- Valley Boundary
- County Boundary
- 100-Year Composite Floodplains
- FEMA Effective Floodplains
- Other Available Floodplain Data
- 200-Year Composite Floodplains

STANISLAUS CO

State of California
Department of Water Resources
August 20, 2008

PAGE 63
STANISLAUS COUNTY
RESOLUTION APPROVING ADJUSTMENTS TO THE MAXIMUM RATE SCHEDULE FOR CITY RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL SOLID WASTE COLLECTION SERVICES, TO BECOME EFFECTIVE JULY 1, 2011, AND RESCINDING RESOLUTION NO. 2011-092

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

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

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

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

WHEREAS, the City conducted an analysis using the audited financial statements provided by the garbage haulers, supplemental data provided by the garbage haulers, and fuel price information and forecast prices developed by the United States Department of Energy, and

WHEREAS, staff has adjusted the fuel component of the maximum rates and has incorporated the fuel component adjustment into the schedule of Maximum Charges for
Garbage Service attached hereto, marked Exhibit “1” and incorporated herein by reference, and

WHEREAS, on November 25, 2008, by Resolution No. 2008-650, the Council approved the assessment of an AB 939 Green Waste Diversion fee that would be assessed on a per ton basis on residential, commercial bin, and drop box wastes generated in the City of Modesto, and

WHEREAS, on April 12, 2010, the Economic Development Committee approved sending a recommendation to the Council for a two-step increase in the AB 939 Green Waste Diversion fees in order to purchase green waste collection equipment that complies with the California Air Resources Board’s (CARB) emissions regulations, and

WHEREAS, the Committee recommended that the fee on wastes from residential sources be increased to $1.48 per month, the fee on wastes from commercial bins be increased to $2.64 per cubic yard per month, and the fee on wastes from industrial bins be increased to $8.48 per ton in order to fund the purchase of CARB compliant green waste collection equipment, and

WHEREAS, the Committee further recommended that an additional increase in the fees in the same amounts occur in July 2011, and

WHEREAS, these fee increases are to be implemented at the time of the annual maximum rate review, and

WHEREAS, with the second step of the increases, the fee on wastes from residential sources will be increased to $1.63 per month, the fee on wastes from commercial bins will be increased to $2.92 per cubic yard per month, and the fee on
wastes from industrial bins will be increased to $8.56 per ton in order to fund the purchase of CARB compliant green waste collection equipment, and

WHEREAS, on December 4, 2007, by Resolution No. 2007-729, the Council approved the assessment of a Carpenter Road Landfill Mitigation fee on the collection companies, for the purpose of mitigating the groundwater impacts of garbage placed in the landfill by the collection companies, and

WHEREAS, the fee on residential wastes generates the majority of the revenues for mitigation, and

WHEREAS, staff has reviewed the Landfill Mitigation Fund balances, and has determined that the Fund balances appear to be adequate to allow for a reduction in the fees charged on residential wastes while ensuring that there is adequate ongoing funding for mitigation work, and

WHEREAS, staff is proposing that the mitigation fees on residential wastes be reduced from the present $0.50 to $0.25, and that staff will reevaluate the fees and revenues at the next annual rate review and will bring back a recommendation, if warranted, as to possible future reductions to the fees charged on wastes from commercial bins and drop boxes, and

WHEREAS, the above noted fees and charges to the collection companies have been incorporated into the recommended schedules of maximum rates shown as Exhibit 1 hereto, and

WHEREAS, a report dated June 7, 2011, from the Parks, Recreation and Neighborhoods Department, a copy of which is on file in the office of the City Clerk, sets forth said recommendations, and
WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 p.m. on June 28, 2011, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto California, at which date and time a duly noticed public hearing was held at said time and place, at which time evidence, both oral and documentary, was received and considered, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Maximum Charges for Garbage Service as attached hereto, marked Exhibit “1” and incorporated herein by reference. Said Maximum Charges for Garbage Service includes twice-a-year bulky item pickup for residential customers and all other residential services as stipulated in the Service Agreements and shall become effective July 1, 2011, and shall remain in effect until revised by Council.

BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 2011-092 is hereby rescinded, effective July 1, 2011.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2011, by Councilmember Geer, who moved its adoption, which motion being duly seconded by Mayor Ridenour, 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
MAXIMUM CHARGES FOR GARBAGE SERVICE

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

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

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

1. **Standard container service** –
   a. The maximum rate for new sign ups for service or changes in service that occur after July 1, 1996, shall be **$24.70 per month** regardless of size of container. A fuel component of $1.22 per month is included in the maximum rate for the quarter beginning July 1, 2011 and ending September 30, 2011. The fuel component may be adjusted quarterly.
   b. The maximum rate for each additional garbage container shall be **$18.41 per month, and $9.93 per month** for each additional green waste container.

2. **60-gallon container service (grandfathered customers)** –
   a. The maximum rate for customers with 60-gallon containers who subscribed to service at an address prior to July 1, 1996 and who have not changed their service address shall be **$20.76 per month**. A fuel component of $1.22 per month is included in the maximum rate for the quarter beginning July 1, 2011 and ending September 30, 2011. The fuel component may be adjusted quarterly.
   b. The maximum rate for each additional 60-gallon garbage container shall be **$17.96 per month**.

3. **Fuel Component adjustments** - The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October 1/April-June; January 1/July-September; April 1/October-December. Average prices shall be determined based on published prices for California from the Department of Energy, Energy Information Agency.
DETACHABLE CONTAINERS
Maximum Monthly Rates

<table>
<thead>
<tr>
<th>Container Size</th>
<th>1 CY</th>
<th>2 CY</th>
<th>3 CY</th>
<th>4 CY</th>
<th>5 CY</th>
<th>6 CY</th>
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<tr>
<td>1 CY</td>
<td>$29.40</td>
<td>$58.80</td>
<td>$88.20</td>
<td>$117.60</td>
<td>$147.00</td>
<td>$176.40</td>
</tr>
<tr>
<td>2 CY</td>
<td>$58.80</td>
<td>$117.60</td>
<td>$176.40</td>
<td>$235.20</td>
<td>$294.00</td>
<td>$352.80</td>
</tr>
<tr>
<td>3 CY</td>
<td>$88.20</td>
<td>$176.40</td>
<td>$264.60</td>
<td>$352.80</td>
<td>$441.00</td>
<td>$529.20</td>
</tr>
<tr>
<td>4 CY</td>
<td>$117.60</td>
<td>$235.20</td>
<td>$352.80</td>
<td>$470.40</td>
<td>$588.00</td>
<td>$705.60</td>
</tr>
<tr>
<td>5 CY</td>
<td>$147.00</td>
<td>$294.00</td>
<td>$441.00</td>
<td>$588.00</td>
<td>$735.00</td>
<td>$882.00</td>
</tr>
<tr>
<td>6 CY</td>
<td>$176.40</td>
<td>$352.80</td>
<td>$529.20</td>
<td>$705.60</td>
<td>$882.00</td>
<td>$1,058.40</td>
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</table>

FORK Participants Container Maximum Rates

<table>
<thead>
<tr>
<th>Container Size</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 CY</td>
<td>$44.10</td>
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<td>$132.30</td>
<td>$176.40</td>
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<tr>
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<td>$198.45</td>
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<td>$330.75</td>
<td>$396.90</td>
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<tr>
<td>4 CY</td>
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<td>$176.40</td>
<td>$264.60</td>
<td>$352.80</td>
<td>$441.00</td>
<td>$529.20</td>
</tr>
<tr>
<td>5 CY</td>
<td>$110.25</td>
<td>$220.50</td>
<td>$330.75</td>
<td>$441.00</td>
<td>$551.25</td>
<td>$661.50</td>
</tr>
<tr>
<td>6 CY</td>
<td>$132.30</td>
<td>$264.60</td>
<td>$396.90</td>
<td>$529.20</td>
<td>$661.50</td>
<td>$793.80</td>
</tr>
<tr>
<td>90-gallon</td>
<td>$18.53</td>
<td>$37.05</td>
<td>$55.58</td>
<td>$74.10</td>
<td>$92.63</td>
<td>$111.15</td>
</tr>
</tbody>
</table>

1. **Weekly rental/Detachable Containers** - Shall not exceed the rate for 1 pickup per week for each size container.

2. **Fuel Component** - A fuel component of $1.06 per cubic yard per month ($0.24 per cubic yard) for a 1 cubic yard container collected once a week is included in the maximum rate for the quarter beginning July 1, 2011 and ending September 30, 2011. The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October/April-June; January 1/July-September; April 1/October-December. Average prices shall be determined based on published prices for California from the Department of Energy.

DROP BOX CONTAINERS

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

### Front Loader Type:

<table>
<thead>
<tr>
<th>Container Size</th>
<th>NUMBER OF COLLECTIONS PER WEEK</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td>3 CY</td>
<td>$264.60</td>
</tr>
<tr>
<td>4 CY</td>
<td>$352.80</td>
</tr>
<tr>
<td>6 CY</td>
<td>$529.20</td>
</tr>
</tbody>
</table>

### Roll-Off Type:

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

### EXTRA PICKUPS

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

### SPECIAL SERVICE CONDITIONS

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

### DETACHABLE CONTAINER ONLY

**REPLACEMENT AND CLEANING SERVICE**

<table>
<thead>
<tr>
<th>Container Size</th>
<th>Replacement Cost</th>
<th>Cleaning Service Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 CY</td>
<td>$10.12</td>
<td>$11.00</td>
</tr>
<tr>
<td>1½ CY</td>
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<td>$12.10</td>
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<tr>
<td>2 CY</td>
<td>$12.10</td>
<td>$15.40</td>
</tr>
<tr>
<td>3 CY</td>
<td>$15.40</td>
<td>$20.24</td>
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<tr>
<td>4 CY</td>
<td>$20.24</td>
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<tr>
<td>5 CY</td>
<td>$25.08</td>
<td>$29.92</td>
</tr>
<tr>
<td>6 CY</td>
<td>$29.92</td>
<td></td>
</tr>
</tbody>
</table>

### NOTATIONS

1. The above maximum rates include a $0.25 per month residential recycling fee; a $0.05 per cubic yard ($0.22/cubic yard/month) commercial recycling fee; and a $5.00 per pull ($0.25 per ton) industrial recycling fee; a $0.15 per month residential litter abatement fee, and a $0.05 per cubic yard ($0.22/cubic yard/month) commercial litter abatement fee.
2. The above residential maximum rates include a $1.63 per month per household AB 939 Green Waste Diversion Fee.
3. The above commercial bin and front-loader compactor maximum rates include an AB 939 Green Waste Diversion Fee of $2.92 per yard/month.
4. The above maximum rates include Carpenter Road Landfill Mitigation Fees of $0.25 per month on residential wastes, $0.21 per cubic yard ($0.90/cubic yard/month) on commercial wastes; and $5.00 per pull on industrial wastes.
5. Pursuant to Section 11-6.16(c)(2) of the Modesto Municipal Code, the garbage company may require a deposit equivalent to two (2) months service charge from customers prior to beginning service. The deposit will be credited back to the customer after 18 months under specified conditions.
RESOLUTION ESTABLISHING A CAPACITY BANKING APPLICATION FEE IN THE AMOUNT OF $400.00 PER TRANSACTION

WHEREAS, at the January 27, 2009, Council meeting, Ordinance No. 3503-CS entitled “Wastewater Permitted Capacity Banking and Transfer” was approved and added to Article 9, Chapter 6 of Title 5 of the Modesto Municipal Code, and

WHEREAS, under Section 5-6.907(e) of the Modesto Municipal Code, it indicates that “The City shall charge an application review and processing fee in an amount to be set by the City to recover direct cost,” and

WHEREAS, a Capacity Banking Application Fee (CBAF) is paid at the time of application for transfer of permanent capacity transfers, and

WHEREAS, in the past, there have not been any fees associated with the CBAF. Capacity transactions are labor intensive requiring historical review, calculations, and audits, and this CBAF will recover these costs, and

WHEREAS, City staff has determined that the CBAF should be $400.00 and should be charged for each application, and

WHEREAS, the CBAF recovers costs for Administrative and Management staff in the Public Works Department responsible for managing the Economic Incentive Wastewater Capacity Bank,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a capacity banking application fee in the amount of $400.00 per transaction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 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: 

STEVANIA LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA AECALA WOOD, City Attorney
RESOLUTION ESTABLISHING A CAPACITY BROKERING FEE IN THE AMOUNT OF $300.00 PER TRANSACTION

WHEREAS, at the January 27, 2009, Council meeting, Ordinance No. 3503-CS entitled “Wastewater Permitted Capacity Banking and Transfer” was approved and added to Article 9, Chapter 6 of Title 5 of the Modesto Municipal Code, and

WHEREAS, under Section 5-6.903, is the introduction of the Wastewater Treatment Capacity Banking (Bank) which allows the City, using purchased, donated or other transfers, to bank, transfer, sell, lend or otherwise distribute portions of permitted capacity to other industrial or commercial sewer customers, and

WHEREAS, Section 5-6.907 states, “The City shall charge an application review and processing fee in an amount to be set by the City to recover direct cost;” therefore, staff has determined that the Capacity Brokering Fee (CBF) should be $300.00.

WHEREAS, the CBF will be added to each invoice for transactions requiring the transfer of temporary capacity,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a capacity brokering fee in the amount of $300.00 per transaction.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 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
RESOLUTION APPROVING A LETTER OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY FIRE FIGHTERS' ASSOCIATION (MCFFA) WHICH INCLUDES OFFERING THE VOLUNTARY SEPARATION PROGRAM TO ELIGIBLE MCFFA-REPRESENTED EMPLOYEES AND FORFEITING THE THREE PERCENT (3%) WAGE INCREASE DUE JULY 5, 2011

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto City Fire Fighters' Association (MCFFA) expires on December 20, 2010, and was modified and extended pursuant to Resolution No. 2009-269 and Resolution No. 2010-263, and

WHEREAS, representatives of the CITY and the MCFFA have met and conferred in good faith concerning wages, hours, terms and conditions of employment for employees in said bargaining unit, and

WHEREAS, the CITY and MCFFA have reached agreement on a Letter of Understanding (LOU) which, upon execution, shall be attached hereto and made a part hereof, and

WHEREAS, the LOU provides as follows:

SECTION 1. TERMS. Except as modified in the LOU, all terms of the MOU and fully executed LOU's remain in full force and effect through the expiration of the MOU on June 30, 2013.

SECTION 2. VOLUNTARY SEPARATION INCENTIVE. The City shall offer eligible MCFFA-represented employees, as authorized by the City Manager, and who have been employed by the City for at least five (5) full years of continuous service in a regular position, the option of electing to participate in a Voluntary Separation Program.
The Voluntary Separation program will provide for a maximum Thirty Thousand Dollar ($30,000) incentive for eligible employees who voluntarily separate between July 12, 2011 and August 1, 2011. The incentive formula is calculated based on one week's base pay multiplied by the number of completed years of continuous service. Additionally, employees approved to separate between August 2 and December 31, 2011, will be subject to a maximum of Fifteen Thousand Dollars ($15,000) using the same formula.

SECTION 3. MINIMUM STAFFING POLICY. Effective July 1, 2011, Article 17, Section A of the MCFFA MOU is amended to provide that there shall be a minimum of thirty-four (34) suppression personnel on duty each shift, composed of three (3) employees per engine (Captain, Engineer and Firefighter) and three (3) employees per truck company (Captain, Engineer and Firefighter). The Fire Chief and MCFFA shall meet and discuss workload assignments given current staffing levels.

SECTION 4. FORFEITURE OF SALARY INCREASE. Employees shall forfeit the previously negotiated three percent (3%) wage increase due July 5, 2011.

WHEREAS, the Council considered this matter at its meeting of June 28, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Letter of Understanding between the City of Modesto and the Modesto City Fire Fighters’ Association for a term ending June 30, 2013, contingent upon an affirmative ratification vote by the City of Modesto Fire Fighters’ Association membership, and upon execution of same, a copy of the LOU will be on file in the office of the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2011, by Councilmember Burnside, 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]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE CITY TO EXTEND THE VOLUNTARY SEPARATION PROGRAM TO ELIGIBLE UNREPRESENTED FIRE MANAGEMENT EMPLOYEES; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN IMPLEMENTATION DOCUMENTS

WHEREAS, the City has projected a budget shortfall for Fiscal Year 2011-12 as a result of the economic downturn, and

WHEREAS, in order to address the budget shortfall, and in an effort to reduce the number of employees impacted due to budget reductions, the City desires to offer eligible Unrepresented Fire Management employees, as authorized by the City Manager, and who have been employed by the City for at least five (5) full years of continuous service in a regular position, the option of electing to participate in a Voluntary Separation Program, and

WHEREAS, the City Manager is authorized to extend an employee’s separation date, after consulting with the employee, under the Voluntary Separation Program to meet the needs and objectives of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City to extend the Voluntary Separation Program to eligible Unrepresented Fire Management employees upon separation as outlined in Exhibit A, entitled, "City of Modesto Voluntary Separation Program." The approved Voluntary Separation formula shall be as set forth therein.

The City Manager is authorized to extend Employee’s separation date, after consulting with the Employee, under the Voluntary Separation Program to meet the needs and objectives of the City. No appeal of the City Manager’s decision shall be permitted.
BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to sign implementation documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2011, by Councilmember Burnside, 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
City of Modesto
2011 Unrepresented Fire Management Voluntary Separation Program

1. Employees in identified classifications as set forth herein as Attachment A, who have completed at least five (5) full years of continuous service in a regular position are eligible to participate.

2. Any eligible employee who has been approved by the City Manager to voluntarily separate from the City between July 12, 2011 and August 1, 2011 shall receive a cash incentive based on years of service with the City to a maximum of $30,000. The employee’s last day on payroll shall be on or after July 12, 2011 and no later than August 1, 2011.

   Any eligible employee who has been approved by the City Manager to voluntarily separate from the City after August 1, 2011 shall receive a cash incentive based on years of service with the City to a maximum of $15,000. The employee’s last day on payroll shall be on or after August 2, 2011 and no later than December 31, 2011.

3. The employee must notify the Human Resources Department, in writing no later than 4:30 p.m. on June 30, 2011, of his/her election to take this option.

4. The City Manager is authorized to accept or reject these elections, based on the needs of the City. There is no appeal of the City Manager’s decision, nor is the City Manager’s decision subject to the Grievance Procedure.

5. The City Manager is authorized to extend an employee’s separation date under the Voluntary Separation Program, with the employee’s agreement, to meet the needs of the City.

6. The actual incentive amount shall be calculated by multiplying the employee’s number of completed years of continuous City of Modesto service, as of the employee’s separation effective date, by the employee’s base hourly rate multiplied by forty (40) hours or fifty-six (56) hours for Fire Department shift employees. For employees whose regular work schedule is less than 40 hours, the 40 hour calculation shall be reduced proportionally. Only continuous years of service in regular benefited positions will be qualifying. In no event shall the Incentive amount exceed $30,000 for employees separating between July 12, 2011 and August 1, 2011 and not to exceed $15,000 for employees separating between August 2, 2011 and December 31, 2011.

7. The method of distributing the Incentive must be on a bargaining unit-wide basis. No individual employee elections regarding the method of distribution will be permitted. (The City Manager shall determine the method of distribution for the Unrepresented group.) If no method of distribution is designated by any given employee Association, the distribution for that Association’s bargaining unit shall be in cash and subject to all applicable taxes.

8. Distribution options may include Health Reimbursement Arrangements (HRA’s) or cash.

9. The employee shall execute the Separation Agreement and Release of All Claims which is set forth herein as Attachment B.

Exhibit A
RESOLUTION APPROVING THE SALE OF WASTEWATER CAPACITY FROM THE CAPACITY BANK TO RIZO LOPEZ FOODS, INC. AS SPECIFIED IN MODESTO MUNICIPAL CODE SECTION 5-6.906(J)

WHEREAS, Rizo Lopez Foods, Inc. has purchased the former Trim Masters Inc. site located at 201 South McClure Road in Modesto and is planning to begin operation December 2011, and

WHEREAS, at full production, Rizo Lopez will manufacture 75,000 pounds of cheese, 13,000 pounds of yogurt, and 41,000 pounds of sour cream per day, and

WHEREAS, Rizo Lopez will hire about 180 full-time employees with health insurance at salaries above minimum wage to meet its production projections, and

WHEREAS, based on Rizo Lopez’s project production of food products, they will need a significant amount of wastewater treatment capacity, and

WHEREAS, in order to assist Rizo Lopez in the development of its new production plant, staff is recommending that 100% of the available wastewater capacity in the Capacity Bank be made available to Rizo Lopez, and

WHEREAS, this recommendation will provide Rizo Lopez with a reduction of $443,624.98 in wastewater capacity charges, and

WHEREAS, it should be noted that while there is enough flow and Biochemical Oxygen Demand (BOD) capacity in the Capacity Bank, there is not enough Total Suspended Solids (TSS) capacity to address all of Rizo Lopez’s TSS capacity needs, and

WHEREAS, Rizo Lopez will need to purchase 183,574 pounds per year of TSS from available new treatment capacity in the City’s wastewater treatment facility at the current capacity charge, and
WHEREAS, staff is also recommending that the five-year capacity charge payment schedule be applied that was recently developed through the Comprehensive Fees Task Force, and approved by Council on March 22, 2011, and

WHEREAS, this will allow Rizo Lopez to pay its capacity charge at a monthly rate over a five-year period (as opposed to a lump sum payment), and

WHEREAS, the capacity bank charge for Rizo Lopez will be approximately $1,485,812.00, and

WHEREAS, staff will evaluate actual usage and capacity needs by Rizo Lopez over a 12-month period of operation, and at the end of the 12 months, an assessment would be made to confirm actual capacity demands and make any necessary adjustments at that time,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sale of Wastewater Capacity from the Capacity Bank to Rizo Lopez Foods, Inc., as specified in Modesto Municipal Code Section 5-6.906(j).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 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