RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE STREET IMPROVEMENTS NORTHBOUND MCHENRY AVENUE TO EASTBOUND BRIGGSMORE AVENUE PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH ROSS F. CARROLL, INC. IN THE AMOUNT OF $279,086; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Street Improvements Northbound McHenry Avenue to Eastbound Briggsmore Avenue project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Street Improvements Northbound McHenry Avenue to Eastbound Briggsmore Avenue project were opened at 11:00 a.m. on April 19, 2011, and later tabulated by the Director of Community and Economic Development for the consideration of the Council, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of $279,086 received from Ross F. Carroll, Inc. be accepted as the lowest responsible bid and the contract be awarded to Ross F. Carroll, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Street Improvements Northbound McHenry Avenue to Eastbound Briggsmore Avenue project, accepts the bid of Ross F. Carroll, Inc. in the amount of $279,086, and awards Ross F. Carroll, Inc. the contract.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(SIGNATURE)

APPROVED AS TO FORM:

By:  

(SIGNATURE)  

SUSANA ALCALA WOOD, City Attorney
RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1 THROUGH 6, AND SETTING A PUBLIC HEARING ON AUGUST 3, 2011, TO CONSIDER THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1

WHEREAS, Resolution No. 88-935, adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscape and Lighting Act of 1972, (California Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, California Streets and Highways Code Section 22623 requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

...
a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in the annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by the California Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 2011-2012.

2. There are no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6 and that
the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to, landscape irrigation systems in the following locations:

a. Street medians in Creekwood Drive

b. Areas adjacent to the access control walls along Creekwood Drive

c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City Limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Wednesday, the 3rd day of August, 2011, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City
Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscape and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-175

RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS
FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY
CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS
SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISION, AND SETTING A
PUBLIC HEARING ON AUGUST 3, 2011 TO CONSIDER THE LEVY AND
COLLECTION OF ASSESSMENTS WITHIN LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 2

WHEREAS, Resolution No. 89-460, adopted by the Council of the City of
Modesto on April 4, 1989, initiated proceedings for the formation of Landscape
Maintenance Assessment District No. 2 for the purpose of administering the maintenance
of landscaping in the public right of way within the street medians and adjacent to the
access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood
Meadows Subdivision and Yosemite Meadows Subdivision Units Nos. 1 and 2, and

WHEREAS, said assessment district was formed in accordance with the
Landscaping and Lighting Act of 1972, (California Streets and Highways Code Sections
22500 through 22679), and

WHEREAS, Section 22623 of the California Streets and Highways Code requires
the Engineer, the person designated by the Council as Engineer of Work for Assessment
District No. 2, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed
said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, California Streets and Highways Code Section 22623 requires the
Council to adopt a resolution of intention which shall include the following:
a. Declaration of intention of the Council to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.
b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.
c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.
d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.
e. Notice of the time, as fixed by California Streets and Highways Code Section 22625, and the place for hearing by the Council on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during Fiscal Year 2011-2012.

2. There are no proposed new improvements or any substantial changes in the existing improvements within the existing Landscape Maintenance
Assessment District No. 2, and the existing improvements to be made in said assessment
district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all
improvements required for such maintenance including, but not limited to, landscape
irrigation systems in the following locations:

a. Street medians in Creekwood Drive
b. Areas adjacent to the access control walls along Creekwood Drive
c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the
County of Stanislaus, within the City limits of the City of Modesto, and is more
specifically located on the northeast corner of Yosemite Boulevard and North McClure
Road. District 2 is bounded by Yosemite Boulevard on the south, North McClure Road
on the west, Yosemite Meadows Drive on the east, and Mechalys Way on the north.

4. Said annual report filed with the City Clerk and approved by the
Council by motion does provide a full and detailed description of the improvements, the
boundaries of the assessment district and any zones therein, and the proposed
assessments upon assessable lots and parcels of land within Landscape Maintenance
Assessment District No. 2.

5. On Wednesday, the 3rd day of August, 2011, at the hour of 5:30
p.m., the City Council will conduct a public hearing on the question of the levy of the
proposed annual assessment. The hearing will be held at the meeting place of the City
6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution shall follow the procedural and substantive requirements of Proposition 218 pursuant to Article 13D, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING EXHIBIT “A” OF RESOLUTION NO. 2008-683 TO REVISE THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ADD ACCOUNT TECHNICIAN (CONFIDENTIAL)

WHEREAS, the City Council desires to amend Exhibit “A” of Resolution No. 2008-683, which approved the Class Range Table for Represented Management and Confidential Non-Sworn Classes,

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2008-683. Exhibit "A" entitled, "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes," attached to Resolution No. 2008-683, is hereby amended as shown on the amended Exhibit “A” entitled “City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective May 24, 2011,” which is attached hereto and made a part hereof as though set forth in full herein. Said Exhibit “A” adds Account Technician (Confidential) to salary range 416.

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after May 24, 2011.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of May, 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 Attorney

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
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<tr>
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<tr>
<td>407</td>
<td>Administrative Office Assistant II (Confidential)</td>
</tr>
<tr>
<td>411</td>
<td>Administrative Office Assistant III (Confidential)</td>
</tr>
<tr>
<td>412</td>
<td>Police Clerk II (Confidential)</td>
</tr>
<tr>
<td>414</td>
<td>Legal Secretary I</td>
</tr>
</tbody>
</table>
| 415   | Administrative Services Technician I (Confidential)  
Senior Administrative Office Assistant (Confidential) |
| 416   | **Account Technician (Confidential)** |
| 418   | Legal Secretary II  
Systems Technician I |
| 419   | Administrative Services Technician II (Confidential)  
Workers' Compensation Claims Assistant |
| 420   | Deputy City Clerk  
Employee Benefits Coordinator  
Executive Assistant  
Senior Legal Secretary |
| 422   | Office Supervisor  
Systems Technician II  
Workers' Compensation Claims Examiner I |
| 423   | Custodian Supervisor  
Parking Services Supervisor |
| 424   | Buyer |
| 425   | Parking Adjudication Program Coordinator  
Police Facilities Coordinator  
Public Information Analyst |
| 426   | Assistant Planner  
Central Stores Supervisor  
Financial Analyst I  
Senior Systems Technician |
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<th>TITLE</th>
</tr>
</thead>
</table>
| 427   | Administrative Analyst I  
                   Animal Control Supervisor  
                   Human Resources Analyst I  
                   Police Civilian Supervisor  
                   Technology Solutions Analyst I  
                   Workers’ Compensation Claims Examiner II |
| 428   | Assistant City Clerk |
| 430   | Associate Planner  
                   Financial Analyst II  
                   Senior Buyer  
                   Software Analyst I  
                   Systems Engineer I |
| 431   | Administrative Analyst II  
                   Events Coordinator  
                   Human Resources Analyst II  
                   Risk and Loss Control Coordinator  
                   Senior Workers’ Compensation Claims Examiner  
                   Technology Solutions Analyst II |
| 432   | Compost Facility Supervisor  
                   Junior Engineer  
                   Neighborhood Preservation Supervisor  
                   Operations Supervisor  
                   Parks Project Coordinator  
                   Recreation Supervisor  
                   Senior Crime and Intelligence Analyst  
                   Wastewater Collection Systems Supervisor  
                   Water Quality Control Plant Maintenance Supervisor |
| 433   | Water Resources Analyst |
| 434   | Customer Services Supervisor  
                   Financial Analyst III  
                   Recycling Program Coordinator  
                   Senior Community Development Program Specialist  
                   Software Analyst II  
                   Systems Engineer II |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 435   | Assistant Transportation Planner  
        Business Analyst  
        Cultural Services Program Manager  
        Emergency Medical Services Coordinator  
        Facility Supervisor  
        Management Analyst  
        Organizational Development Coordinator  
        Transit Analyst  
        Weed and Seed Program Coordinator |
| 436   | Assistant Engineer  
        Deputy Fire Marshal  
        Electrical Supervisor  
        Environmental and Water Quality Laboratory Supervisor  
        Environmental Services Supervisor  
        Housing Rehabilitation Supervisor  
        Senior Planner |
| 437   | Senior Human Resources Analyst |
| 438   | Associate Land Surveyor  
        Integrated Waste Specialist  
        Property Agent  
        Public Safety Business Services Analyst  
        Senior Financial Analyst  
        Senior Software Analyst  
        Senior Systems Engineer  
        Water Distribution and Production Supervisor |
| 439   | Administrative Services Officer  
        Associate Transportation Planner  
        Senior Business Analyst |
| 440   | Associate Engineer  
        Environmental Regulatory Compliance Administrator  
        Recreation Program Manager  
        Water Quality Control Operations Supervisor |
441 Building Maintenance Manager
   Events Supervisor
   Fleet Manager
   Housing and Urban Development Manager
   Infrastructure Financing Program Administrator
   Parks Operations Manager
   Parks Planning and Development Manager
   Streets Manager
   Urban Forestry Manager
   Wastewater Collections Manager

442 Budget and Financial Analysis Manager
   Construction Inspection Supervisor
   Customer Services Manager
   Principal Accountant
   Principal Software Analyst
   Principal Systems Engineer
   Purchasing Manager

443 Associate Civil/Traffic Engineer
   Senior Transportation Planner

444 Airport Manager
   Building Inspection Program Coordinator
   Building Inspection Supervisor
   Principal Planner
   Solid Waste Program Manager
   Transit Manager

446 Assistant Chief Building Official
   Information Technology Manager
   Water Quality Control Plant Manager

447 Traffic Operations Engineer
   Water Systems Manager
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 450   | Business Development Manager  
        | Chief Building Official  
        | Planning Manager  
        | Senior Civil Engineer |
| 452   | City Engineer  
        | Traffic Engineer |
RESOLUTION APPROVING A PURCHASE AGREEMENT WITH FEDERAL HOME LOAN MORTGAGE ASSOCIATION FOR THE PROPERTY LOCATED AT 805/807 EMPIRE AVENUE (APN 035-048-004) IN AN AMOUNT NOT TO EXCEED $84,800 FOR THE AIRPORT NEIGHBORHOOD COMMUNITY CENTER PROJECT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE PURCHASE AGREEMENT, TO SIGN CERTIFICATE OF ACCEPTANCE FORMS FOR THE GRANT DEED FOR THE ACQUISITION AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW; AND THAT THE PARKS, RECREATION & NEIGHBORHOODS DIRECTOR IS AUTHORIZED AND DIRECTED TO FILE A NOTICE OF EXEMPTION WITH THE STANISLAUS COUNTY CLERK RECORDER PURSUANT TO SECTION 15062 OF THE CEQA GUIDELINES

WHEREAS, the Neighborhood Revitalization Strategy Area Plan was adopted by the City Council in January 2009, and

WHEREAS, this Plan identifies the establishment of a community center in the Airport Neighborhood as a goal to promote community and stimulate revitalization of the area, and

WHEREAS, the property located at 805/807 Empire Avenue is available for sale and has been determined by staff, in consultation with neighborhood stakeholders to be a viable property for the development of a community center, and

WHEREAS, the Council approved a purchase offer not to exceed $84,800 or the appraised value whichever is less, and

WHEREAS, funding for the purchase of this property is available through the City’s Community Development Block Grant entitlement funds, and

WHEREAS, the proposed project is Categorically Exempt under Section 15303(b) of the CEQA Guidelines which exempts the conversion of a duplex where only minor modifications are made to the exterior,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds as follows:

1. The proposed project is Categorically Exempt under Section 15303(b) of the CEQA Guidelines which exempts the conversion of a duplex where only minor modifications are made to the exterior.

BE IT FURTHER RESOLVED that it hereby authorizes the City Manager, or his designee, to execute the Purchase Agreement, to sign the Certificate of Acceptance forms for the Grant Deed for the acquisition, and execute all related documents required to close escrow on the property located at 805/807 Empire Avenue.

BE IT FURTHER RESOLVED that the Parks, Recreation and Neighborhoods Director is hereby authorized and directed to file a notice of exemption with the Stanislaus County Clerk Recorder pursuant to Section 15062 of the CEQA Guidelines.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 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 ALCAEA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-178

RESOLUTION GRANTING THE DIRECTOR OF THE PARKS, RECREATION & NEIGHBORHOODS DEPARTMENT THE AUTHORITY TO OFFER OR APPROVE GOLF SPECIALS AT THE CITY OF MODESTO GOLF COURSES; AND RESCINDING RESOLUTION NO. 2009-236

WHEREAS, the City owns, operates and manages the Municipal Golf Course, Dryden Park Municipal Golf Course, and Creekside Municipal Golf Course, and

WHEREAS, on June 2, 2009, the City Council, by Resolution No. 2009-236, established new green fee rates at all three Modesto Municipal Golf Courses, and

WHEREAS, included in Resolution No. 2009-236 was Section 2. Discounts, Subsection (e) Special Rates which states:

From time to time, the Recreation and Neighborhoods Director or his or her designee may provide up to a fifty percent (50%) discount off of daily green fees. Such specials shall occur no more than twenty (20) days per month at each golf course.

WHEREAS, the economic decline in the golf market has demonstrated the need for flexible and creative golf specials and packages, and

WHEREAS, City staff is requesting the above Section 2(e) be replaced with:

The Parks, Recreation & Neighborhoods Director, or his or her designee, may provide discounts off the established green fees and/or offer green fee packages to encourage rounds of golf at the three City of Modesto Golf Courses.

WHEREAS, the Finance Committee met on April 25, 2011, and discussed the proposed increase in authority for the Director of the Parks, Recreation & Neighborhoods Director, and

WHEREAS, the Golf Committee met on May 18, 2011, and supported the proposed increase in authority for the Director of the Parks, Recreation & Neighborhoods Director,

RESOLVED: That Resolution No. 2009-236 be rescinded, and Resolution No. 2011-178 is hereby adopted in its place.

SEP - 4 2018

2011-178

RESCINDING

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL Resolution No. 2018-377
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. RATES. The rates for players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "A" attached hereto.

The policies and rates for tournament players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "B" attached hereto.

SECTION 2. DISCOUNTS.

(a) School Golf Teams. School golf team passes are to be issued only upon presentation by holder of a current high school or college student body card and verification of golf team membership by the school golf coach. Students shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility. Team members with team member passes must be accompanied by their respective golf coaches and shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf season. The specific spring school golf team season will be set by the golf professional after receiving the schools' schedules of matches from each school coach. Green fees at the rate of $6.50 per round shall be implemented for high school and Modesto Junior College golf programs at the Modesto Nine Hole Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course.
(b) Junior Discounts. Junior discounts are to be given only to persons eighteen (18) years of age and younger any day after 12:00 noon. Juniors shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility.

(c) Senior/Junior/Disabled Discounts. Senior/Junior/Disabled discounts are to be given only to persons who are sixty-two (62) years of age or older or to those who are on disability retirement. Proof of age or proof of disability retirement must be displayed to obtain a Senior/Retired/Disabled discount. Discounts are good weekdays except for holidays.

Members of the five officially recognized golf clubs (Muni Niners, Modesto Golf Club, Dryden Park Women’s Golf Club, Creekside Golf Club and S.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.

(d) Valu-Play Cards. Golfers can purchase a weekday, 6-round Valu-Play (multiple play) card for Dryden/Creekside or Muni. Valu-Play Discounts are effective for sixty (60) days from the date of purchase except for the months of December, January and February. During this period multiple play cards will be good for the entire three months. Multiple play cards are not refundable or transferable. The multiple play card is not good on weekends or holidays.

(e) Special Rates. The Parks, Recreation and Neighborhoods Director, or his or her designee, may provide discounts off the established green fees and/or offer green fee packages to encourage rounds of golf at the three City of Modesto golf courses.
(f) Family Tee Program. To promote family play, golfers may play from established “family tees” to be set no more than 175 yards from the greens at Municipal Nine-Hole Golf Courses. Rates for play are $7.50 weekdays and $8.50 weekends. All members of the foursome or group must use the family tees for this rate to be in effect.

(g) Play one round, get the second round at half price. This discount is good on the day and at the course on which the original full-fee round is played. The fee for the second round shall be one-half of the green fee in effect at the time the second round is played.

SECTION 3. COMPLIMENTARY TICKETS. Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting professionals or others, for services rendered to the golf course. Free play must be approved by the Parks, Recreation and Neighborhoods Director or designee.

SECTION 5. POLICY. In order for fees to be consistent and competitive with other courses in the valley, the Play Day Policy for Play at the City’s Municipal Golf Courses by Non-Affiliated Groups shall continue to be implemented as set forth on Exhibit “C” attached hereto.

SECTION 6. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day (January 1st), Martin Luther King's Birthday (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4th), Labor Day (the first Monday in September), Veterans Day (November 11th), Thanksgiving Day (the fourth Thursday in November) and the day after Thanksgiving. When a holiday falls on Sunday, the following Monday
shall be observed as a holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.

SECTION 9. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after May 24, 2011.

SECTION 10. REPEALS. Resolution No. 2009-236 is hereby rescinded effective May 24, 2011.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

SUSANA ALCALA WOOD, City Attorney
# CITY OF MODESTO GOLF COURSES
## GREEN FEE SCHEDULE
### EFFECTIVE JULY 1, 2009

### DRYDEN PARK MUNICIPAL GOLF COURSE

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<th>Description</th>
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<tr>
<td>Weekdays, 18-holes (juniors, after noon)</td>
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</tr>
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<td>Weekdays Mid-day, 18-holes</td>
<td>$18.50</td>
</tr>
<tr>
<td>Weekdays Super-Twilight, 18-holes</td>
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<td>Weekdays afternoon League Play</td>
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</tr>
<tr>
<td>Weekends/Holidays Super-Twilight, 18-holes</td>
<td>$15.50</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Tee Member, 9-holes</td>
<td>$5.00</td>
</tr>
<tr>
<td>First Tee Member, 18-holes</td>
<td>$10.00</td>
</tr>
<tr>
<td>6-play Valu-Play booklet (seniors/juniors/disabled)</td>
<td>$102.00</td>
</tr>
</tbody>
</table>

### CREEKSIDE MUNICIPAL GOLF COURSE

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekdays, 9-holes</td>
<td>$17.50</td>
</tr>
<tr>
<td>Weekdays, 9-holes (seniors/juniors/disabled)</td>
<td>$15.00</td>
</tr>
<tr>
<td>Weekdays, 18-holes</td>
<td>$24.50</td>
</tr>
<tr>
<td>Weekdays, 18-holes (seniors/juniors/disabled)</td>
<td>$20.50</td>
</tr>
<tr>
<td>Weekdays, 18-holes (juniors, after noon)</td>
<td>$16.00</td>
</tr>
<tr>
<td>Weekdays Mid-day, 18-holes</td>
<td>$19.50</td>
</tr>
<tr>
<td>Weekdays Super-Twilight, 18-holes</td>
<td>$13.50</td>
</tr>
<tr>
<td>Weekdays afternoon League Play</td>
<td>$18.00</td>
</tr>
<tr>
<td>Weekends/Holidays, 9-holes</td>
<td>$20.00</td>
</tr>
<tr>
<td>Weekends/Holidays, 18-holes</td>
<td>$31.50</td>
</tr>
<tr>
<td>Weekends/Holidays, 18-holes (juniors, after noon)</td>
<td>$19.50</td>
</tr>
<tr>
<td>Weekends/Holidays Mid-day, 18-holes</td>
<td>$23.50</td>
</tr>
<tr>
<td>Weekends/Holidays Super-Twilight, 18-holes</td>
<td>$17.50</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Tee Member, 9-holes</td>
<td>$5.00</td>
</tr>
<tr>
<td>First Tee Member, 18-holes</td>
<td>$10.00</td>
</tr>
</tbody>
</table>

---

EXHIBIT "A"
First Tee Member, 18-holes
$ 10.00
6-play Valu-Play booklet
6-play Valu-Play booklet (seniors/juniors/disabled)
## MODESTO NINE HOLE MUNICIPAL GOLF COURSE (MUNI)

<table>
<thead>
<tr>
<th>Time</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekdays, 9-holes</td>
<td>$14.50</td>
</tr>
<tr>
<td>Weekdays, 9-holes (seniors/juniors/disabled)</td>
<td>$12.50</td>
</tr>
<tr>
<td>Weekdays, 9-holes (juniors, after noon)</td>
<td>$10.00</td>
</tr>
<tr>
<td>Weekdays Mid-day, 9-holes</td>
<td>$12.50</td>
</tr>
<tr>
<td>Weekdays Super-Twilight, 9-holes</td>
<td>$10.50</td>
</tr>
<tr>
<td>Weekdays afternoon League Play</td>
<td>$11.50</td>
</tr>
<tr>
<td>Weekdays/ Holidays, 9-holes</td>
<td>$16.50</td>
</tr>
<tr>
<td>Weekdays/ Holidays, 9-holes (juniors, after noon)</td>
<td>$11.00</td>
</tr>
<tr>
<td>Weekdays/ Holidays Mid-day, 9-holes</td>
<td>$13.50</td>
</tr>
<tr>
<td>Weekdays/ Holidays Super-Twilight, 9-holes</td>
<td>$11.50</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Tee Member, 9-holes</td>
<td>$5.00</td>
</tr>
<tr>
<td>6-play Valu-Play booklet</td>
<td>$61.50</td>
</tr>
<tr>
<td>6-play Valu-Play booklet (seniors/juniors/disabled)</td>
<td>$54.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekdays, 9-holes, Family Tees</td>
<td>$7.50</td>
</tr>
<tr>
<td>Weekends, 9-holes, Family Tees</td>
<td>$8.50</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekdays, 6-holes</td>
<td>$7.00</td>
</tr>
<tr>
<td>Weekends, 6-holes</td>
<td>$8.00</td>
</tr>
</tbody>
</table>

## MUNICIPAL NINE-HOLE GOLF COURSE, DRYDEN PARK MUNICIPAL GOLF COURSE AND CREEKSIDE MUNICIPAL GOLF COURSE

<table>
<thead>
<tr>
<th>Time</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Annual Club Membership, Initial Membership</td>
<td>$150.00</td>
</tr>
<tr>
<td>*Annual Club Membership, Every Day</td>
<td>$1175.00</td>
</tr>
<tr>
<td>*Annual Club Membership, Every Day, Jr./Sr.</td>
<td>$1030.00</td>
</tr>
<tr>
<td>*Annual Club Membership, Every Day, Family</td>
<td>$1,750.00</td>
</tr>
<tr>
<td>*Annual Club Membership, Every Day, Family, Jr./Sr.</td>
<td>$1,535.00</td>
</tr>
<tr>
<td>*Annual Club Membership, Week Day</td>
<td>$960.00</td>
</tr>
<tr>
<td>*Annual Club Membership, Week Day, Jr./Sr.</td>
<td>$805.00</td>
</tr>
<tr>
<td>*Annual Club Membership, Week Day, Family</td>
<td>$1,430.00</td>
</tr>
<tr>
<td>*Annual Club Membership, Week Day, Family, Jr./Sr.</td>
<td>$1,210.00</td>
</tr>
</tbody>
</table>

*At Dryden Park Municipal Golf Course and Creekside Municipal Golf Course, the Every Day annual passes provided for above shall not apply to tee times prior to 1:00 p.m. during Daylight Savings Time and 12:00 Noon during Standard Time on Saturdays, Sundays, and Holidays. At Municipal Nine-Hole Golf Course, the Every Day annual passes provided for above shall not apply to tee times prior to 10:00 a.m. year-round on Saturdays, Sundays, and Holidays.*
### TOURNAMENT FEE SCHEDULE AND POLICY
**EFFECTIVE JULY 1, 2009**

#### FEE PER PLAYER

<table>
<thead>
<tr>
<th></th>
<th>Regular Tee</th>
<th>Full</th>
<th>Modified</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Time Style</td>
<td>Shotgun Tee</td>
<td>Shotgun Tee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Time Style</td>
<td>Time Style</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Excluding cart</td>
<td>Excluding cart</td>
</tr>
</tbody>
</table>

#### CREEKSIDEx

<table>
<thead>
<tr>
<th></th>
<th>Weekday</th>
<th>$42.50</th>
<th>$50.50</th>
<th>$50.50</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Weekends</td>
<td>$49.50</td>
<td>$58.50</td>
<td>N/A</td>
</tr>
</tbody>
</table>

#### DRYDEN

<table>
<thead>
<tr>
<th></th>
<th>Weekday</th>
<th>$40.50</th>
<th>$48.50</th>
<th>$48.50</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Weekends</td>
<td>$46.50</td>
<td>$55.50</td>
<td>N/A</td>
</tr>
</tbody>
</table>

#### MUNI

<table>
<thead>
<tr>
<th></th>
<th>Weekday</th>
<th>$32.50</th>
<th>$38.50</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Weekend</td>
<td>$34.50</td>
<td>$40.50</td>
<td>N/A</td>
</tr>
</tbody>
</table>

In addition, a non-refundable deposit of $50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees ($24.50 weekdays/$31.50 weekends at Creekside, $22.50 weekdays/$28.50 weekends at Dryden and $14.50 weekdays/$16.50 weekends at Muni); and Pro Shop merchandise credit ($9.00 at Creekside/Dryden/Muni); and golf course restaurant credit ($9.00 at Creekside/Dryden/Muni).

Full shotgun tee time style tournaments require a minimum of 120 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include: green fees ($28.50 weekdays/$36.50 weekends at Creekside, $26.50 weekdays/$33.50 weekends at Dryden and $16.50 weekdays/$18.50 weekends at Muni); Pro Shop merchandise credit ($11.00 at Creekside/Dryden/Muni); and golf course restaurant credit ($11.00 at Creekside/Dryden/Muni). Cart rental is required for shotgun style tournaments.

Modified shotgun tee time style tournaments require a minimum of 72 players at Creekside/Dryden. Per player fees include: green fees ($28.50 weekdays at Creekside; $26.50 weekdays at Dryden); Pro Shop merchandise credit ($11.00 at Creekside/Dryden); and golf course restaurant credit ($11.00 at Creekside/Dryden). Cart rental is required for modified shotgun style tournaments. Modified shotgun style tournaments are not available at Muni.

Members of the five officially recognized affiliated golf clubs (Muni Niners, Modesto Golf Club, Dryden Park Women’s Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Friday, excluding holidays.
The following policy is hereby established for Non-Affiliated Groups to encourage their use of the City's municipal golf courses:

Criteria for these groups are:

1. They are a group with an identification or organizational structure;
2. They commit to use the City’s golf course(s) on a regular basis (weekly, bi-weekly, monthly, etc.);
3. They have a minimum of twenty-four (24) players;
4. Regular tee-time style starting will be used (no shotgun style starting will be allowed);
5. Their events do not promote a formal competition or championship; and
6. Play days will be restricted to Monday through Wednesday after 9:00 a.m.

In recognition of their contribution to the golf program, no mandatory pro shop or restaurant fees will be assessed. Tee time reservations, in advance of public reservations, will be allowed.
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-179

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

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

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

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

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

WHEREAS, the term of this Memorandum of Understanding is August 17, 2011 to May 31, 2012,

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOLS FOR THE SERVICES OF FOUR MODESTO POLICE OFFICERS/SCHOOL RESOURCE OFFICERS TO PROVIDE DIRECT LAW ENFORCEMENT SERVICES AT 12 SCHOOL SITES IN AN AMOUNT NOT TO EXCEED $448,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Modesto City Schools (MCS) would like to have the services of four Modesto police officers to provide prevention, intervention, and enforcement services to students, their families and staff at the following schools: Beyer, Davis, Downey, Johansen, Modesto, Enochs, Elliott, and Gregori High Schools, and Hanshaw, Mark Twain, Roosevelt and LaLoma, and

WHEREAS, the Modesto Police Department can provide specially trained, uniformed police officers to provide campus supervisor training, in-services, and consultations with site staff and District administrators, and

WHEREAS, the police officers can act as liaisons between the Modesto Police Department and MCS, and

WHEREAS, the police officers can take any law enforcement action at the district school sites, if warranted, and

WHEREAS, the term of this Agreement is July 1, 2011, to June 30, 2012, and

WHEREAS, the City will be compensated by MCS in an amount not to exceed $448,000 for the services of four Modesto police officers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement between the City of Modesto and Modesto City Schools for the services of four Modesto Police Officers/School Resource Officers to
provide direct law enforcement services at 12 school sites in an amount not to exceed $448,000.

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 24th day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: 

SUSANA ALCAPA WOOD, City Attorney
RESOLUTION APPROVING AN AGREEMENT BETWEEN THE SOUTH BAY REGIONAL PUBLIC SAFETY TRAINING CONSORTIUM AND THE MODESTO POLICE DEPARTMENT FOR IN-SERVICE TRAINING COURSES FOR POLICE AND OTHER CRIMINAL JUSTICE SYSTEM OCCUPATIONAL TRAINING; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in 1994, South Bay Regional Public Safety Training Consortium was created by Evergreen Valley and Gavilan Colleges through a California Community College Chancellor’s Office Grant in order to pool resources, reduce costs, and eliminate duplication of efforts while at the same time committing to deliver high-quality training, and

WHEREAS, in 1995, a Joint Powers Agreement (JPA) was established to provide governance between South Bay and the member Community Colleges, and

WHEREAS, through the JPA, the colleges work with The Commission on Peace Officer Standards and Training (POST) that was established by the California Legislature in 1959 to set minimum selection and training standards for California law enforcement, and

WHEREAS, the Community Colleges, in turn serve as vehicles to establish course content, college credit, manage apportionment of funds amongst the participating agencies, and issue transcripts to the students, and

WHEREAS, the Modesto Police Department is required to comply with various mandated training requirements by federal and state law, to ensure proper knowledge, skills, and abilities by its employees to complete its mission, and
WHEREAS, the Modesto Police Department's training budget has been reduced due to budgetary considerations over the past few years, which has caused training to be primarily reduced to mandated training requirements, and

WHEREAS, this funding will allow the department to have more flexibility in providing training, training material (e.g., books, projectors, training aids, etc.), or provide instruction for training, and

WHEREAS, the Modesto Police Department will conduct mutually agreed upon vocational training and will submit the course content and student attendance to South Bay Regional Consortium, and

WHEREAS, South Bay will credit Modesto Police Department $1.50 per student contact hour or number of actual students, multiplied by the number of hours of attendance, and

WHEREAS, payment will be calculated at the conclusion of each course based on the actual and eligible attendance, and

WHEREAS, payments will be held in a secure account with South Bay Consortium and are available at any time to the Modesto Police Department, and

WHEREAS, payments will be made for eligible training materials or services directly, or may be made to the Modesto Police Department upon request, and

WHEREAS, the funds must be used for the furtherance of training, training material (e.g., books, projectors, training aids, etc.), or provide instruction for training, and

WHEREAS, the term of this Agreement will be July 1, 2011 to June 30, 2012, and may be renewed each year,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement between the South Bay Regional Public Safety Training Consortium and the Modesto Police Department for in-service training courses for police and other criminal justice system occupational training.

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 24th day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SIGNATURE)

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-182

RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH BROWN AND CALDWELL FOR ADDITIONAL SERVICES NOT INCLUDED IN THE ORIGINAL AGREEMENT FOR PRELIMINARY DESIGN REPORT FOR NEW ANAEROBIC DIGESTER FOR AN AMOUNT NOT TO EXCEED $146,072 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $52,482 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $198,554, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT

WHEREAS, the City of Modesto’s Primary Wastewater Treatment Facility, located on Sutter Avenue, has two, two-million gallon (MG) primary anaerobic digesters, and

WHEREAS, Digester #1 is 42 years old; Digester #2 is 27 years old, and

WHEREAS, both digesters show signs of corrosion and the support facilities, such as the heating and mixing systems, are outdated and inadequate, and

WHEREAS, Digester #1 is currently out of service due to its current condition, leaving only Digester #2 in operation, and

WHEREAS, on August 4, 2010, by Resolution No. 2010-331, the City Council approved an agreement with Brown and Caldwell for engineering services to develop a Preliminary Design Report (PDR) for a New Anaerobic Digester and Control Building, and

WHEREAS, the scope of services provided under this agreement included completion of 35% design and summarizing the project scope and cost estimates in a PDR, and
WHEREAS, the Digester Evaluation Report (DER), prepared by Carollo Engineers, P.C., was the basis for preparing the PDR and Brown and Caldwell based its initial scope on the information and recommendations stated in this report, and

WHEREAS, the computations described in the DER were based on industry standard theoretical values for wastewater flows and volatile solids loading (typically used for master planning), and

WHEREAS, additional engineering design is needed to account for the increased volume to (1) sustain current plant loadings and solids, (2) to sustain future projected loadings, and (3) for future inclusion of Fat, Oils and Grease (FOG) loadings, and

WHEREAS, therefore, the scope of services provided in the current agreement with Brown and Caldwell will be amended as necessary in order for the PDR to include an additional new anaerobic digester, and

WHEREAS, the PDR will now address two new anaerobic digesters and a new digester control building, and

WHEREAS, this will allow City staff to receive a more accurate depiction of improvements needed to the digester system at the Primary Treatment Plant, and

WHEREAS, the recommendations provided by the PDR will be presented to Council prior to initiating final design, and

WHEREAS, City staff recommends approving an amendment to agreement with Brown and Caldwell for the work for the Preliminary Design Report for New Anaerobic Digester, and

WHEREAS, City staff recommends approving an amendment to agreement with Brown and Caldwell as the City does not have the staffing level or subject matter
expertise to provide preliminary design services for the New Anaerobic Digester project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to agreement with Brown and Caldwell for Preliminary Design Report for the New Anaerobic Digester project in an amount not to exceed $146,072 for the identified scope of services not included in the original agreement, plus $52,482 for additional services (if needed), for a maximum total amount of $198,554.

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 24th day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION ACCEPTING THE WORK BY TEICHERT CONSTRUCTION FOR THE "STREET IMPROVEMENTS ON THE WEST SIDE OF CONANT AVENUE FROM RUMBLE ROAD TO EICHER AVENUE" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $300,919

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Street Improvements on the West Side of Conant Avenue from Rumble Road to Eicher Avenue project have been completed by Teichert Construction, in accordance with the contract agreement dated March 23, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Street Improvements on the West Side of Conant Avenue from Rumble Road to Eicher Avenue are hereby accepted as complete from said contractor Teichert Construction, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, and that payment of amounts totaling $300,919 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 24th day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
                      STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ____________________________
    SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE KANSAS-NEEDHAM SOIL REMEDIATION PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH INNOVATIVE CONSTRUCTION SOLUTIONS - NORCAL OF OAKLAND, CALIFORNIA IN THE AMOUNT OF $282,729, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the Kansas-Needham Soil Remediation project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Kansas-Needham Soil Remediation project were opened at 11:00 a.m. on April 12, 2011, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of $282,729 received from Innovative Construction Solutions - Norcal be accepted as the lowest responsible bid and the contract be awarded to Innovative Construction Solutions - Norcal,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Kansas-Needham Soil Remediation project, accepts the bid of Innovative Construction Solutions – Norcal of Oakland, California in the amount of $282,729, and approves the contract.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANÁ ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH KLEINFELDER WEST, INC. FOR GEOLOGICAL SUPPORT SERVICES DURING CONSTRUCTION OF THE KANSAS-NEEDHAM SOIL REMEDIATION PROJECT IN AN AMOUNT NOT TO EXCEED $22,300 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $2,230 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $24,530, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, soil contamination caused by petroleum products was discovered during excavation of a storm drainage basin as part of the Kansas-Needham Overhead construction project, and

WHEREAS, on April 22, 2005, the City entered into an agreement with Kleinfelder, Inc., for a Sensitive Receptor Survey and Limited Soil Sampling and Analysis at the request of Stanislaus County Department of Environment Resources (SCDER), and

WHEREAS, additionally, Kleinfelder prepared a Corrective Action Plan (CAP) for the cleanup of the site, that was reviewed and approved by SCDER and Regional Water Quality Control Board (RWQCB), and

WHEREAS, Engineering developed the plans and specifications based on the provisions of the CAP for a project to excavate and remove the contaminated soil in this location and backfill the area with clean import material, and

WHEREAS, the agreement provides geological services including excavation observation, soil sampling and reporting per SCDER and also provides project support for the excavation of the contaminated soil,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement between City of Modesto and Kleinfelder, Inc., for
geological support services for the Kansas Needham Soil Remediation Project in an amount not to exceed $22,300 for the identified scope of services, plus $2,230 for additional services (if needed), for a maximum total amount of $24,530.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $155,100 IN ORDER TO FULLY FUND THE AGREEMENT FOR GEOLOGICAL SUPPORT SERVICES, CONSTRUCTION, CONTINGENCY, AND CONSTRUCTION ADMINISTRATION PLUS ENGINEERING/DESIGN/ADMINISTRATION BY CITY STAFF FOR THE KANSAS-NEEDHAM SOIL REMEDIATION PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $155,100, in order to fully fund the agreement for geological support services, construction, contingency, and construction administration plus engineering/design/administration by City staff for the Kansas-Needham Soil Remediation project, and

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

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

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

### Contact Person: Gail Clement
### Telephone: (209) 571-3338
### Submitting Department: Utility Planning & Projects

### Project Name: Kansas Needham Soil Remediation
### Fiscal Year Being Adjusted: 10-11

### Revenues:

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### Justification for Budget Adjustment:

This budget amendment is being made to transfer funds from Water Reserves to Engineering/Design/Administration, Construction, Contingency-CIP, and Construction Administration in CIP account 100469 "Kansas Needham Soil Remediation". Additional funds are necessary due to change and increase in scope for design & construction, increase in staff time, adding an agreement with Kleinfelder West, Inc. to provide required geological support services for the project, and award the project to Innovative Construction Solutions-Norcal. There are sufficient funds in Water Reserves to effect this transfer for the required reappropriation of funds to Engineering/Design/Administration, Construction, Contingency-CIP, and Construction Administration in CIP account 100469 necessary for the project.

### Authorization:

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<th>(Acting 9/21)</th>
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<td>City Manager</td>
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To be Completed by Finance Staff

Transfer Number: ____________________ Completed By: ____________________
RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH ERLER AND KALINOWSKI, INC. FOR ADDITIONAL SERVICES NOT INCLUDED IN THE ORIGINAL AGREEMENT FOR PROFESSIONAL SERVICES TO COMPLETE THE CERES/MODESTO REGIONAL WASTEWATER SYSTEM FEASIBILITY STUDY FOR AN AMOUNT NOT TO EXCEED $5,000 FOR THE IDENTIFIED SCOPE OF SERVICES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT

WHEREAS, on August 5, 2009, by Resolution No. 2009-385, the City Council approved a Cost Sharing Agreement with the City of Ceres for the development of a Regional Wastewater System Feasibility Study (Study), and

WHEREAS, the City Council, by Resolution No. 2009-387, also approved the issuance of a Request for Proposals to secure professional service to complete the Study, and

WHEREAS, on January 12, 2010, by Resolution No. 2010-008, the City Council approved an agreement with Erler and Kalinowski, Inc. (EKI) to complete the Study, and

WHEREAS, during the administrative draft review of the Study, City staff provided EKI with some additional information pertaining to governance and specifically the development of a Joint Powers Authority (JPA) and the financing arrangements related to a JPA, and

WHEREAS, this information, plus information related to the City of Turlock’s sewer service for the City of Ceres, resulted in an adjustment to the Study scope of work and an increase in the cost of the Study, and
WHEREAS, the cost share for the City of Modesto is $5,000 and $5,000 for the other study participants; and the other participants have funded their share of the amended scope,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to agreement with Erler and Kalinowski, Inc. for additional professional services to complete the Ceres/Modesto Wastewater Feasibility Study, in an amount not to exceed $5,000, for a maximum total amount of $105,000.

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 24th day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 CAPITAL IMPROVEMENT PROGRAM BUDGET IN AN AMOUNT NOT TO EXCEED $5,000 IN ORDER TO FULLY FUND THE AMENDMENT TO AGREEMENT WITH ERLER AND KALINOWSKI, INC. FOR THE CERES/MODESTO REGIONAL WASTEWATER FEASIBILITY STUDY

WHEREAS, certain budgetary transactions are necessary in an amount not to exceed $5,000, in order to fully fund the amendment to agreement for the Ceres/Modesto Regional Wastewater Feasibility Study, and

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

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

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

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

Contact Person: Brian MacDonald  
TelephoneNumber: 241-3923  
Submitting Department: Utility Planning and Projects  
Modesto/Ceres Regional Wastewater  
Project Name: Feasibility Study  
Fiscal Year being Adjusted: 10-11  

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Justification for Budget Adjustment
During the administrative draft report review, City staff requested FKI to provide some additional information for the Study. This additional information pertained to governance and specifically the development of a Joint Powers Authority (JPA) and the financing arrangements related to a JPA. This information, plus information related to the City of Turlock's sewer service for the City of Ceres, resulted in an adjustment to the study scope of work and an increase in the cost of the Feasibility Study. This is a request to transfer Modesto's cost share ($55K) from Wastewater Reserves.

Authorization

<table>
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<tr>
<th>Administrative Services Officer (if needed)</th>
<th>Signature</th>
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<td>Department Director or Authorized Designee</td>
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<td>Finance Director</td>
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<td>Date</td>
</tr>
<tr>
<td>City Manager</td>
<td>Signature</td>
<td>Date</td>
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</table>

To be Completed by Finance Staff

Transfer Number: ____________________________ Completed By: ____________________________
RESOLUTION ACCEPTING THE WORK BY ROSS F. CARROLL, INC. FOR THE PUMP STATION FOR WELL 63 AT MILDRED PERKINS PARK PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $712,807

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Pump Station for Well 63 at Mildred Perkins Park Project has been completed by Ross Carroll, Inc., in accordance with the contract agreement dated March 23, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Pump Station for Well 63 at Mildred Perkins Park Project is hereby accepted as complete from said contractor Ross F. Carroll, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, release securities upon expiration of statutory periods, and that payment of amounts totaling $712,807 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 24th day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

SEAL

APPROVED AS TO FORM:

By: ________________________________

SEAL
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-190

A RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007072023): AMENDING SECTION 7-3-9 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(589), TO GENERAL COMMERCIAL ZONE, C-2, PROPERTY LOCATED ON THE WEST SIDE OF TULLY ROAD NORTH OF STANDIFORD AVENUE. (RENATA ENTERPRISES, INC.)

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

WHEREAS, Renata Enterprises, Inc. has proposed that the zoning designation for the property located on the west side of Tully Road north of Standiford Avenue, be amended to rezone from Planned Development Zone P-D (589), to General Commercial Zone (C-2), in the City of Modesto ("the subsequent project") to allow a broader range of commercial uses for the site, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto’s Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2011-08 ("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 4, 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 May 24, 2011, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezoning from Planned Development Zone P-D(589) to General Commercial (C-2), 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 24th day of May, 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:  

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
EXHIBIT A

Initial Study

EA/C&ED 2011-08
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist
C&ED No. 2011-08

For the proposed:

Rezone from Planned Development Zone P-D(589) to C-2 “General Commercial” Zone
Site Located at
3619 Tully Road
(W. Side of Tully Road N. of Standiford Avenue)
APN: 054-038-006

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division
March 18, 2011

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

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City’s Master Environmental Impact Report ("Master EIR" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the Rezone from Planned Development P-D(589) to C-2, General Commercial Zone is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

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

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

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

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

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

II. PROJECT DESCRIPTION

A. Title: Rezone from Planned Development Zone P-D, (589) to C-2, General Commercial Zone

B. Address or Location: 3619 Tully Road, Modesto, CA 95356 (W Side of Tully Road N. of Standiford Avenue) APN: 054-038-006

C. Applicant: Dave Romano, Newman-Romano, LLC; 1020 Tenth Street, Suite 310, Modesto, CA 95354

D. City Contact Person: Rita Doscher, Associate Planner

Project Manager: Rita Doscher
Department: Planning Division
Phone Number: 209-577-5279
E-mail address: rdoscher@modestogov.com

E. Current General Plan Designation(s): MU "Mixed-Use"
Current Zoning Classification(s): Planned Development Zone P-D(589) within Phase I portion of the property: all uses as permitted in the General Commercial (C-2) Zone, including a car wash; and within Phase II portion of the property: RV storage, subject to Development Plan Review approval in accordance with Article 30 of the Modesto Municipal Code, Title 10.

Surrounding Land Uses:
- North: Planned Development Zone, P-D (527) with Mini-Storage
- South: Planned Development Zone, P-D (133) with Neighborhood Commercial (C-1) Zone uses
- East: Planned Development Zone, P-D (172) with Medium-High Density Residential Zone apartments
- West: R-3 Medium-High Density Residential Zone with Mobile Home Park Units

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 applicant proposes to rezone an existing 2.62-acre lot zoned as Planned Development Zone P-D(589) to the C-2 “General Commercial” Zone. Under the current Planned Development zoning, potential was for the property to include a car wash to be located in the north east part of the parcel just south of the existing O'Brian's Bar & Tavern, which is allowed in the C-2 Zone. In order to facilitate reuse opportunities that would be consistent with the C-2 Zone uses, the applicant proposes to rezone the property from Planned Development Zone P-D(589) to the C-2 “General Commercial” Zone. This would allow for a broader range of uses including retail, restaurant, professional and/or medical offices and automotive services as permitted in the C-2 Zone, subject to Development Plan Review by the Director of the Community and Economic Development Department as provided by Article 30 of the City of Modesto Municipal Code. Any future development would be assessed for consistency to applicable City Zoning Ordinances, Design Guidelines and City Standards. The site is vacant except for an existing building currently being used as a bar and lounge establishment.

Other Public Agencies Whose Approval is Required: None

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 requested rezoning is required by public convenience or necessity and will result in an orderly planned use of resources for the following reasons:

1. The proposed rezoning will not result in any additional development beyond what has previously been approved for the site.
2. The proposed rezoning to General Commercial (C-2) Zone uses will provide for a greater variety of development opportunities at the site that is compatible with the surrounding land uses.
B. The proposed rezoning is consistent with the Modesto Urban Area General Plan because the General Commercial (C-2) zoning is consistent with the General Plan “Mixed-Use” land use designation of the site.

C. 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.

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

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

F. 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.

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.
4. Within the Scope Analysis of this Document:

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

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.</td>
<td>☒</td>
</tr>
<tr>
<td>(2)</td>
<td>City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.</td>
<td>☒</td>
</tr>
<tr>
<td>(3)</td>
<td>Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).</td>
<td>☐</td>
</tr>
<tr>
<td>(4)</td>
<td>No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.</td>
<td>☒</td>
</tr>
<tr>
<td>(5)</td>
<td>The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.</td>
<td>☒</td>
</tr>
<tr>
<td>(6)</td>
<td>Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.</td>
<td>☒</td>
</tr>
</tbody>
</table>

5. Currency of the Master EIR Document

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

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

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

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

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

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

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

Cumulative Impacts

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

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

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

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

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

Discussion:
The application is a proposal to rezone the subject property from Planned Development Zone, P-D(589) to the C-2 Zone. The appropriate mitigation to be applied to any future development of the site includes: TC-42 and TC-47 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-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></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. TRAFFIC AND CIRCULATION</td>
<td></td>
<td></td>
<td></td>
<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>
<td></td>
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</tr>
<tr>
<td>2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Potentially Significant Impact</td>
<td>Less Than Significant with Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------</td>
<td>--------------------------------------------------</td>
<td>------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>3)</td>
<td>The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4)</td>
<td>The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).</td>
<td></td>
<td></td>
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<tr>
<td>5)</td>
<td>The proposed project would result in less parking than required by the Municipal Code or as determined by staff.</td>
<td></td>
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<tr>
<td>6)</td>
<td>The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7)</td>
<td>The proposed project would result in an increase in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Discussion:**

(1-7) The proposed project to rezone from Planned Development Zone P-D(589) to C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use", which assumed traffic generation consistent with the type and intensity of uses that would be permitted by this rezoning. The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards for site access to and from adjacent streets, internal circulation and parking.
2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

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

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

**Cumulative Impacts**

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

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

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

**Discussion:**

The application is a proposal to rezone the subject property from Planned Development Zone, P-D(589) to the C-2 Zone. The appropriate mitigation to be applied to any future development of the site includes: AQ-17 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-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:
### 2. DEGRADATION OF AIR QUALITY

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO\text{\textsubscript{x}}, PM\text{\textsubscript{10}}, and PM\text{\textsubscript{2.5}} by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO\text{\textsubscript{x}}, PM\text{\textsubscript{10}}, and PM\text{\textsubscript{2.5}}.</td>
<td>☐</td>
<td>☐</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>☐</td>
<td>☐</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>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>5) The proposed project would create objectionable odors affecting a substantial number of people.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Discussion:**

1. The proposed project to rezone from Planned Development Zone P-D(589) to C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use", which assumed traffic volumes and emissions consistent with the type and intensity of uses that would be permitted by this rezoning. The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel.

2. Any future development at the site will be required to adhere to applicable City Zoning Ordinances, Standards, and applicable best management practices during the construction process.

3. The proposed project to rezone from Planned Development Zone P-D(589) to C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director.

4-5. Any future development at the site will be required to adhere to applicable City Zoning Ordinances, Standards, and applicable best management practices during the construction process.
3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

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

Cumulative Impacts

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

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

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

Discussion:

The application is a proposal to rezone the subject property from Planned Development Zone P-D(589) to the C-2 Zone. The appropriate mitigation to be applied to any future development of the site includes: N-4 and N-7 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>Impact Description</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The proposed project is to rezone an existing development from Planned Development Zone P-D(589) to C-2 General Commercial Zone uses to facilitate future development of the site. Any future development would be required to adhere to the City’s noise ordinance.

(2-4) The proposed project to rezone from Planned Development Zone P-D(589) to C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of MU “Mixed Use”. The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel.

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 new or additional mitigation measures or alternatives are required.

c. Project-Specific Effects

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

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

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

(1-2) The proposed project to rezone from Planned Development Zone P-D(589) to C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of MU “Mixed Use”. The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel. The site is surrounded by urban uses and would not result in development of land outside of the City’s General Plan boundary.

(3-4) The project site is not zoned for agricultural use. There is no existing Williamson Act contract on the property. The site is surrounded by urban uses and would not cause the conversion of additional farmland to a non-agricultural use.

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:

The application is a proposal to rezone the subject property from Planned Development Zone P-D(589) to the C-2 Zone. The appropriate mitigation to be applied to any future development of the site includes: WS-11 and WS-13 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.
c. Project-Specific Effects

Section V-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>5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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</tbody>
</table>

Discussion:

(1-3) The proposed project to rezone from Planned Development Zone P-D(589) to C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use", which assumed water demand to be consistent with the type and intensity of development that would be permitted by this rezoning. The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director. The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel, and is surrounded by existing urban uses. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.
6. **INCREASED DEMAND FOR SANITARY SEWER SERVICES**

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

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

**Direct Impacts**

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

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

**Cumulative Impacts**

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

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

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

**Discussion:**

The application is a proposal to rezone the subject property from Planned Development Zone P-D(589) to the C-2 Zone. The appropriate mitigation to be applied to any future development of the site includes: SS-8 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. **Project-Specific Effects**

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

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

<table>
<thead>
<tr>
<th>Impact Description</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Discussion:**

(1-3) The proposed project to rezone from Planned Development Zone P-D(589) to C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use," which assumed wastewater generation to be consistent with the type and intensity of development that would be permitted by this rezoning. The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director. The site is mostly vacant except for an existing bar and lounge located on the northeast corner of the parcel, and is surrounded by existing urban uses. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

Discussion: There are no mitigation measures applicable to this project regarding sensitive wildlife and plant habitat.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Impact Description</td>
<td>Potentially Significant Impact</td>
<td>Less Than Significant with Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>-------------------------------</td>
<td>-----------------------------------------------</td>
<td>----------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The proposed project to rezone from Planned Development Zone P-D(589) to C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel.

(2-4) The project site is located within the Baseline Developed Area of the City and is therefore completely surrounded by developed urban area. It is not a biologically sensitive site as defined by Figure V-7-1 of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.

(5-6) The proposal to rezone the property is not in conflict with any local policies or ordinances protecting biological resources, nor is in conflict with any adopted habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

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

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

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

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

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

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

**Discussion:** There are no mitigation measures applicable to this project.

**c. Project-Specific Effects**

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

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

<table>
<thead>
<tr>
<th>8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would modify or demolish a structure more than 50 years in age.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
Discussion:

(1) The proposed project to rezone from Planned Development Zone P-D(589) to C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of MU “Mixed Use”. The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel.

(2-4) The existing building at the project site are not eligible for listing as a historic resource, nor are categorized as an existing historic landmark. The existing building was constructed in 1968 and is currently being used as a bar and lounge.

(5) The proposal to rezone the property would not be in conflict with any policy or ordinance protecting biological resources.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:
Discussion:
The application is a proposal to rezone the subject property from Planned Development Zone P-D (589) to the C-2 Zone. The appropriate mitigation to be applied to any future development of the site includes: SD-7 and SD-9 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

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

Discussion:

(1-3) The proposed project to rezone from Planned Development Zone P-D(589) to C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use", which assumed stormwater runoff to be consistent with the type and intensity of development that would be permitted by this rezoning. The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director. The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.
10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

The application is a proposal to rezone the subject property from Planned Development Zone P-D(589) to the C-2 Zone. The appropriate mitigation to be applied to any future development of the site includes: FWQ-13 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

| No Impact
<p>| Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | Potentially Significant Impact |
|---|---|---|---|
| 10. FLOODING AND WATER QUALITY |
| 1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan. | ☐ | ☑ | ☐ |
| 2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act. | ☑ | ☐ | ☑ | ☑ |</p>
<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>3)</td>
<td>The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4)</td>
<td>The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5)</td>
<td>The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6)</td>
<td>The proposed project would violate water quality standards or waste discharge requirements.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7)</td>
<td>The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the Urban Area General Plan.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8)</td>
<td>The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Discussion:

1-2) The proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU “Mixed Use”. The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director.

3-4) The proposed project is to rezone the property from Planned Development Zone P-D(589) to the C-2 General Commercial Zone. The site is outside of the 100-year flood zone as defined by the FEMA 2008 Flood Insurance Rate Maps (FIRM).

5-8) Any future development would be subject to Development Plan Review by the Director and will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

There are no mitigation measures applicable to the project.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>11. INCREASED DEMAND FOR PARKS AND OPEN SPACE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would eliminate parks or open space.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
### Discussion:

(1-3) The proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of MU "Mixed Use". The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel.

### 12. INCREASED DEMAND FOR SCHOOLS

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

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.
Discussion: There are no mitigation measures applicable to the project.

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

<table>
<thead>
<tr>
<th>12. INCREASED DEMAND FOR SCHOOLS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.</td>
</tr>
<tr>
<td>2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.</td>
</tr>
</tbody>
</table>

Discussion:

(1-2) The proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of MU “Mixed Use”. The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

Discussion: There are no mitigation measures applicable to this project.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>13. INCREASED DEMAND FOR POLICE SERVICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potentially Significant Impact</td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.</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>
</tr>
</tbody>
</table>

Discussion:

(1-2) The proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of MU "Mixed Use". The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director. The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel.
14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

Discussion: No mitigation measures are applicable to this project.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant with Mitigation</th>
<th>Less Than Significant</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potentially Significant Impact</td>
<td>Mitigation Incorporated</td>
<td>Impact</td>
<td></td>
</tr>
<tr>
<td>14. INCREASED DEMAND FOR FIRE SERVICES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.</td>
<td></td>
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</tr>
</tbody>
</table>

RZN-11-001: Finding of Conformance
City of Modesto General Plan Master EIR

Initial Study EA No. 2011-08
April 18, 2011
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</table>

Discussion:

(1-3) The proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of MU “Mixed Use”. The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director. The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion: No mitigation measures are applicable to this project.

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:
15. GENERATION OF SOLID WASTE

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

Discussion:

(1-2) The proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use", which assumed solid waste generation to be consistent with the type and intensity of development that would be permitted by this rezoning. The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director. The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion: No mitigation measures are applicable to this project.
c. Project-Specific Effects

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

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

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

Discussion:

(1) The proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of MU “Mixed Use”. The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director.

(2) The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel. No schools exist or are proposed within one-quarter mile of the project site. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

(3) The project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

(4) The project site is not known to contain any contaminants.
17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion: No mitigation measures are applicable to this project.

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>Potential Impact</th>
<th>Less Than Significant Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</table>

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.

2) The proposed project would expose people or structures to potential substantial adverse effects including the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use.
of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

Discussion:

(1) The proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of MU “Mixed Use”. The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director.

(2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project. The project site is already developed with four buildings previously used as an automotive dealership.

18. ENERGY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion: No mitigation measures are applicable to this project.
c. Project-Specific Effects

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

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

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

Discussion:

(1-2) The proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of MU “Mixed Use”. The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

Discussion: No mitigation measures are applicable to this project.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>19. EFFECTS ON VISUAL RESOURCES</td>
<td></td>
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</tr>
<tr>
<td>1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.</td>
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</tr>
<tr>
<td>2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.</td>
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</tr>
<tr>
<td>3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.</td>
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</table>

Discussion:

1) The proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director.

2-3) The project site is not in the vicinity of parks or riverside areas. No views into parks or riverside areas would be blocked or degraded from roadways or properties adjacent to the site.
20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

**Discussion:** No mitigation measures are applicable to this project.

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>20. LAND USE AND PLANNING</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.</td>
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</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>
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<td>☒</td>
</tr>
<tr>
<td>3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.</td>
<td>☐</td>
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</tbody>
</table>
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.

<table>
<thead>
<tr>
<th>Impact Description</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>The proposed project conflicts with a habitat conservation plan or natural community conservation plan.</td>
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<td>☐</td>
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</tbody>
</table>

Discussion:

(1) The proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director. Any future development would be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

(2) The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel. The project would not divide an established community.

(3) The proposed rezoning does not represent a conflict with any land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.

(4) The proposed rezoning is not subject to any habitat conservation plan or natural community conservation plan.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.
Discussion: No mitigation measures are applicable to this project.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>21. CLIMATE CHANGE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.</td>
<td>☐</td>
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<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would result in average automobile trip lengths or CO₂ emissions higher than those assumed in the Master EIR.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.</td>
<td>☐</td>
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</table>

Discussion:

1-3) The proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director. Any future development would be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.
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: None

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
RESOLUTION ADOPTING THE JOINT 2010 URBAN WATER MANAGEMENT PLAN AS REQUIRED BY THE STATE OF CALIFORNIA WATER CODE

WHEREAS, the State Department of Water Resources (DWR) requires Urban Water Management Plans (UWMPs) to be updated and submitted every five years under the Urban Water Management Planning Act of the State Water Code, and

WHEREAS, an UWMP is also necessary for water purveyors to be eligible for state water management grants or loans, and

WHEREAS, the Modesto Irrigation District (MID) is also required to submit an UWMP because by being a wholesale water supplier to the City of Modesto it provides water supply for municipal purposes to more than 3,000 customers, and

WHEREAS, the City of Modesto and MID have previously submitted joint UWMPs for both 2000 and 2005 in order to simplify the required efforts and coordinate more closely on the urban water needs, and

WHEREAS, on September 13, 2010, the City and MID entered into a Letter of Agreement for cost sharing and the development of the 2010 UWMP, and

WHEREAS, on September 14, 2010, the City Council, by Resolution No. 2010-404, approved an Agreement with West Yost Associates to develop the 2010 UWMP, and

WHEREAS, on February 22, 2011, the City Council, by Resolution No. 2011-063, conducted a public hearing and adopted a Methodology Consumption Calculation determining the per-capita water use targets and associated per-capita water uses as
required by the State Water Code, which are incorporated in the future water demand estimates of the 2010 UWMP, and

WHEREAS, one of the requirements of the 2010 UWMP is that the City must implement specific Demand Management Measures (DMMs), which will help achieve per-capita water use targets that reflect a 20% reduction in water use by the year 2020, which is mandated by the State’s 2009 Water Conservation Act, and

WHEREAS, the 2010 UWMP outlines the DMMs, which are developed in a Water Conservation Plan, being adopted under a separate Council action, and

WHEREAS, said matter was set for a duly noticed public hearing of the City Council of the City of Modesto to be held on May 24, 2011, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the Joint 2010 Urban Water Management Plan as required by the State of California Water Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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 ADOPTING THE MODESTO WATER CONSERVATION PLAN

WHEREAS, effective January 2009, Assembly Bill 1420 (AB 1420) amended the State Water Code to require agencies to implement or have a plan to implement the specific Demand Management Measures (DMMs) accepted by the State Department of Water Resources (DWR) as qualifying conservation plans before being eligible for state water management grants and loans, and

WHEREAS, agencies can demonstrate to DWR their implementation of the DMMs or their implementation plan by completing and submitting AB 1420 Self-Certification Statement Tables, which summarize their Conservation Plan DMM implementation schedule and other required details, and

WHEREAS, although Modesto has had an active and managed Water Conservation Program for many years, a Conservation Plan document describing these DMMs that support the Self-Certification Statement Tables has not been formally developed, and

WHEREAS, on April 27, 2010, the City Council, by Resolution No. 2010-151, amended an existing agreement with RMC Water and Environment to use remaining contract funds to develop a Conservation Plan, and

WHEREAS, the Conservation Plan describes the process to meet all of the goals for the DMMs over the next ten years, and
WHEREAS, the overall intent of the Conservation Plan is to promote water conservation programs and maximize real water conservation results in the most effective and economical means available, and

WHEREAS, the DMMs also serve as a plan to achieve the mandated 2015 Interim and 2020 Final per-capita water use targets developed in the 2010 Urban Water Management Plan (2010 UWMP), which was adopted under a separate Council action, and

WHEREAS, on March 28, 2011, the City submitted for DWR’s review the completed AB 1420 Self-Certification Statement Tables, and

WHEREAS, on April 14, 2011, the City received notification from DWR affirming the City’s compliance with AB 1420 which states that Modesto is eligible to receive water management grants and loan funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the Modesto Water Conservation Plan.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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. 2011-193

RESOLUTION ACCEPTING THE PASSENGER FACILITY CHARGES AUDIT FOR FISCAL YEARS 2008-09 AND 2009-10

WHEREAS, Passenger Facility Charges (PFC’s) are Federal Aviation Administration (FAA) approved fees that airline passengers pay with their ticket for the purpose of capital improvements at the airports, and

WHEREAS, FAA Guideline Part 158.67 requires each Airport/Public Agency to conduct an annual audit of their PFC program, and

WHEREAS, the City engaged its independent auditor, Brown and Armstrong, to conduct the audit for the fiscal years ending 6/30/10 and 6/30/09,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Auditor’s Report on Compliance with Requirements Applicable to the Passenger Facility Charge Program and on Internal Control over Compliance for the fiscal years ending 6/30/10 and 6/30/09.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th 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 votes:

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 AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE AND INSTALLATION OF AN OVERHEAD CRANE REPLACEMENT FOR THE WATER QUALITY CONTROL DIVISION OF THE PUBLIC WORKS DEPARTMENT, TO RAMSEY MACHINE SERVICES, ANAHEIM, CA, FOR THE TOTAL ESTIMATED COST OF $139,860

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for an overhead crane replacement for the Sutter Wastewater Treatment plant, and

WHEREAS, the Purchasing Division issued RFB No. 1011-07, for the purchase and installation of an overhead crane replacement to twenty-seven (27) prospective bidders, none of which were local vendors, posted the bid on the City’s website and formally advertised as required by law, and

WHEREAS, RFB’s were formally opened in the City Clerk’s office. Of the twenty-seven (27) prospective bidders, one company chose to respond. There are no local vendors that provide this equipment and installation of services, and

WHEREAS, based on providing a responsive and responsible bid, City staff recommends the award of bid and contract for the purchase and installation of an overhead crane replacement to Ramsey Machine Services, Anaheim, CA, for the total estimated cost of $139,860, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase and installation of an overhead crane replacement to Ramsey Machine Services, Anaheim, CA, conforms to the Modesto Municipal Code, and
WHEREAS, sufficient funds are budgeted in Fiscal Year 2010-11 in the following appropriation unit: 4210-54313-570003.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for the purchase and installation of an overhead crane replacement for the Water Quality Control Division of the Public Works Department, to Ramsey Machine Services, Anaheim, CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue the agreement for the total estimated cost of $139,860.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th 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 AMENDING THE FISCAL YEAR 2010-2011 ANNUAL OPERATING BUDGET

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th 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 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
EXHIBIT A

FINANCE
An adjustment is necessary to recognize $6,633 in previously unbudgeted General Fund (0100) revenue as a result of the Collection Fee assessed on delinquent accounts within the Business License Division of the Finance Department. The off-setting expense was previously appropriated in service credit expense as a result of the Finance Department reorganization adopted by Council on June 1, 2010. Another budget adjustment is necessary to transfer $8,606 from Salaries and Wages Part-time to Service Credit Expense to fund the Business Licenses portion of the Code Enforcement Officer position that now resides in the Parks, Recreation and Neighborhoods Department.

FIRE
An adjustment is necessary to appropriate $4,966 in unbudgeted General Fund (0100) revenue that was received in excess of the budgeted amount for Miscellaneous Special Services (Fireworks Task Force). This adjustment will also increase the expense budgets for Overtime in Orgs 1820 (Fire Investigations), 1822 (Fire Prevention), and 1832 (Emergency Operations) by 1,588; $1,395 and $1,983 respectively.

POLICE
While the ARRA Cops Hiring Recovery Program Grant provides for entry level officer expense, the City has officers at a higher rate than entry level in the fund whose additional expense must be subsidized. On November 3, 2010 (Resolution 2010-466) the City Council authorized the transfer of $54,680 from the General Fund (0100) to the ARRA-Public Safety Fund (0415) to cover the Fiscal Year 2009-2010 subsidy. This budget adjustment is necessary to budget an additional General Fund amount of $57,414 to cover the Fiscal Year 2010-2011 subsidy.

The following budget adjustments are necessary 1.) To recognize revenue in the amount of $510,381 in Police Administration - Refunds, Reimbursement and Cost Recovery (operating org. 0100-19110-47020). These funds were received by the City of Modesto Police Department from Travelers Insurance Company as reimbursement for claims filed for expenses incurred due to a flood in the Police Department Administration Building located at 600 10th Street in August 2010. Checks have been received from Travelers Insurance in the amounts of $250,000; $111,838.14; and $148,542.76 for a total of $510,381. 2.) To provide funding to cover the required $50,000 city deductible by reducing expense budgets in Org 0100 – 19420 – Police Support Services as follows: reduce Printing and Binding by $20,000 and reduce Tools Shop and Field Supplies by $30,000. 3.) Program offsetting expenses by increasing expense object 53160 – Repair & Maintenance Svcs – Property Damage in Org. 0100 – 19110 – Police Administration in the amount of $560,381 ($510,381 + $50,000). These actions will allow the City to track all expenses in one place where the expenses for restoration services and the purchase of replacement equipment will ultimately be incurred.

PUBLIC WORKS
An adjustment is necessary to appropriate $18,000 for two (2) HVAC replacements for the Modesto Airport Terminal. The current two (2) units are from 1971 and one (1) of the units has failed. The funding is available in the Airport Fund (4310) Reserves to pay for these repairs.
RESOLUTION ESTABLISHING THE CALCULATION FOR THE
APPROPRIATION LIMIT FOR THE FISCAL YEAR 2011-2012 ANNUAL
BUDGET

WHEREAS, Proposition IV of the California State Constitution requires the City
to establish an appropriation limit calculation each fiscal year, and

WHEREAS, Article XIIIIB of the California Constitution specifies that
appropriations made by State and local governments may increase annually by a factor
comprised of the change in population combined with either the change in California per
capita personal income or the change in the local assessment roll due to local
nonresidential construction, and

WHEREAS, the attached schedule shows the preferred price and population
factors to be used and the appropriation limit with the recommended factors in calculating
the limit are the price factor of “state growth in per capita income” and the population
factor of “growth rate in the city limits of Modesto”, and

WHEREAS, a copy of said report is on file in the City of Modesto Finance
Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the appropriation limit calculation is hereby established as shown on Schedule A,
attached hereto, and made a part hereof.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is
hereby authorized to take the necessary steps to implement the provisions of this
resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney)
FISCAL YEAR 2011-2012
PROPOSITION 4
APPROPRIATION LIMIT CALCULATION

FY2010-2011 Appropriation Limit $318,697,306

Adjustment Factors

<table>
<thead>
<tr>
<th>Factor</th>
<th>Factor Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per Capita Personal Income Change</td>
<td>2.51%</td>
</tr>
<tr>
<td>Population Change (Modesto)</td>
<td>0.61%</td>
</tr>
<tr>
<td>Per Capita converted to a ratio</td>
<td>1.0251</td>
</tr>
<tr>
<td>Population converted to a ratio</td>
<td>1.0061</td>
</tr>
</tbody>
</table>

Calculation of factor for FY2011-2012 1.0314

Adjustment $10,007,095

FY2011-2012 Appropriation Limit $328,704,401

Article XIIIIB places a limit on most, but not all, government revenue sources. The limit applies to appropriations from proceeds of taxes from both the general fund and special funds of government entities. Proceeds of taxes include tax revenues, interest earnings on invested tax revenues, and any revenues collected by a regulatory license fee or user charge in excess of the amount needed to cover the cost of providing the regulation, product, or service.

Appropriations from nontax revenues, including the City’s enterprise funds, are not subject to the limit.
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-197

RESOLUTION SUSPENDING MANAGEMENT LEAVE CASHOUT FOR UNREPRESENTED EMPLOYEES, INCLUDING DIRECTORS AND CHARTER OFFICERS FOR 2011; CONTINUING UNPAID FURLOUGHS THROUGH FISCAL YEAR 2011-12; RATIFY A 1% INCREASE TO ELIGIBLE MANAGEMENT FOR EMERGENCY MEDICAL TECHNICIAN CERTIFICATION PAY; ALIGNING THE CAP FOR HOLIDAY TIME ACCRUAL WITH THAT OF REPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES; INCORPORATING PREVIOUSLY AUTHORIZED BENEFITS FOR UNREPRESENTED MANAGEMENT EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES; AND RESCINDING RESOLUTION NO. 2010-264

WHEREAS, the City is seeking employee concessions as part of the effort to balance the City budget and address the City's budget shortfall, and

WHEREAS, unrepresented employees and Charter Officers have agreed to take 96 hours of unpaid furloughs, and

WHEREAS, unrepresented employees and Charter Officers have agreed to forego cash out of Management Leave for 2011, and

WHEREAS, the City desires to align the cash out of Holiday Time for unrepresented non-sworn employees and Charter Officers with that of Represented Management and Confidential employees, and

WHEREAS, the City desires to ratify and reflect the 1% increase effective June 22, 2010 in Emergency Medical Technician Certification pay granted to sworn Fire Management in the classifications of Fire Battalion Chief and Fire Division Chief (pursuant to the MCFFA LOU),

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

SECTION 1. HEALTH, DENTAL AND VISION BENEFITS. The City's
contribution to health, dental and vision benefits for Unrepresented Management and Confidential employees, including Charter Officers and Executives, shall remain in effect as follows:

<table>
<thead>
<tr>
<th>City Contribution (monthly)</th>
<th>1/1/2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sworn and Non-Sworn</td>
<td></td>
</tr>
<tr>
<td>Family</td>
<td>$1100</td>
</tr>
<tr>
<td>Employee Only</td>
<td>$621</td>
</tr>
<tr>
<td>Opt Out</td>
<td>$450</td>
</tr>
</tbody>
</table>

The City shall deposit into the employee’s deferred compensation account any balance remaining from the above listed contributions not needed to pay for the employee’s health, dental or vision premiums. Effective July 22, 2008, for employees enrolled in the City-sponsored High Deductible Health Plan, any balance of said contributions shall be directed to the employee’s Health Savings Account. Only in the event that an employee does not qualify for enrollment into a Health Savings Account, the City shall deposit any balance of the above contribution not needed to pay for the employee’s combined premium into the employee’s deferred compensation account.

Effective July 26, 2005, the City’s contribution toward unrepresented employees with Family coverage shall not exceed the actual premium amount for the lowest cost health (HMO Plan), dental and vision plans offered by the City, regardless of the health plan selected by the employee or the contribution amounts listed above.

SECTION 2. UNIFORM ALLOWANCES. Uniform allowances for unrepresented Management and Confidential employees who are required to wear a uniform, are as follows:
Positions Effective Date Allowance

Sworn Police January 1, 2008 $94.00 (Per Reso. No. 2005-602)

Sworn Fire Management July 1, 2007 $85.00

SECTION 3  DEFERRED COMPENSATION 401(a) MONEY PURCHASE PLANS. The 401(a) Money Purchase Plans shall provide for a City-paid contribution and equal mandatory employee contribution, effective January 1, 2006, of 5% for Charter Officers, 3% for Executives other than Charter Officers, and 2% for all other unrepresented Management and Confidential employees.

SECTION 4. COMPENSATORY TIME OFF CAP. Management and Confidential employees who are overtime-eligible shall be paid quarterly for all CTO over their established cap. For employees hired on or after December 6, 2005, the CTO cap shall be 100 hours. For employees hired before December 6, 2005, the cap shall be 160 hours.

SECTION 5. HOLIDAY CAP. Holiday time for unrepresented non-sworn employees may be accrued up to a maximum of 40 hours. When the employee reaches the 40 hour maximum, additional holiday time shall be compensated in cash at straight time rates on a quarterly basis.

SECTION 6. MANAGEMENT LEAVE. Commencing January 1, 2012, management employees in exempt regular positions shall be advanced 80 hours of Management Leave (Fire Battalion Chiefs on a 56-hour schedule shall be advanced 56 hours) January of each calendar year to be taken at the discretion of the employee and upon approval of City Manager, or designee, and shall be prorated for less than full-time employees. Management Leave will be forfeited if not used by the last pay period
ending in December. An exempt employee hired after Management Leave has been
advanced shall be eligible for a pro-rated portion of Leave.

In the event of separation from City employment of any person who has taken
Management Leave prior to the time all of said leave is earned, the employee shall be
required to make full restitution to the City for that portion of leave taken but remaining
unearned on the date of termination of employment. Employees separating from City
service will be paid for earned Management Leave credit.

SECTION 7. MANAGEMENT LEAVE ANNUAL CASHOUT. For calendar
year 2011 no employee will be permitted to cash out Management Leave.

The maximum number of hours available for cash out each December shall be 40
hours annually for Management employees, except that for overtime-eligible
Management employees the maximum cash out shall be 20 hours effective calendar year
2006. Maximum annual cash out shall be 18 hours for Confidential employees.

Effective December 2007, the maximum annual cash out shall be 80 hours for
Executives and Charter Officers, and 60 hours for Police Captains, Fire Battalion Chiefs,
Fire Division Chiefs, Deputy Directors, Assistant City Attorney and Deputy City
Attorney I/II/III/Senior. For Fire Battalion Chiefs on a 56-hour schedule, the maximum
cash out shall be 84 hours.

SECTION 8. FIRE CHIEF OFFICER SHIFT STIPEND.

Effective December 27, 2005, Fire Battalion Chiefs and Fire Division Chiefs assigned to
work extra shifts in order to maintain a consistent staffing of two (2) Battalion Chiefs to
the extent possible, may receive a stipend of one thousand dollars ($1,000) per 24-hour
shift. Criteria for assignment to extra shifts with the stipend shall be at the discretion of
the Fire Chief, who shall also determine when staffing at the level of one Battalion Chief is acceptable. The Fire Chief shall annually determine the maximum number of assignments available for stipend, subject to funds budgeted and the needs of the City. As FLSA Exempt management employees, Fire Battalion Chiefs and Fire Division Chiefs may be required to work both emergency and non-emergency assignments without additional compensation.

SECTION 9. NEGATIVE VACATION. Effective March 7, 2006, use of negative vacation will be permitted only for extenuating circumstances and will require the approval of the City Manager, or designee.

SECTION 10. PROBATIONARY PERIOD. All original and promotional appointments to positions in the Classified Service shall be tentative and subject to a probationary period of one year from the date of appointment to the position. The purpose of the probationary period is to train, observe and evaluate the employee on conduct, performance, attitude, adaptability and job knowledge.

Initial Probation: It is understood that the probationary period will normally last for one year from the date of appointment, but may last longer than the one year if absences, either paid or unpaid, cause the probationary employee to work less than 1680 hours. In the event that an employee works less than 1680 hours in the first twelve months of employment, then the employee’s probation shall be extended until he/she has worked 1680 hours.

Promotional Probation: It is understood that the probationary period, upon promotion, will normally last for one year from the date of promotion, but may last longer than the one year if absences, either paid or unpaid, cause the probationary
employee to work less than 1560 hours. In the event that an employee works less than 1560 hours during the twelve months following his/her promotion, then the employee’s probation shall be extended until he/she has worked 1560 hours.

During the probationary period an employee may be released at any time without right of appeal. Written notice of release shall be furnished to the probationer. An employee released during or at the conclusion of probation following a promotion, shall be reinstated to the position previously held, at the former salary step, except if the reasons for release are cause for dismissal.

SECTION 11. DEFERRED COMPENSATION SERVICE DATES. The CITY shall continue to provide access to a 457 deferred compensation program authorized by the City Council for the voluntary participation of City employees. In addition, the CITY shall match on behalf of a participating employee in a regular position, one and one-half percent (1.5%) of an employee's regular rate of pay on a bi-weekly basis; provided, the employee is contributing at least one and one-half percent (1.5%). For such employees who have been continuously employed by the CITY for nine (9) or more years, the CITY shall contribute two and one-half percent (2.5%); provided the employee is contributing at least two and one-half percent (2.5%). Effective January 1, 2006, this increase in the City's contribution shall be effective with the first pay period to begin in the month following completion of nine (9) years of service, provided that the employee has completed any required documents.

SECTION 12. DOMESTIC PARTNERS. Benefits applicable to spouses shall be extended to registered domestic partners, as required by law.
SECTION 13. MEDICAL LEAVES OF ABSENCE. Effective December 6, 2005, employees requesting an Authorized Medical Leave of Absence without pay, due to a medical incapacity to perform the duties of their position, must provide written medical verification of a long-term disability, illness or injury.

SECTION 14. CATASTROPHIC LEAVE. Effective December 6, 2005, employees requesting Catastrophic Leave donations must provide a written medical verification of long term illness or injury, or verification of a family member's illness or injury.

SECTION 15. HAZARDOUS MATERIALS CERTIFICATION PAY. Effective July 1, 2003, one (1) Fire Department Battalion Chief or Division Chief shall be authorized five (5%) percent Haz Mat Pay, when certified as a Hazardous Materials Specialist and assigned to administer the City of Modesto's participation in the Regional Hazardous Materials Response Team. This pay replaced the annual Haz Mat Stipend.

SECTION 16. MASTERS DEGREE INCENTIVE PAY. Effective June 29, 2004, employees who possess a Masters Degree or Juris Doctor from an accredited institution, shall be granted one and one half (1.5%) percent Masters Pay, subject to criteria as established by the City.

SECTION 17. REGISTRATION AND CERTIFICATION FEES. Effective July 1, 2003, when an employee is required by the City to obtain or renew a certificate, license or registration in order to carry out their assigned duties, except a California Class C Driver's License, the City will pay the fee for the actual certificate, license or registration, (and exam fee, if any).

SECTION 18. LEAVE CASHOUTS FOR SWORN FIRE MANAGEMENT
EMPLOYEES. Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Division Chief and Fire Chief working a 40 hour schedule shall be afforded the opportunity to cash out up to 61 hours of vacation leave per calendar year (at straight time rates) and up to 88 hours of holiday leave per calendar year (at time and one-half), effective July 1, 2003. Employees in the classification of Fire Battalion Chief working a 56 hour schedule shall be afforded the opportunity to cash out up to 72 hours of vacation leave per calendar year (at straight time rates) effective June 20, 2000, and up to 132 hours of holiday leave per calendar year (at time and one-half). Holiday leave may not be carried over year-to-year regardless of the schedule worked.

SECTION 19. VEHICLE ALLOWANCE. Per Resolution No. 2001-271 effective July 1, 2001, the vehicle allowance for Executives and Charter Officers who receive an allowance, shall be $400/month, and the City Manager is authorized to grant Deputy Directors either an assigned City vehicle or a vehicle allowance in the amount of $300/month. The City Manager is also authorized to grant selected Management employees a vehicle allowance of $100-$200/month based on Department Director recommendation and an annual justification relating to extensive use of a personal vehicle while conducting City business. Effective May 27, 2008, per Resolution 2008-305, the vehicle allowance for Charter Officers is increased to a maximum of $500/month.

SECTION 20. SICK LEAVE CASHOUT FOR SWORN FIRE MANAGEMENT EMPLOYEES. Effective June 22, 1999, Sworn Fire management employees who leave City service in good standing (other than retirement) after five (5) years of continuous service, shall be paid the first twenty-two hundred (2,200) hours of their current unused
sick leave, reduced by hours previously converted to Deferred Compensation, as follows:
(1) Ninety (90%) percent of accrued sick leave hours as of the date of the employee's initial promotion to a management classification shall be paid out at the current regular rate of pay (top step) for Fire Captain, and (2) In addition, twenty-five (25%) percent of the remaining sick leave hours accruing after promotion to a management classification shall be paid out at the employee's then current regular rate of pay.

SECTION 21. FURLOUGH. Effective June 21, 2011, all employees (except Fire Battalion Chief working a 56 hour schedule) shall take ninety six (96) hours of mandatory furloughs in fiscal year 2011-12. For the pay period beginning June 21, 2011 through pay period ending June 18, 2012, each employee shall have four (4) unpaid furlough hours deducted from his/her paycheck. Effective pay period beginning June 21, 2011, the City shall create for each employee a furlough bank of ninety-six (96) hours for fiscal year 2011-12. There is no cash value to the furlough bank hours. Unused furlough bank hours not taken by June 18, 2012 shall be forfeited. An employee who separates from City service and has not contributed the salary reduction equivalent to furlough bank hours taken shall authorize the City to reduce the employee’s final check by the amount needed to cover the unpaid furlough bank hours.

Employees in the classification of Fire Battalion Chief working a 56 hour schedule shall be required to take 134.24 hours of mandatory furloughs in fiscal year 2011-12. For the pay period beginning June 21, 2011 through pay period ending June 18, 2012, Fire Battalion Chiefs shall have 5.36 unpaid furlough hours deducted from his/her paycheck. Effective pay period beginning June 21, 2011, the City shall create for each Fire Battalion Chief working a 56 hour schedule a furlough bank of 134.24 hours for
fiscal year 2011-12. There is no cash value to the furlough bank hours. Unused furlough bank hours not taken by June 18, 2012 shall be forfeited. An employee who separates from City service and has not contributed the salary reduction equivalent to furlough bank hours taken shall authorize the City to reduce the employee’s final check by the amount needed to cover the unpaid furlough bank hours.

SECTION 22. EMERGENCY MEDICAL TECHNICIAN CERTIFICATION PAY. Effective July 1, 1990, sworn Fire Management employees in the classifications of Fire Battalion Chief and Fire Division Chief who are certified as Medical First Responders, shall receive a monthly allowance equivalent to two and one-half percent (2.5%) of the base salary for their classification. Employees who are certified as Emergency Medical Technicians (EMT-I), shall receive a monthly allowance equivalent to five percent (5.0%) of the base salary for their classification. The EMT-I allowance shall be in lieu of the Medical First Responder allowance.

SECTION 23. MUTUAL AID ASSIGNMENT. Per Resolution 2001-485, effective September 25, 2001, Sworn Fire Management employees in the classification of Fire Battalion Chief and Fire Division Chief shall receive a stipend when assigned to fill Strike Team and Task Force Leader assignments. Fire Battalion Chiefs assigned as Strike Team or Task Force Leader or Strike Team or Task Force Leader Trainee shall receive a stipend of $1000 for a 24 hour period. Fire Division Chiefs assigned as Strike Team or Task Force Leader or Strike Team or Task Force Leader Trainee shall receive a stipend of $1200 for a 24 hour period subject to the following conditions:

1. The assignment results from a request through the California Office of Emergency Services.
2. The assignment is subject to reimbursement through the “Cooperative Agreement for Local Government Fire Suppression.”

3. Regularly scheduled work hours are not included and partial periods are prorated to the nearest hour.

The City Manager is authorized to adjust the stipend amount, from time to time, consistent with increases in overall Fire Management salaries and reimbursement rates.

SECTION 24. ASSISTANT CHIEF OF POLICE ASSIGNMENT PAY.

Effective May 26, 1998, subject to the approval of the City Manager, the Police Chief may appoint employees currently employed by the Police Department in the classification of Police Captain to the assignment of Assistant Chief of Police. Such appointment may be made without competitive examination and shall continue at the will and pleasure of the Police Chief. The Police Chief may end the assignment at any time and such employee shall return to an assignment as Police Captain (unless removed due to dismissal) at a step no lower than the step the employee held at time of assignment.

The total number of assignments shall be at the sole discretion of the City Manager.

SECTION 25. RETIREE HEALTH INSURANCE. Employees may elect on a one-time basis at retirement to purchase health, dental and/or vision insurance under a City-authorized plan and are responsible for all cost.

For employees hired on or before December 31, 2010 and who retire after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused sick leave, up to twenty-two hundred (2,200) hours, applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY. Said insurance shall be
provided in an amount up to that contributed to active employees subject to changes in
the median priced health HMO plan for active employees, as needed to cover the cost of
retiree health, dental and vision premium at the rate of one month of CITY contribution
for each eight hours of sick leave.

For employees hired on or after January 1, 2011, the City shall contribute to a
Defined Contribution retiree medical benefit plan for each eligible employee in the form
of a deposit into a Health Reimbursement Arrangement (HRA) account. An employee
is eligible to receive a City HRA contribution upon completion of two full years. If an
employee separates employment before meeting eligibility requirement, the employee
shall receive no benefit. On the first pay period following completion of two full years
of continuous City service, the CITY shall deposit $2,400 into an HRA account
established in the employee’s name. Employees in regular positions budgeted less than
eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated lump
sum contribution based on hours worked. After the initial contribution is made, the City
shall contribute $0.5769 per pay status hour (no more than 80 hours biweekly), not
including overtime, for each eligible full time employee, up to a maximum of $100 per
month ($46.15 per pay period). Employees hired on or after January 1, 2011 and
subject to this defined contribution plan shall not be eligible for any sick leave
conversion towards retiree medical premiums of any sort. The City’s contribution under
this section represents the entire contribution towards employee retiree medical.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that
Resolution No. 2010-264 is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th 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)

ATTEST:  STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A SEVERANCE PACKAGE WHICH INCLUDES SEVERANCE PAY, HEALTH BENEFITS, EMPLOYEE ASSISTANCE PROGRAM AND INTERVIEW LEAVE FOR EMPLOYEES SUBJECT TO LAYOFF DUE TO AN AUTHORIZED REDUCTION IN FORCE

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

WHEREAS, the layoff of some full time employees is inevitable, and the City desires to establish a severance package to include Severance Pay, Health Benefits and Interview Leave for employees subject to an authorized reduction in force due to budget reductions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City to offer a Severance Package to eligible employees upon layoff as outlined in Exhibit A, entitled, "City of Modesto Severance Package Upon Layoff."

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 7th 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: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
City of Modesto

Severance Package Upon Layoff

1. The Severance Package Upon Layoff is available to employees due to an authorized reduction in the work force. The severance package must be issued no later than September 26, 2011.

2. Severance pay shall be based on the employee’s base rate of pay and completed years of service as follows:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Hours (Weeks)</th>
<th>Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-5 years</td>
<td>160 (4)</td>
<td>160 hours (4 weeks) multiplied by the employee’s present base hourly rate.</td>
</tr>
<tr>
<td>6-8 years</td>
<td>200 (5)</td>
<td>200 hours (5 weeks) multiplied by the employee’s present base hourly rate.</td>
</tr>
<tr>
<td>9-11 years</td>
<td>240 (6)</td>
<td>240 hours (6 weeks) multiplied by the employee’s present base hourly rate.</td>
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<tr>
<td>12-14 years</td>
<td>280 (7)</td>
<td>280 hours (7 weeks) multiplied by the employee’s present base hourly rate.</td>
</tr>
<tr>
<td>15+ years</td>
<td>320 (8)</td>
<td>320 hours (8 weeks) multiplied by the employee’s present base hourly rate.</td>
</tr>
</tbody>
</table>

For shift employees in the Fire Department, severance pay shall be calculated based upon fifty-six (56) hours per week multiplied by the applicable number of weeks as designated above, multiplied by the employee’s present base hourly rate of pay.

For employees whose regular work schedule is less than full time, the hours used to calculate severance pay shall be prorated.

At time of separation, an employee shall have the option to receive severance pay in a lump sum payment or in the form of a contribution of equal value by the City to the employee’s deferred compensation plan, subject to all appropriate IRS regulations and limitations.

These severance benefits are offered to employees by the City as an indication of the value the City places on its employees. It is a requirement that should the employee be re-hired by the City within four (4) weeks from the date of separation, the employee shall return the salary portion of the severance package less the period of time the employee was separated from the City.

3. City will continue the City’s contribution to employee’s health, dental and vision benefits for the same number of weeks as the employee’s severance pay, excluding any contribution to in-lieu deferred compensation.

Eligibility for Health Contribution: Employees who receive severance pay shall also be eligible to receive the City's contribution to health, dental and vision premiums for a period of four (4) to eight (8) weeks following layoff. The amount of this
contribution shall be the same as that provided to active employees, except that the amount shall not include the equivalent of any in-lieu deferred compensation or Health Savings Account contribution. The duration of the premium contributions shall be for the same number of weeks as the severance pay provision (4-8 weeks depending on years of service). The contribution shall be paid directly to the insurance carriers.

4. Counseling benefits under the City’s Employee Assistance Program (or Police Department Counseling Program) shall be available for a six month period following the effective date of the layoff.

**Eligibility for Counseling Benefit:** Employees who receive severance pay shall also be eligible for an extension of the City’s Employee Assistance Program (EAP) benefit for a period of six (6) months from date of layoff. Said benefit shall provide for a maximum of six (6) EAP visits per family.

5. City will provide paid interview leave prior to layoff, to a maximum of fifteen (15) hours for employees notified by their Department Director that they may be laid off.

**Eligibility for Interview Leave:** All employees in regular positions in the classified service shall be eligible for interview leave upon notification by their Department Director that they may be laid off. Employees who elect to bump down or demote to a vacancy in lieu of layoff are also eligible for interview leave.

An eligible employee may be granted up to fifteen (15) hours of paid leave for the purpose of participating in employment interviews or examinations with other employers.

As with other leave requests, interview leave is subject to approval, in advance, by the supervisor. Employees must provide supervisors with sufficient advance notice of such a leave and employees may be required to provide verification of the scheduled interview or examination. Interview leave in excess of fifteen hours may be granted with the written approval of the Department Director. Interview leave is not subject to cash out or conversion to any other benefit.

6. The City Manager may authorize an employee who volunteers to be laid off, to be laid off with rights to receive severance pay, health contributions and interview leave.

**Voluntary Layoff:** If an employee volunteers to be laid off and is in the classification or the approved bumping chain of a position authorized for layoff due to an authorized reduction in force, the City Manager may authorize said employee to be laid off, with all rights to receive severance benefits.

WHEREAS, pursuant to the Charter of the City of Modesto, the Mayor presented the Proposed Operating Budget for Fiscal Year 2011-2012 to the Finance Committee at workshops held on May 9, 12 and 16, 2011, and

WHEREAS, during these workshops the Finance Committee was presented with a policy issue affecting both the Proposed Fiscal Year 2011-2012 budget and the Fiscal Year 2010-2011 operating budget, and

WHEREAS, the Finance Committee approved the policy issue for consideration by the full City Council during its meeting held on June 16, 2011, and

WHEREAS, the City Council has considered the policy recommendation brought before it and has approved the item and desires to have them incorporated into the Fiscal Year 2010-2011 operating budget,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2010-2011 Operating Budget as shown in Exhibit 1 which is incorporated by reference herein.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th 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: ________________________________

APPROVED AS TO FORM:

By: ________________________________

SUSANA ALCALA WOOD, City Attorney
<table>
<thead>
<tr>
<th>Category</th>
<th>Org</th>
<th>Fund</th>
<th>Project Description</th>
<th>Manager</th>
<th>Status</th>
<th>Start Year</th>
<th>End Year</th>
<th>FY 12 Request</th>
<th>Total Budget Amount</th>
<th>Project Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport</td>
<td>A01</td>
<td>5202</td>
<td>AIR RESCUE FIRE FIGHTING (ARFF) VEHICLE - (FAAFPC)</td>
<td>THIELE</td>
<td>Active</td>
<td>2011</td>
<td>2011</td>
<td>$0</td>
<td>$16,600</td>
<td>Project completed in 2011</td>
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<tr>
<td>Airport</td>
<td>A04H</td>
<td>5202</td>
<td>ENHANCED RUNWAY 1OR SAFETY AREA. - (FAA/TBP)</td>
<td>THIELE</td>
<td>Active</td>
<td>2011</td>
<td>2011</td>
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<td>$87,385</td>
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<td>Active</td>
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<td>$375,885</td>
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<td>Access Control System - (FAAFPC)</td>
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<td>$0</td>
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<td>2011</td>
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<td>$16,600</td>
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<td>Parking Lot improvements (North Terminal Area) - (TSPA)</td>
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<td>FY 11 Request</td>
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<td>Project Status</td>
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<td>Parke System</td>
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<td>TAINMAN FIELD IMPROVEMENTS</td>
<td>HOLC Active</td>
<td>2012</td>
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<td>Ongoing. Final projects to include repairing the parking lot and various other minor improvements projects as determined by the City and the Modesto Unified School District.</td>
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<td>Ongoing. Final projects to include repairing the parking lot and various other minor improvements projects as determined by the City and the Modesto Unified School District.</td>
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<td>INTRL SLUMSBANK MAIN LANDSC.</td>
<td>DION Future</td>
<td>2012</td>
<td>$0</td>
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<td>DUAL STUDY: MURRAY 8 BY RF RIVER</td>
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<td>2012</td>
<td>$0</td>
<td>Project future.</td>
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<td>98</td>
<td>Parks System</td>
<td>3589 2683</td>
<td>GLOUSE PARK CONSTRUCTION PHASE 1 &amp; 2 (PG-001A)</td>
<td>HOLC Future</td>
<td>2012</td>
<td>$0</td>
<td>Project future. Noyet started.</td>
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<tr>
<td>99</td>
<td>Parks System</td>
<td>3596 2663</td>
<td>CARVER STREET: PHELANDALE-SCHOFIELD BIKE TRAIL SYSTEM</td>
<td>DION Active</td>
<td>2012</td>
<td>$94,096</td>
<td>Design has begun on the next segment of the bike trail between Carver and Tully.</td>
<td></td>
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<tr>
<td>100</td>
<td>Parking System</td>
<td>777 1300</td>
<td>POLICE PARKING LOT RESURFACE</td>
<td>BRODIN Future</td>
<td>2012</td>
<td>$0</td>
<td>This project was requested during the CIP process for Fiscal Year 2007 and every year thereafter, but continues to remain unfunded.</td>
<td></td>
<td></td>
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<tr>
<td>101</td>
<td>Public Safety</td>
<td>1310 2691</td>
<td>POLICE STATION - TENANT IMPROVEMENTS (PD-001)</td>
<td>DION Future</td>
<td>2012</td>
<td>$0</td>
<td>Project future.</td>
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<tr>
<td>102</td>
<td>Storm Drainage</td>
<td>2055 2680</td>
<td>John Thurman Storm Drain Outlet</td>
<td>WONG New</td>
<td>2012</td>
<td>$140,250</td>
<td>Project is currently under design. Additional funds needed to complete the project.</td>
<td></td>
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<td>103</td>
<td>Storm Drainage</td>
<td>2056 0260</td>
<td>11TH STREET STORM DRAINAGE</td>
<td>WONG Active</td>
<td>2012</td>
<td>$946,000</td>
<td>Project is currently under design. Additional funds needed to complete the project.</td>
<td></td>
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<td>104</td>
<td>Storm Drainage</td>
<td>2057 1290</td>
<td>555TH STORM DRAIN MASTER PLAN</td>
<td>BCNS Active</td>
<td>2012</td>
<td>$100,000</td>
<td>Environmental Quality Act (CQSA) portion of the project.</td>
<td></td>
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<tr>
<td>105</td>
<td>Storm Drainage</td>
<td>2058 1390</td>
<td>SYLVAN/ROSEVILLE INTERSECTION</td>
<td>DION Active</td>
<td>2005</td>
<td>$0</td>
<td>Project is pending design.</td>
<td></td>
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<tr>
<td>106</td>
<td>Storm Drainage</td>
<td>2059 2680</td>
<td>STORMWATREATMENT PARKING ET</td>
<td>DION Active</td>
<td>2005</td>
<td>$2,134,435</td>
<td>Project is pending design.</td>
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<td>107</td>
<td>Storm Drainage</td>
<td>2060 2680</td>
<td>WEST BASIN DROGON CONTROL</td>
<td>WONG Active</td>
<td>2012</td>
<td>$1,077,000</td>
<td>Project is currently under design. Project is expected to be complete by 2011.</td>
<td></td>
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<tr>
<td>109</td>
<td>Storm Drainage</td>
<td>2062 2591</td>
<td>EAST BASIN DRAINAGE IMPROVEMENTS (E-0399)</td>
<td>DION Future</td>
<td>2020</td>
<td>$0</td>
<td>Project future.</td>
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<tr>
<td>110</td>
<td>Storm Drainage</td>
<td>2063 2591</td>
<td>RETENTION BASIN AT GROGON PARK (G-210)</td>
<td>DION Future</td>
<td>2020</td>
<td>$0</td>
<td>Project future.</td>
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<tr>
<td>111</td>
<td>Storm Drainage</td>
<td>2064 2591</td>
<td>CLAUS ROAD STORM DRAIN TRUNK LINE TO EAST BASIN (E-220)</td>
<td>DION Future</td>
<td>2020</td>
<td>$0</td>
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<tr>
<td>112</td>
<td>Storm Drainage</td>
<td>2065 2921</td>
<td>FORCE MAIN FROM EAST BAY TO CUMS ROAD LINE (E-260)</td>
<td>DION Future</td>
<td>2020</td>
<td>$0</td>
<td>Project future.</td>
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<tr>
<td>113</td>
<td>Storm Drainage</td>
<td>2066 2921</td>
<td>EAST BAY PUMP STATION AND COMPLETION OF BASIN (E-260)</td>
<td>DION Future</td>
<td>2020</td>
<td>$0</td>
<td>Project future.</td>
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<td>114</td>
<td>Storm Drainage</td>
<td>2067 2921</td>
<td>NORTH BAY DRAINAGE</td>
<td>WONG Active</td>
<td>2012</td>
<td>$479,781</td>
<td>Project is pending closure.</td>
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<tr>
<td>115</td>
<td>Traffic Circulation</td>
<td>1010 2580</td>
<td>SnyDER AVE WYNNING (FREDDIE &amp; CARVER)</td>
<td>DION Active</td>
<td>2008</td>
<td>$1,150,000</td>
<td>Project is pending closure.</td>
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<tr>
<td>116</td>
<td>Traffic Circulation</td>
<td>1011 2580</td>
<td>FLANDO AV/GRADE TO ROSSELLE</td>
<td>DION Active</td>
<td>2008</td>
<td>$6,894,100</td>
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<td>Traffic Circulation</td>
<td>1021 2580</td>
<td>TRAFFIC SIGNAL UPGRADE - KANSAi/EMERIL &amp; Tully/Rumble</td>
<td>MURPHY Active</td>
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<td>$0</td>
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<td>2012</td>
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<td>SOUTHPARK ROAD EXTENSION</td>
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<td>2012</td>
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<td>Project future.</td>
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<td>Traffic Circulation</td>
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<td>SOUTHWEST DRAINAGE</td>
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<td>Project future.</td>
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<tr>
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<tr>
<td>Water</td>
<td>6210</td>
<td>Residential Meter Installation - East Modesto</td>
<td>SAVIGGE</td>
<td>Active</td>
<td>2012</td>
<td>2012</td>
<td>$1,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>6210</td>
<td>Residential Meter Installation - Central Modesto</td>
<td>SAVIGGE</td>
<td>Active</td>
<td>2012</td>
<td>2013</td>
<td>$1,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>6210</td>
<td>Residential Meter Installation - South Modesto</td>
<td>SAVIGGE</td>
<td>Active</td>
<td>2012</td>
<td>2013</td>
<td>$1,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>6210</td>
<td>Downstream Improvements - Yosemte Tunic-Link Secondary</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2012</td>
<td>2013</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>6210</td>
<td>STATE RTE 132 (Yosemite Blvd) - WATER MAIN REPLACEMENT</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2008</td>
<td>2011</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>6210</td>
<td>DOWNSTREAM IMPROVEMENTS WEST TANK/PIPELINES</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2007</td>
<td>2011</td>
<td>($2,300,000)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>6210</td>
<td>DOWNSTREAM IMPROVEMENTS TIB N-3 TANK</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2005</td>
<td>2014</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td>6210</td>
<td>New Water Basin Tanks - Primary</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2003</td>
<td>2008</td>
<td>($2,184,733)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category</td>
<td>Org Fund</td>
<td>Project Description</td>
<td>Manager</td>
<td>Status</td>
<td>Start Year</td>
<td>End Year</td>
<td>FY 12 Request</td>
<td>Total Budget Amount</td>
<td>Project Status</td>
</tr>
<tr>
<td>----------</td>
<td>----------</td>
<td>---------------------</td>
<td>---------</td>
<td>--------</td>
<td>------------</td>
<td>----------</td>
<td>--------------</td>
<td>-------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Water</td>
<td>W02: 0180</td>
<td>MODESTO RESIDENTIAL WATER METERING</td>
<td>SAVIDGE</td>
<td>Active</td>
<td>2006</td>
<td>2011</td>
<td>($23,645)</td>
<td>$8,674,831</td>
<td>This project will be placed at the end of FY2010-11. The meter installation has been split up into quadrants to better support the Accounting Division in identifying future assets for capitalization. Four (4) different meter types are being tested at Valley Park. One meter with a level shiner continues to filter arsenic adequately. Other methods will be investigated prior to installation.</td>
</tr>
<tr>
<td>Water</td>
<td>W03: 0180</td>
<td>SALIDA WELLS ARRENGING TREATMENT</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2008</td>
<td>2015</td>
<td>($300,000)</td>
<td>$240,000</td>
<td>Received approval from MD to start project. Construction is scheduled to begin in Spring 2013.</td>
</tr>
<tr>
<td>Water</td>
<td>W05: 0180</td>
<td>TANK 5 &amp; 6 PURCHASE/INSTALL GENERATORS</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2012</td>
<td>2013</td>
<td>$0</td>
<td>$180,000</td>
<td>Design complete. Project bids spring 2013.</td>
</tr>
<tr>
<td>Water</td>
<td>W12: 0180</td>
<td>WELL #226 - REPLACEMENT WELL</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2012</td>
<td>2013</td>
<td>$180,000</td>
<td>$167,000</td>
<td>Well design will be completed FY10-11. Construction will be dependent on funding. Funds will be requested in Year 2 Revenue.</td>
</tr>
<tr>
<td>Water</td>
<td>W14: 0180</td>
<td>TID SURFACE WATER SUPPLY PROJECT</td>
<td>BOND</td>
<td>Active</td>
<td>2008</td>
<td>2010</td>
<td>($3,000,000)</td>
<td>$2,305,177</td>
<td>Project is ongoing, and expected to be operational 2013-2014.</td>
</tr>
<tr>
<td>Water</td>
<td>W16: 0180</td>
<td>WATERS METERING</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2004</td>
<td>2013</td>
<td>$2,350,000</td>
<td>$455,585,542</td>
<td>Staff has installed 37,500 meters as of November 2010. During FY2011-12, crews are concentrated on finishing all sites that are &quot;meter ready&quot; and transitioning into areas that require more construction.</td>
</tr>
<tr>
<td>Water</td>
<td>W19: 0180</td>
<td>DOWNSTREAM IMPROVEMENTS (SECONDARY)</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2005</td>
<td>$1,111,469</td>
<td>($1,111,469)</td>
<td>$3,674,891</td>
<td>This is the primary account used to fund secondary projects.</td>
</tr>
<tr>
<td>Water</td>
<td>W24: 0180</td>
<td>HACIENDA LANDSCAPE WATERLINE</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2005</td>
<td>$1,016,765</td>
<td>($1,016,765)</td>
<td>$3,674,891</td>
<td>This primary account was set aside for the construction of the &quot;Hacienda&quot; water line.</td>
</tr>
<tr>
<td>Water</td>
<td>W25: 0180</td>
<td>MODESTO SYSTEM IMPROVEMENTS</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2004</td>
<td>$3,674,891</td>
<td>($1,205,250)</td>
<td>$3,000,000</td>
<td>This account is used to fund miscellaneous water replacement projects in various outlying areas of the City's Water system. These are smaller projects with quick turn-around which are not planned as unique secondary projects.</td>
</tr>
<tr>
<td>Water</td>
<td>W35: 0180</td>
<td>INSTALL NEW WELLS</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2003</td>
<td>$0</td>
<td>$2,272,000</td>
<td>($2,272,000)</td>
<td>This primary account was set aside for the construction of new wells.</td>
</tr>
<tr>
<td>Water</td>
<td>W36: 0180</td>
<td>REPLACE PUMPS (SECONDARY)</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2008</td>
<td>2011</td>
<td>$361,945</td>
<td>$361,945</td>
<td>This project was completed spring 2011. One project continued for this work. Funds are available in the secondary (W015) for FY11-12.</td>
</tr>
<tr>
<td>Water</td>
<td>W37: 0180</td>
<td>EAST ORANGEBURG - WATER MAIN REPLACEMENT</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2008</td>
<td>2011</td>
<td>$0</td>
<td>$1,198,769</td>
<td>This project has been deferred until funding is available for installation.</td>
</tr>
<tr>
<td>Water</td>
<td>W38: 0180</td>
<td>WATER DIVISION CORP YARD (SECONDARY)</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2010</td>
<td>$0</td>
<td>$0</td>
<td>$92,000</td>
<td>$92,000</td>
</tr>
<tr>
<td>Water</td>
<td>W44: 0180</td>
<td>WARM RIVER WATERLINE</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2006</td>
<td>2012</td>
<td>$0</td>
<td>$933,692</td>
<td>$933,692</td>
</tr>
<tr>
<td>Water</td>
<td>W45: 0180</td>
<td>MODESTO SYSTEM IMPROVEMENTS (SECONDARY)</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2004</td>
<td>$0</td>
<td>$1,150,801</td>
<td>$1,150,801</td>
<td>This account is used to fund miscellaneous water replacement projects in various outlying areas of the City's Water system. These are smaller projects with quick turn-around which are not planned as unique secondary projects.</td>
</tr>
<tr>
<td>Water</td>
<td>W46: 0180</td>
<td>OUTLIER SYSTEM IMPROVEMENTS (SECONDARY)</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2004</td>
<td>$0</td>
<td>$1,188,347</td>
<td>$1,188,347</td>
<td>This account is used to fund miscellaneous water replacement projects in various outlying areas of the City's Water system. These are smaller projects with quick turn-around which are not planned as unique secondary projects.</td>
</tr>
<tr>
<td>Water</td>
<td>W47: 0180</td>
<td>WATER DIVISION CORP YARD (SECONDARY)</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2010</td>
<td>$0</td>
<td>$0</td>
<td>$92,000</td>
<td>$92,000</td>
</tr>
<tr>
<td>Water</td>
<td>W48: 0180</td>
<td>WELLHEAD TREATMENT &amp; WEL REHABILITATION</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2006</td>
<td>2012</td>
<td>$0</td>
<td>$933,692</td>
<td>$933,692</td>
</tr>
<tr>
<td>Water</td>
<td>W57: 0180</td>
<td>PELANDA LANDSCAPE WATERLINE</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2006</td>
<td>2010</td>
<td>$0</td>
<td>$361,945</td>
<td>$361,945</td>
</tr>
<tr>
<td>Water</td>
<td>W61: 0180</td>
<td>MODESTO SYSTEM IMPROVEMENTS (SECONDARY)</td>
<td>CHRISTIE</td>
<td>Active</td>
<td>2004</td>
<td>$0</td>
<td>$1,150,801</td>
<td>$1,150,801</td>
<td>This account is used to fund miscellaneous water replacement projects in various outlying areas of the City's Water system. These are smaller projects with quick turn-around which are not planned as unique secondary projects.</td>
</tr>
</tbody>
</table>

Exhibit 1
A RESOLUTION APPROVING BUDGET GOALS AND BUDGET PRINCIPLES AS OUTLINED IN THE MAYOR'S BUDGET MESSAGE AND RECOMMENDED BY THE CITY COUNCIL FINANCE COMMITTEE AS PART OF THE FY 2011-2012 BUDGET DEVELOPMENT PROCESS

WHEREAS, as part of the Mayor's Proposed Budget for FY 2011-2012, the Mayor included Proposed Budget Goals and Budget Principles for the Council's consideration, and

WHEREAS, each year the City Council's Finance Committee makes recommendations regarding the upcoming Fiscal Year operating budget and capital improvement program, and

WHEREAS, in the development of the FY 2011-2012 operating budget, the Finance Committee reviewed and recommended for City Council consideration the attached Proposed Budget Goals and Budget Principles,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Proposed Budget Goals and Budget Principles as shown in Exhibits 1 and 2, which are incorporated by reference herein.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th 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
FY 2011-2012 Proposed Budget Goals

Focus resources on vital public services.

Continue efforts which will result in long-term structural budget changes.

Reduce deferred maintenance.

Increase the City's economic opportunities.
Recommended Budget Principles

1. Annually Adopt a Structurally Balanced Budget
   A structurally balanced budget means on-going revenues and on-going expenditures are in balance with on-going revenues meeting or exceeding expenditures during the same time period. If a structural imbalance occurs, a plan must be developed and implemented to bring the budget back into balance.

2. Use of One-Time Resources
   Once brought into balance, one-time revenues (excess reserves about reasonable risk calculations, revenue spikes, prior year budget savings, sale of property, etc) shall not be used for current or new on-going operating costs. Examples of appropriate uses of one-time revenues include early retirement of debt, capital expenditures without significant operating or maintenance costs, and other non-reoccurring expenditures.

3. Budget Revisions
   New programs, services, or staffing requests are considered in light of the Council's priorities and shall include a spending offset at the time of the request so that the request has a net-zero impact on the budget.

4. Reserves
   All City funds must maintain an adequate reserve level and/or ending fund balance as determined annually as appropriate for each fund. For the General Fund, the contingency reserve amount, which a minimum of 8% of the operating budget shall be maintained. Any use of the General Fund contingency reserve will require a majority vote of the Council.

5. Debt Issuance
   Long-term General Fund debt will not be incurred to support on-going operating costs (other than debt service) unless such issuance achieves net operating cost savings and such savings can be independently verified. All General Fund debt issuances shall identify a method of repayment or have a dedicated revenue source.

6. Employee Compensation
   Recognizing that employees are the City's major resource, negotiations for employee compensation shall focus on the total compensation costs (e.g. increases in salary, steps, and benefit costs) while considering the City's fiscal condition, revenue growth, and changes in the cost of living.

7. Capital Improvement Projects
   Capital Improvement Projects shall not proceed for projects with annual operating and maintenance costs in the General Fund without City Council certification that funding will be available in the applicable year of the cost impact. Certification shall demonstrate that the entire cost of the project, including operating and maintenance costs, will not require a decrease in the City's core services.

8. Fees and Charges
   The development of fees and fee increases shall be utilized where appropriate to assure fee program costs are fully recovered by fee revenue.
9. **Grants**
Staff will seek out, apply for, and effectively administer grants that address the City's priorities, policy objectives, and provide an overall positive benefit to the City. Before a grant is pursued, staff shall provide a detailed fiscal analysis addressing both the immediate and long-term costs and benefits of the grant. With the exception of pilot projects, one-time grant revenues shall not be used to begin or support the costs of ongoing programs.

10. **General Plan**
The General Plan is the primary long-term fiscal planning tool. Recommendations to create new development capacity beyond the existing General Plan shall be analyzed to ensure that capital improvements and operating/maintenance costs are within the City's financial capabilities.

11. **Performance Measurement**
All requests for funding shall include performance measure data so funding requests can be reviewed and approved in light of anticipated service level outcomes.

WHEREAS, the City has a Stand-By Purchase Agreement (SBPA) with Bank of America on the Water Fund’s Water Refunding Revenue Certificates of Participation (Water COPs), Series 2008A, which has an outstanding balance of $46,765,000, and

WHEREAS, the Bank of America SBPA has an annual fee of .40%, and

WHEREAS, the Bank of America SBPA expires on May 29, 2011, and

WHEREAS, the Water COPs require the City replace this liquidity support with a new Letter of Credit (LOC) or SBPA, and

WHEREAS, the Water COPs are also insured by a bond insurance policy issued by Assured Guaranty, and

WHEREAS, in December 2010, the City learned that Bank of America would not be renewing its SBPA on the Water COPs, and

WHEREAS, the City, with assistance from Public Financial Management, Inc., issued a Request for Proposal to financial institutions for a new LOC or SBPA to provide liquidity support to the Water COPs, and
WHEREAS, staff recommends the City accept the proposal submitted by JP Morgan Chase Bank (JP Morgan) to provide the City with a LOC on the Water COPs for a period of three years at an annual fee of 1.20%, and

WHEREAS, staff recommends JP Morgan replace Bank of America as the remarketing agent for the Water COPs, and

WHEREAS, Bank of America has offered to extend the termination date of the current SBPA from May 29, 2011 to July 28, 2011, and

WHEREAS, the LOC replacement is expected to be complete in early July 2011, and

WHEREAS, replacing the SBPA with a LOC allows the City to avoid taking other actions, such as refunding the Water COPs with long-term variable or fixed rate debt and possibly having to make a swap termination payment of $8.2 million, as of May 6, 2011, and

WHEREAS, the Finance Committee, on February 28, 2011, accepted a staff report on this issue and directed staff to bring appropriate documents to Council for adoption,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the replacement of the Bank of America Standby Purchase Agreement with the JP Morgan Chase Bank Direct-Pay Letter of Credit on the Water Refunding Revenue Certificates of Participation, Series 2008A.

BE IT FURTHER RESOLVED that the form of and authorization of the distribution of a Supplement to an Official Statement in connection therewith is approved.
BE IT FURTHER RESOLVED that the Council hereby authorizes the execution of various other agreements and certain other actions related to this transaction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2011, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE SUBMISSION OF WRITTEN COMMENTS SUPPORTING RELICENSING OF THE DON PEDRO PROJECT BY THE FEDERAL ENERGY REGULATORY COMMISSION WITH PROVISIONS FOR THE PRESERVATION OF SURFACE WATER SUPPLIES NEEDED TO MEET EXISTING AND PROJECTED MUNICIPAL AND INDUSTRIAL WATER DEMANDS FOR THE MODESTO WATER SERVICE AREA

WHEREAS, the Federal Energy Regulatory Commission (FERC) is responsible for the licensing of non-federal hydropower projects in the United States, and

WHEREAS, Hydropower projects are licensed for a period of 30 to 50 years in duration and must be relicensed by FERC at the end of the licensing period, and

WHEREAS, the Don Pedro Hydroelectric Project (Don Pedro Project) and facilities are jointly owned and operated by the Modesto Irrigation District (MID) and the Turlock Irrigation District (TID), and

WHEREAS, the Don Pedro Project’s 50-year license is set to expire in 2016, and

WHEREAS, MID supplies the City of Modesto up to 67,200 acre-feet of drinking water per year, and

WHEREAS, it is imperative that this water continue to be available through relicensing in order to continue the delivery of water to meet health and safety needs, economic development needs, and quality of life needs for our customers, and

WHEREAS, part of the initial actions for starting relicensing includes taking comments on the scoping of studies to ensure that all water uses and needs are fairly considered through the relicensing process, and

WHEREAS, Staff will prepare written comments to FERC for submission by June 10, 2011, and
WHEREAS, Staff requests Council consider approving a resolution supporting written comments on the relicensing of the Don Pedro Project by FERC with provisions for the preservation of surface water supplies needed to meet existing and projected municipal and industrial water demands for the Modesto water service area,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submission of written comments supporting relicensing of the Don Pedro Project by the Federal Energy Regulatory Commission with provisions for the preservation of surface water supplies needed to meet existing and projected municipal and industrial water demands for the Modesto water service area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2011, by Councilmember Marsh, 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: 

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney