A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 1999082041): AMENDING SECTIONS 29-3-9 AND 32-3-9 OF THE ZONING MAP TO REZONE FROM COMMERCIAL INDUSTRIAL ZONE, C-M, TO PLANNED DEVELOPMENT ZONE, P-D(578) PROPERTY LOCATED ON THE EAST CORNER OF SEVENTH AND J STREETS (DUDLEY-CASH)

WHEREAS, on March 4, 2003, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 1999082041) for the Modesto Urban Area General Plan, and

WHEREAS, William Dudley-Cash has proposed that the zoning designation for property located on the east corner of 7th and J Streets be amended to rezone from Commercial-Industrial Zone, C-M, to a new Planned Development Zone, P-D(578), in the City of Modesto to allow a mixed use development, and

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

WHEREAS, the City’s Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED No. 2006-69 (“Initial Study”) reviewed the proposed amendment to the Zoning Map and rezone to P-D(578) project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR (“Master EIR”), and concluded that the proposed
project is within the scope of the Master EIR and will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no new additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines beginning on January 15, 2007, the City caused to be published a 20-day notice of the City's intent to make a finding that the proposed project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on February 6, 2007, 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 amendment to the Zoning Map and rezone to P-D(578) project, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 1999082041) as being within the scope of the Master EIR.

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2007, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
City of Modesto

Finding of Conformance to
General Plan Master EIR:

Initial Study C&ED No. (2006- 69)

For the proposed:

Rezone from C-M to a (PD) Planned Development Zone for a 9,500 square-foot mixed-use-building complex at 924-930 J Street
(Cash Dudley, Applicant)

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

December 18, 2006
City of Modesto  
Master EIR Initial Study Checklist  

I. PURPOSE  
CEQA allows for the limited environmental review of subsequent projects under the City's Master EIR. This Initial Study Checklist is used in determining whether the Rezone from C-M to a (PD) Planned Development Zone for a 9,500 square-foot mixed-use building complex at 924-930 J Street is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 1999082041) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformity.  

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. (State CEQA Guidelines Section 15384)  

II. PROJECT DESCRIPTION  

A. Title: Rezone from C-M to a (PD) Planned Development Zone for a 9,500 square-foot mixed-use building complex at 924-930 J Street  

B. Address or Location: 924-930 7th Street  

C. Applicant: Edna Faye Cash- Dudley, William Arliss Dudley- Cash, 1608 F Street, Modesto, CA 95354  

D. City Contact Person: David Wage.  
Project Manager: David Wage, Assistant Planner  
Department: Community and Economic Development Department  
Phone Number: (209) 577-5302  
E-mail address: dwage@modestogov.com  

E. Current General Plan Designation(s): "C-M" Commercial-Industrial  

F. Current Zoning Classification(s): RPD, Redevelopment Planned District  

City of Modesto Finding of Conformance  
General Plan Master EIR 2  
Initial Study  
EA/C&E No. 2006-41  
May 31, 2006
G. Surrounding Land Uses: North: (C-M) St. Stanislaus Church
South: (C-M) residential units
East: (C-M) industrial
West: (C-M) residential units

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

The applicant proposes a rezone to a Planned Development and the construction of 9,500 square-foot mixed-use building complex located on two vacant lots at 924-930 7th Street. The development would include a home residence, offices, a two-story restaurant/apartment building and fifteen (15) off street parking spaces.
PLOT PLAN
(Large-format version of plan attached to Commissioner's agenda)
I. 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. The following items are found to be true:

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

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

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

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

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

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

   A. The type of project is 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. The following items are found to be true:

   A. The type of project is 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.

[Signature]

Assistant Planner
Title
December 18, 2006
Date
4. Within the Scope Analysis of this Document:

The Master EIR permits projects to be found within the scope of the MEIR if certain criteria are met. Basically, if the following statements are found to be true for all 20 sections of this Initial Study, then the project was covered by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

YES NO

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

(2) City policies which reduce, avoid or mitigate environmental effects, will continue to be in effect and therefore would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. X □

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

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

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

(6) Development within the project will comply with all mitigation measures identified in the General Plan Master EIR. X □

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 20 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 discussed.

YES NO

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

(2) This project was 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: X □

(3) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified. X □
IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this 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 a notice of conformity after completion of the Initial Study fulfills the City’s obligation in that situation.

All environmental effects cited reflect year 2025 build-out of the Urban Area General Plan as identified in the MEIR.

The Master EIR for the General Plan organizes its analysis of environmental impacts into eighteen subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of cross-reference, the sections are numbered in the same order as the analyses in Chapter V.

In addition to the 18 Master EIR subject areas, the Initial Study checklist addresses the issues of land use/planning and aesthetics. The reason for including these additional issues is to ensure that consideration is being given to the full range of subjects of importance contained in Appendix G of the CEQA Guidelines. The format for the land use/planning and aesthetics sections differs from that of the other 18 subject areas since these two subjects were not addressed as distinct subjects in the Master EIR.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant and unavoidable traffic and circulation impacts within certain areas of the “Baseline Developed Area”:

**Effect**: Increased traffic will result in certain roadway segments operating at LOS “D” or worse.

**Effect**: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, violation, either individually or cumulatively, of a LOS standard established by the County CMP for designated roads and highways.

**Effect**: Creation of need for Capacity-enhancing modifications to existing facilities.
**Effect:** Increase in energy consumption associated with the operation of highway projects, rail improvements, and aviation facilities.

**Effect:** Severe contrast with existing neighborhood or area character caused by highway and transit projects.

**DISCUSSION:**
This is an application to rezone to P-D and build a mixed-use complex. The addition of offices, a residence, a restaurant and an apartment is compatible with the existing residential, commercial and industrial uses located in this area. Due its size and nature, the proposed land use will not significantly change existing road capacities or levels of service.

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

Traffic and Circulation mitigation measures that may be pertinent to this project are found on MEIR pages V-1-15 through V-1-21. All feasible measures appropriate to the project – including any new measures - will be incorporated into or made conditions of approval of this project and will be listed in Section IV, Mitigation Measures Applied to Project.

**c. Project-Specific Effects**

Section V-1.B of the MEIR 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 previously analyzed in the MEIR.

**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>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>(1) Does the project contribute one hundred (100) or more peak hour trips to or from the site during the adjacent roadway’s peak hour or the development’s peak hour, to adjoining roads and generates more trips than assumed for their general plan land use category and zoning in the Master EIR.</td>
<td>☐ X</td>
</tr>
</tbody>
</table>

**Note:**
If a project exceeds an additional one hundred (100) or more peak hour trips contribution, a site access study may be conducted to determine to what extent the project would exceed the year 2025 level of service (LOS) expected for the adjoining roadways under the Master EIR. The site access study would recommend new, project-specific mitigation measures. If the project also exceeds the Master EIR’s traffic generation assumption, as determined by Engineering & Transportation staff, a comprehensive traffic study would be required that will include off-site traffic impact analysis.

YES  NO
(2) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). ☐ X

(3) Result in inadequate emergency access. ☐ X

(4) Result in inadequate parking capacity. ☐ X

DISCUSSION:

(1) Engineering and Transportation Staff reviewed the proposed project and found:

A. The proposed project will not generate traffic impacts to the adjacent roadways in excess of what was assumed under the MEIR. No traffic study is required.
B. A site access study is not required for this project.

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

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

(4) The project has been evaluated for compliance to the City of Modesto Parking regulations. The design and layout of the proposed parking area will comply with both City standards and ADA (Americans with Disability Act) standards.

2. AIR QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to air quality:

Effect: Projected City traffic levels will result in increased ambient carbon monoxide (CO) levels in the project area. This is a significant and unavoidable impact.

Effect: Projected City traffic levels will result in increased ROG and NOX levels in the project area. This is a significant and unavoidable impact.

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

Air Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-2-11 through V-2-18 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section IV, Mitigation Measures Applied to Project:

DISCUSSION:
Mitigation Measures appropriate to this project include: AQ-17

c. Project-Specific Effects

Section V-2.B of the MEIR provides analysis of Air 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 MEIR.

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

(1) The project exceeds the emissions thresholds established for CO and NOx by the San Joaquin Valley Unified Air Pollution Control District's (SJVUAPCD) adopted CEQA Guidelines.  

(2) The project does not incorporate the best management practices for PM10 reduction established by the SJVUAPCD.  

(3) The project does not comply with the air quality policies of the Modesto Urban Area General Plan.  

(4) The project would expose sensitive receptors to substantial pollutant concentrations.  

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

DISCUSSION:

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

(2) This project does incorporate the best management practices for PM10 reduction established by the SJVUAPD (see mitigations measures above).  

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

(4) The project is not a significant contributor to pollution levels in that it involves only a building addition for an existing church. PM10 emissions created through the construction phase will be mitigated as called for by the MEIR by the measures listed above.  

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

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

The Master EIR identified the following significant and unavoidable environmental impacts relative to noise:

**Effect:** Traffic noise levels for future conditions in the plan area have the potential to result in an excess of the City's Noise Significance Standards.

**Effect:** Noise level projections based on the traffic levels anticipated in the General Plan indicate that noise will exceed the City's General Plan and noise ordinance standards.

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-3-10 through V-3-15 MEIR. All feasible 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 IV, Mitigation Applied to Project:

**DISCUSSION:**

Mitigation Measures appropriate to this project include: N-4, N-5 and N-6.

c. **Project-Specific Effects**

Section V-3.B of the MEIR provides analysis of noise 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 MEIR.

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

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<th></th>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
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<tbody>
<tr>
<td>(1)</td>
<td>The project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(2)</td>
<td>The project will exceed the noise policies of or otherwise be inconsistent with the Modesto Urban Area General Plan.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(3)</td>
<td>The project will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>(4)</td>
<td>The project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.</td>
<td>X</td>
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</tbody>
</table>
DISCUSSION:

(1) The City’s noise policy is incorporated into the conditions of approval as a mitigation measure.

(2) The project is consistent with the noise policies of the General Plan. The noise mitigation measures called for by the General Plan for projects within the baseline-developed area are incorporated into the conditions of approval for the project.

(3) The only permanent noise levels produced by the project would be associated with traffic. The traffic levels are within the scope of what the MEIR assumed for the site. Therefore, this project will not result in a substantial permanent increase in ambient noise levels.

(4) The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity. There will be some construction related noise, but the noise mitigation measures called for by the General Plan for projects within the baseline developed area, are incorporated into the conditions of approval for the project.

4. AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to agricultural lands:

Effect: Development within the urbanized Baseline Developed Area and Redevelopment Area will have a less-than-significant impact on agricultural lands.

Effect: Conversion of agricultural land will occur as available developable land is occupied within the City. This is a significant and unavoidable impact.

Effect: Growth within Modesto’s planning area would contribute considerably to the loss of agricultural land within Stanislaus County. This is a significant and unavoidable cumulative impact.

DISCUSSION:

The site is not zoned for agriculture or designated on the General Plan for future agricultural use. The proposed project will not affect areas zoned for agriculture or designated on the General Plan for future agricultural use. The project site and the surrounding property are located within a fully developed urbanized area, both inside and outside the corporate City limits.

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

Agricultural Land mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-4-7 and V-4-8 MEIR. All feasible 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 IV, Mitigation Applied to Project:
DISCUSSION:

There are no mitigation measures applicable to this project.

c. Project-Specific Effects

Section V-4.B of the MEIR provides analysis of Agricultural Lands 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 MEIR.

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

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td>☑ X</td>
</tr>
<tr>
<td>(2) The project will directly result in the development of land outside the March 2003 planning area boundaries.</td>
<td>☑ X</td>
</tr>
<tr>
<td>(3) The project will Conflict with existing zoning for agricultural use, or a Williamson Act contract.</td>
<td>☑ X</td>
</tr>
<tr>
<td>(4) The project will Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.</td>
<td>☑ X</td>
</tr>
</tbody>
</table>

DISCUSSION:

(1) The project is consistent with the General Plan land use policies. It is an infill project, proposed within the urbanized area of the City. There are no agricultural parcels affected by the proposal and no agricultural and will be converted.

(2) The project is within the Baseline-Developed area of the City and therefore will not result in the development of land outside the March 2003 planning area boundaries.

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

(4) The project will not involve changes to the existing environment that could result in the conversion of farmland to non-agricultural uses. The project is completely surrounded by urbanization.

5. WATER SUPPLY

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to water supply:
Effect: Urban Area General Plan policies are established to limit groundwater extractions to the safe yield of the aquifer and thereby avoid aquifer over drafting. In addition, the UWMP requires that new urban development would proceed in conjunction with the availability of water supplies and distribution facilities. It is assumed that increased entitlement of surface water supplies such as a water transfer from another water purveyor would undergo independent environmental review pursuant to CEQA. This is a less-than-significant impact.

Effect: Development to the future projected City population would require expansion of the MRWTP to its full 60 mgd capacity, development of additional groundwater wells, and construction of additional water distribution and treatment facilities. Construction of some of the required facilities would most likely require site-specific environmental impact assessments to be conducted under CEQA. Consequently, the potential environmental impacts of the Urban Area General Plan are considered less-than-significant.

Effect: During drought years, despite available options, significant water shortages are forecast for the San Joaquin River basin by the year 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions. This is a significant and unavoidable cumulative impact.

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

Water Supply mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-5-7 through V-5-8 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

DISCUSSION:

There are no mitigation measures applicable to this project.

c. Project-Specific Effects

Section V-5.B of the MEIR provides analysis of Water Supply 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 MEIR.

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

YES NO

(1) The project is inconsistent with the Modesto Urban Area General Plan. ☐ X

(2) Sufficient water supplies are not available to serve the project from existing entitlements and resources, new or expanded entitlements are needed. ☐ X

DISCUSSION:

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

(2) The project was referred to Engineering and Transportation for comment and there was no determination that there is insufficient capacity to serve the project.
6. SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to sanitary sewer services:

Effect: The City has already begun to implement the provisions of the Wastewater Master Plan (WMP) to meet future demand for sanitary sewer services. As City wastewater treatment facilities are expanded to meet the needs of the Baseline Developed, Redevelopment, and Planned Urbanizing Areas, the City will obtain the necessary wastewater discharge and NPDES permits from the Central Valley RWQCB, as required under Urban Area General Plan Policy V-D.2(a). Implementing the WMP, requirement of Best Management Practices for post-construction activities, as well as the Urban Area General Plan policy cited above, will avoid violation of wastewater discharge requirements. As a result, this impact would be less-than-significant.

Effect: The City has adopted the WMP specifically to ensure that sewer capacity will match the level of growth projected by the Urban Area General Plan. Development within the Baseline Developed and the Planned Urbanizing Areas that is consistent with the Urban Area General Plan will not have a significant effect on capacity. Urban Area General Plan Policy III-D.1(d) will ensure that development in the Planned Urbanizing Area will fund the necessary improvements. This is a less-than-significant impact.

Note on the WMP Master EIR. The WMP Master EIR identified a number of impacts and mitigation measures. Its mitigation measures have been adopted by the City and are being implemented by the City under the WMP. Those impacts are being independently addressed under that Master EIR and do not need to be considered under this Initial Study. Refer to the WMP Master EIR for details.

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

Sewer Service mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-6-4 through V-6-7 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

DISCUSSION:

There are no mitigation measures applicable to this project.

c. Project-Specific Effects

Section V-6.B of the MEIR provides analysis of Sanitary Sewer Service 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 MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-than significant unless:
(1) The project is inconsistent with the Modesto Urban Area General Plan.  

(2) The 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.

DISCUSSION:

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

(2) The project was referred to Engineering and Transportation for comment and there was no indication that there is insufficient capacity to serve the project.

7. SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to sensitive wildlife and plant habitat:

Effect: Although many sensitive species live in riparian habitats within the planning area, the policies of the plan will ensure that impacts of the Urban Area General Plan will be less-than-significant.

Effect: Requiring higher residential density than the suburban norm and a compact pattern of growth within the designated planning area to the year 2025 will 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 measure pertinent to the project being analyzed in this Initial Study are found on pages V-7-19 through V-7-21. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

DISCUSSION:

There are no mitigation measures applicable to this project regarding sensitive wildlife and plant habitat. The project site is not a biologically sensitive site as defined by Figures V-7-1a through V-7-1e of the MEIR.

c. Project-Specific Effects

Section V-7.B of the MEIR provides analysis of Wildlife and Plant Habitat 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 MEIR.
Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-than significant unless:

YES NO

(1) The project is inconsistent with the Modesto Urban Area General Plan. □ X

(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 special status species. □ X

(3) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. □ X

DISCUSSION:

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

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

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

8. ARCHAEOLOGICAL OR HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to archaeological or historical sites:

Effect: If a site-specific project involves the modification or demolition of a qualifying structure more than 50 years in age, then the impact will be significant.

Effect: Areas of high probability for archaeological resources are located within the riparian corridors along the Tuolumne River, Dry Creek, and the Stanislaus River. There, the potential impact comes from earthmoving activities that could result in disturbance of resources or human remains. There is a low probability that archaeological resources will be uncovered in areas outside of the riparian corridors.

Effect: The City Zoning Ordinance requires that when substantial changes to a structure are proposed, the development will be required to comply with other Zoning Ordinance provisions such as parking or landscaping requirements. This could result in modifications to the structure, which substantially reduce its historical significance. This would be a less-than-significant impact with the imposition of new mitigation measure Cultural-1.
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-8-13 and V-8-14 MEIR.

DISCUSSION:

Mitigation Measures applicable to this project include: AH-8, Master EIR.

c. Project-Specific Effects

Section V-8.B of the MEIR provides analysis of Archaeological/Historical 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 MEIR.

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

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>1</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

(1) The project is inconsistent with the Modesto Urban Area General Plan.

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

DISCUSSION:

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

(2) The project would not adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources, or that is listed by the City of Modesto as a Designated Landmark Preservation Site. The mitigation measure called for by the General Plan is incorporated into the conditions of approval for the project.

9. STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to storm drainage:

Effect: The potential impacts on storm water drainage that could occur from the project were qualitatively evaluated with respect to several factors including: extent of the projected increase in urban surface area compared to undeveloped ground; magnitude of projected changes to hydrologic and physical site characteristics of the study area compared to existing conditions; regulatory criteria and guidelines; and professional judgment. Because the Urban Area General Plan includes policies that require new development in all three sections of the planning area to install approved drainage facilities, the potential impacts of the Urban Area General Plan on storm water drainage are considered less-than-significant.
**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 areas and associated urban storm water drainage. 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 measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8.

**DISCUSSION:**

Mitigation measures appropriate to this project include: SD-7, MEIR. This mitigation measure is addressed by conditions of approval.

c. **Project-Specific Effects**

Section V-9.B of the MEIR provides analysis of Storm Drainage 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 MEIR.

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

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td>□ X</td>
</tr>
<tr>
<td>(2) The project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite.</td>
<td>□ X</td>
</tr>
<tr>
<td>(3) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.</td>
<td>□ X</td>
</tr>
</tbody>
</table>

**DISCUSSION:**

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

(2) The project will meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures," adopted by the City as required by the above-listed mitigation measures.

(3) The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system.
10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to flooding and water quality:

**Effect:** Increased runoff can accelerate soil erosion, stream channel scouring, and sedimentation of channels, and also increase pollutant transport to waterways. The potential impacts of the project on flooding are considered less-than-significant because the Urban Area General Plan Update includes policies to restrict development in the floodplain and therefore would avoid exposing persons and property to flood hazards. In addition, new development under the Urban Area General Plan is required to install storm water drainage facilities that restrict the amount of post-development runoff from exceeding pre-development conditions.

**Effect:** The potential impacts of the project on surface-water quality are considered less-than-significant because the City policies and capital improvement projects for storm water drainage facilities would minimize discharges of urban pollutants to natural waterways. The City drainage program policies require new development to prepare drainage plans and implement urban runoff control measures; larger Specific Plan developments must have storm drainage systems designed to control pollutant runoff. The City’s implementation policies for the municipal NPDES storm water permit require new development to implement an appropriate selection of permanent pollution control measures. Permanent erosion control measures such as seeding and planting vegetation for new cut-and-fill slopes, directing runoff through vegetation, or otherwise reducing the offsite discharge of particulates and sediment are the most effective method of controlling offsite discharges of urban pollutants.

**Effect:** The City’s future development will contribute to cumulative water quality effects. EPA regulations for NPDES storm water permits and new proposed regulatory additions to the rules have become much more comprehensive in recent years and are being implemented to reduce pollutant runoff from both large- and small-scale activities. Implementation of NPDES-permitting programs throughout the county will reduce potential water-quality impacts to a less-than-significant level.

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

Flooding and Water Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 MEIR. All feasible measures appropriate to the project have been incorporated into the conditions of approval.

DISCUSSION:

Mitigation measures appropriate to this project include: FWQ-14, MEIR. This mitigation measure is addressed by conditions of approval.

c. Project-Specific Effects

Section V-10.B of the MEIR 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 MEIR.
Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

YES  NO

1. The project is inconsistent with the Modesto Urban Area General Plan.  

2. The project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.  

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

4. The project would create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.  

DISCUSSION:

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

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

3. Mitigation Measures as called for by FWQ-14 will be applied to the project so that the project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures.  

4. The project would not create or contribute to runoff water in excess of the capacity of existing or planned storm water drainage systems or provide additional sources of polluted runoff.  

11. PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to parks and open space:

Effect: Within the Baseline Developed and Redevelopment Areas, the Urban Area General Plan does not propose any elimination of existing park and/or open space land. Impacts on parks and open space will be less-than-significant.

Effect: The projected population of the Planned Urbanizing Area is 148,600, requiring 149 acres of neighborhood parks and 298 acres of community parks. The required minimum acreages can be met through the application of existing policies and regulations, including Government Code Section 66474, which require developers to pay Parks Capital Facilities Fees to fund the acquisition of appropriate parkland acreage. This impact is less-than-significant.
b. Master EIR and/or New Mitigation Measures Applied to the Project

Parks and Open Space Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-11-4 through V-11-19 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project, are listed in Section IV, Mitigation Applied to Project:

DISCUSSION:

There are no mitigation measures applicable to this project. It is not on or adjacent to any park sites, nor is it near any of the riparian area identified by Figures V-7-1a through V-7-1e of the MEIR.

c. Project-Specific Effects

Section V-11.B of the MEIR provides analysis of Parks and Recreation 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 MEIR.

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

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td>□ X</td>
</tr>
</tbody>
</table>

DISCUSSION:

(1) The project is consistent with the Modesto Urban Area General Plan in both land use and intensity. There are no mitigation measures applicable to this project.

12. SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to schools:

Effect: The estimated increase in population over 1994/1995 would generate an additional 29,200 elementary school students, 7,330 middle school students, and 14,640 high school students above those enrollments. Assuming that existing facilities cannot sufficiently accommodate this increase and that all of the new students would require new school facilities, build out of the General Plan would result in the need for approximately 37 elementary schools, 8 middle schools, and 7 high schools beyond 1994/1995 levels. This would result in a significant impact on schools in that it would exceed current capacity. By statute, this impact is considered to be mitigated below a level of significance by payment of school impact fees and exercise of any or all of the financing options set out in Government Code Section 65997.
b. Master EIR and/or New Mitigation Measures Applied to the Project

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long as all anticipated subsequent projects apply these policies, 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 proposed additional school policy will address the situation that would arise should AB 50 be repealed. It will authorize impact fees or other methods to finance additional school facilities.

The following schools mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See pages V-12-4 through V-12-7 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section IV, Mitigation Applied to Project:

DISCUSSION:

There are no mitigation measures applicable to this project.

c. Project-Specific Effects

Section V-12.B of the MEIR provides analysis of Schools 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 MEIR.

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

YES NO

(1) The project is inconsistent with the Modesto Urban Area General Plan. ☐ X

(2) The project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which provide that compliance results in less-than-significant impacts on schools. ☐ X

DISCUSSION:

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

(2) The project was referred to Modesto City Schools who indicated no opposition to the project.

13. POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to police services:
Effect: The 1995 Master EIR identified two impacts on the demand for police services; however, it concluded that no significant impact, based on the mitigation measures identified in the 1995 Master EIR, would occur. Those mitigation measures are now policies of the Urban Area General Plan. The impact is less-than-significant.

Effect: Within the Planned Urbanizing Area, complying with the Urban Area General Plan policies, particularly the policy that requires a long-range financing strategy for each Comprehensive Plan Area, will allow the City to provide the resources necessary to extend service to the newly growing Planned Urbanizing areas. These policies reduce the impact to a less-than-significant level.

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

Police Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-13-3 and V-13-4 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

DISCUSSION:

No mitigation measures are applicable to this project.

c. Project-Specific Effects

Section V-13.B of the MEIR provides analysis of police services 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 MEIR.

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

YES NO

(1) The project is inconsistent with the Modesto Urban Area General Plan. ☐ X

(2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. ☐ X

DISCUSSION:

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

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

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to fire services:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. Impacts on fire services of development in these areas will be less-than-significant.

Effect: In the Planned Urbanizing Area, the Urban Area General Plan would result in the need for additional fire protection services due to increases in the number of employees, permanent population, and associated improvements. City policy requires that fire protection be in place concurrent with construction in the Planned Urbanizing Area. This policy will be implemented with the adoption of future Comprehensive Plans in the Planned Urbanizing Area. This impact would be less-than-significant.

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

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

DISCUSSION:

No mitigation measures are applicable to this project.

c. Project-Specific Effects

Section V-14.B of the MEIR provides analysis of fire services 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 MEIR.

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

YES  NO

(1) The project is inconsistent with the Modesto Urban Area General Plan.  □  X

(2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.  □  X
DISCUSSION:

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

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

15. SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to solid waste:

Effect: New development projects would exceed available landfill capacity; it is identified as a significant impact. The Fink Road Landfill may be closed by the time the City reaches build out, unless an expansion is approved by the County and the Integrated Waste Management Board. As the waste stream generated increases with population, additional landfills and methods for diversion would have to be utilized. New projects will also generate the need for additional collection and transfer facilities. This impact is significant and unavoidable. The impact would be less-than-significant at such time as the Fink Road Landfill expansion is approved.

Effect: New development projects can make a considerable contribution to the cumulative impact on landfill capacity of development in Stanislaus County. This impact is significant and unavoidable.

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

Solid Waste Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-15-5 and V-15-6 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

DISCUSSION:

No mitigation measures are applicable to this project.

c. Project-Specific Effects

Section V-15.B of the MEIR provides analysis of solid waste 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 MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-than significant unless:
(1) The project is inconsistent with the Modesto Urban Area General Plan.  

(2) The County is unable to expand its solid waste disposal capacity and the project would result in waste stream levels that exceed disposal capacity.

DISCUSSION:

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

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

16. HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to hazardous materials:

Effect: The impacts of the project relative to hazardous materials are less-than-significant, based on the existing regulatory framework. New development will be required to comply with regulations monitoring and controlling the handling and use of hazardous and toxic materials.

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

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under federal, state and county policies and regulations, and the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Hazardous Materials Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-16-9 through V-16-12 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

DISCUSSION:

No mitigation measures are applicable to this project.

c. Project-Specific Effects

Section V-16.B of the MEIR provides analysis of hazardous materials 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 MEIR.
Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

YES NO

(1) The project is inconsistent with the Modesto Urban Area General Plan. □ X

(2) The project does not comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. □ X

(3) The project contains a contaminated site not identified as of March 2003. □ X

(4) The 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. □ X

(5) The 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. □ X

DISCUSSION:

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

(2) The project does comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. (No hazardous materials will be involved with this project).

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

(4) The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste.

(5) The project would not be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

17. LANDSLIDES AND SEISMIC ACTIVITY

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to landslides and seismic activity:

Effect: There are areas of known sand and gravel resources within the Baseline Developed Area and Redevelopment Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less-than-significant.
Effect: There are areas of known sand and gravel resources within the Planned Urbanizing Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less-than-significant.

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

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Landslide and Seismic Activity Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-17-6 and V-17-7 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

DISCUSSION:

No mitigation measures are applicable to this project.

c. Project-Specific Effects

Section V-17.B of the MEIR provides analysis of landslides and seismic 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 MEIR.

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

<table>
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<tr>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
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<td>X</td>
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</tbody>
</table>

(1) The project is inconsistent with the Modesto Urban Area General Plan.

(2) The project would be located on soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

DISCUSSION:

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

(2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project.
18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to energy:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. New development within the Redevelopment Area will comply with Title 24 standards as well as City Urban Area General Plan policies. Impacts on energy by development in these areas (i.e., changes in levels of use above the current baseline) will be less-than-significant.

Effect: Build out under the Urban Area General Plan will utilize an estimated 1,400 million cubic feet per month of natural gas, 1,300 million kilowatt hours (kwh) of electricity per year and 650,000 gallons of gasoline per day. PG&E has indicated that they have at the current time sufficient supplies of natural gas to serve the increased natural gas demands of the project. At present, gasoline supplies are apparently sufficient to serve the gasoline demands of the project. Title 24 of the California Code of Regulation, which ensures that the project will not exceed local, state, and federal energy standards. The impact is less-than-significant.

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

The following energy mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See page V-18-3 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section IV, Mitigation Applied to Project:

DISCUSSION:

No mitigation measures are applicable to this project.

c. Project-Specific Effects

Section V-18.B of the MEIR provides analysis of energy 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 MEIR.

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

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>X</td>
</tr>
</tbody>
</table>

(1) The project is inconsistent with the Modesto Urban Area General Plan.

DISCUSSION:

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

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR are based on the planning policies and diagrams adopted as part of the General Plan. Planning and land use were not among the 18 subject areas analyzed in the Master EIR because they essentially defined the project being evaluated in the EIR.

a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-than significant unless:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td>X</td>
</tr>
<tr>
<td>(2) The project includes a substantive amendment to the Modesto Urban Area General Plan.</td>
<td>X</td>
</tr>
<tr>
<td>(3) The project would physically divide an established community</td>
<td>X</td>
</tr>
</tbody>
</table>

DISCUSSION:

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

(2) No amendment to the General Plan is required by this project.

(3) The project is infill development that will not divide an established community.

20. AESTHETICS

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR, are based on the planning policies and diagrams adopted as part of the General Plan. At that level of detail, no significant effects on aesthetics were identified.

a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less-than-than significant unless:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td></td>
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<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td>X</td>
</tr>
<tr>
<td>(2) The project would have a substantial adverse effect on a scenic vista.</td>
<td>X</td>
</tr>
<tr>
<td>(3) The project would substantially degrade the existing visual character or quality of the project site and its surroundings.</td>
<td>X</td>
</tr>
<tr>
<td>(4) The project would create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area.</td>
<td>X</td>
</tr>
</tbody>
</table>
DISCUSSION:

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

(2) There are no Scenic Vistas from the location of the proposed development. It is completely surrounded by urbanization. Views to the Diablo and Sierra Mountain Ranges are already precluded from this site and its surroundings.

(3) The project would not substantially degrade the existing visual character or quality of the project site and its surroundings.

(4) The project would not create a substantial source of light or glare that would adversely affect daytime or nighttime views in the area.

V. MITIGATION MEASURES APPLIED TO THE PROJECT

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to CEQA Section 21157.1 (c), in order for a Finding of Conformance to be made, all feasible measures from the Master EIR appropriate to the project shall be incorporated into the project. The following adopted General Plan Policies and Master EIR Mitigation Measures (also contained in Section III, "Global List") shall be made part of the 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.

Traffic and Circulation Measures:

N/A

Air Quality Measures:

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

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

Noise Measures:

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

The noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):
A. A hammer, or any other device or implement used to pound or strike an object.

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

C. A hand-powered saw.

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

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

F. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.

G. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

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

Agricultural Land Measures:
N/A

Water Supply Measures:
N/A

Sanitary Sewer Service Measures:
N/A

Sensitive Wildlife and Plant Habitat Measures:
N/A
Archaeological or Historic Sites Measures:

1. If archaeological resources are discovered at any time during construction, all activity shall cease until a qualified archaeologist surveys the site. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K.

Storm Drainage Measures:

1. The developer shall implement pre- and post-construction best management practices (BMPs) to minimize pollutants entering the storm system.

Flooding and Water Quality Measures:

1. The developer shall implement pre- and post-construction best management practices (BMPs) to minimize pollutants entering the storm system.

Parks and Open Space Measures:

N/A

Schools Measures:

N/A

Police Services:

N/A

Fire Services:

N/A

Generation of Solid Waste

N/A

Generation of Hazardous Materials

N/A

Potential for Landslides and Seismic Activity

N/A

Energy

N/A

Planning and Land Use

N/A
Aesthetics

N/A

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the specific thresholds defined for each environmental category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against those thresholds set forth in the Master EIR for all applicable categories in this Initial Study. The following project-specific mitigation measures are necessary to reduce the identified new significant effect: *None.*
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF CAROLINE MITTON FROM THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

WHEREAS, CAROLINE MITTON was appointed a member of the Citizens Housing & Community Development Committee on October 17, 2000, and

WHEREAS, CAROLINE MITTON has tendered her resignation from the aforementioned committee, and

WHEREAS, CAROLINE MITTON has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of CAROLINE MITTON from the Citizens Housing & Community Development Committee hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to CAROLINE MITTON for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

SUSANA ALCALA WOOD, City Attorney

ATTEST: JEAN MORRIS, City Clerk
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ART DE WERK FROM THE AIRPORT ADVISORY COMMITTEE

WHEREAS, ART DE WERK was appointed a member of the Airport Advisory Committee by the City of Ceres, as its representative, on August 15, 2000, and
WHEREAS, ART DE WERK has served as Chairman since February 2002, and
WHEREAS, ART DE WERK has tendered his resignation from the aforementioned committee effective March 1, 2007, and
WHEREAS, ART DE WERK has been a devoted and sincere public servant and has contributed greatly to our civic progress,
NOW, THEREFORE, BE IT RESOLVED that the resignation of ART DE WERK from the Airport Advisory Committee hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to ART DE WERK for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2007, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-104

A RESOLUTION APPOINTING JACKIE WILSON TO THE GOLF COURSES ADVISORY COMMITTEE

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

WHEREAS, the Dryden Park Women’s Golf Club recommends JACKIE WILSON, as its representative, to the Golf Courses Advisory Committee.

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

SECTION 1. JACKIE WILSON, representing Dryden Park Women’s Golf Club, is hereby appointed to the Golf Courses Advisory Committee with term expirations of January 1, 2011.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Golf Courses Advisory Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-105

A RESOLUTION APPROVING A MASTER PROFESSIONAL SERVICES AGREEMENT FOR CONSULTANT SERVICES WITH GOODWIN CONSULTING GROUP FOR THE ADMINISTRATION OF COMMUNITY FACILITIES DISTRICTS AND ASSESSMENT DISTRICTS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto ("City") has determined that Community Facilities Districts ("CFDs") and Assessment Districts ("ADs") are necessary funding mechanisms to construct and maintain infrastructure for new development areas, and

WHEREAS, the City has also determined that it is necessary to administer the annual tax levies including tax enrollment and delinquency reporting, answer citizen inquiries, prepare cash flow projections, coordinate foreclosure activities, administer bond redemptions if necessary, and ensure compliance with disclosure requirements for future CFDs and/or ADs, and

WHEREAS, Goodwin Consulting Group, Inc. ("Consultant") represents that it is qualified, willing and able to provide said services and prepare such document(s), and

WHEREAS, City and Consultant desire to enter into a Master Professional Services Agreement for Consultant Services ("Master Agreement") pursuant to which Consultant shall administer existing and future CFDs and perform other related on-call services as assigned by City, and

WHEREAS, prior to commencement of services under the Master Agreement, all work and services to be provided to City by Consultant shall be outlined in a Task Order for each project and shall be approved by the City in accordance with City’s policies regarding contracting authority,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Master Professional Services Agreement for Consultant Services between the City of Modesto and Goodwin Consulting Group for the administration of existing and future Community Facilities Districts and Assessment Districts is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2007, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-106


WHEREAS, on January 2, 2007 the City Council approved the release of a Request for Proposal to obtain bids for the preparation of a Site Assessment Study and Mitigation and Monitoring Plan for the closed Carpenter Road Landfill; and

WHEREAS, the Solid Waste Special Revenue Fund does not have the resources to pay for the cost of these studies; and

WHEREAS, the City Council directed that the General Fund should loan to the Solid Waste Special Revenue fund the amount of $150,000.00 to pay for the cost of these studies; and

WHEREAS, the operating budgets of the General Fund and the Solid Waste Special Revenue Fund must be amended to reflect the loan and appropriation of the study costs as shown in Exhibit A to this resolution, which is incorporated by reference herein;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Finance Director to take all steps necessary to amend the budgets of the General Fund and the Solid Waste Special Revenue Fund as shown in Exhibit A to this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

By: Susana Woods, City Attorney
## Exhibit A

### General Fund
**Expense**
Transfer Out 0100-701-4402-7031

### Solid Waste Special Revenue
**Revenue**
Transfer-In 0310-701-4402-9010

**Expense**
Contract Services 0310-355-4402-0235
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-107

A RESOLUTION APPROVING AN AGREEMENT WITH EDAW, INC. TO PROVIDE PHASE 1.2 CONSTRUCTION DOCUMENTS, CONSTRUCTION OBSERVATION/ADMINISTRATION AND PERMITTING SUPPORT FOR THE GATEWAY PARCEL OF THE TUOLUMNE RIVER REGIONAL PARK AT A COST NOT TO EXCEED $380,841.00, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the Parks, Recreation and Neighborhoods Department, on behalf of the Tuolumne River regional Park Joint Powers Authority began a project to plan for the future development of the Tuolumne River Regional Park (TRRP) when the Joint Powers Authority of the City of Modesto, City of Ceres and Stanislaus County adopted the TRRP Master Plan in December 2001, and

WHEREAS, the Gateway Parcel is one of six planning areas addressed in the TRRP Master Plan, and

WHEREAS, the TRRP Commission envisions the Gateway Parcel to be a high-profile public gathering place close to the commercial centers of Modesto and Ceres and accessible to the rest of the region along major arterial streets and State Route (SR) 99, as defined in the TRRP Master Plan, and

WHEREAS, in 2003, the City of Modesto, as Lead Agency, accepted the recommendation of the TRRP Commission and approved the development of Precise Plan and Construction Documentation to be completed by one firm, and

WHEREAS, the Gateway Parcel Precise Plan is intended to achieve the objectives of the Master Plan and to provide additional design detail needed to implement the proposed park improvements within the Gateway Parcel, and
WHEREAS, after an RFP process, it was determined that EDAW, Inc. (EDAW) was the most qualified to complete these projects, and

WHEREAS, EDAW has since completed the Precise Plan and Initial Study, 90% Construction Documentation and permitting for Phase 1, and 100% Construction Documentation and permitting for Phase 1.1, and

WHEREAS, on December 15, 2006, the City of Modesto, on behalf of TRRP, accepted $1,526,000 in state funding from Proposition 50 for the development and construction of Phase 1.2, which includes the production of Construction Documents, and

WHEREAS, EDAW, Inc. is prepared to produce the Phase 1.2 Construction Documents, based on the 90% construction documents previously produced and to return biddable documents in May 2007, which will allow the City time to solicit bids to complete the construction work of Phase 1.2 between August and November of 2007, and

WHEREAS, this time-frame is necessary because of the time limitations imposed by State and Federal regulatory agencies that limit construction access to the river channel from July 15 to November 1, and

WHEREAS, with the acceptance of the Proposition 50 contract in December 2006 for funds from the state, TRRP has the necessary funding in place to hire EDAW, Inc. to do this work, and

WHEREAS, the Tuolumne River Regional Park Commission met on October 12, 2005, and recommended the acceptance of a proposal from EDAW, Inc. to provide Phase 1 Construction Documents, Construction Observation/Administration and Permitting Support for the Gateway Parcel of the Tuolumne River Regional Park,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an agreement with EDAW, Inc. to provide Phase 1.2 Construction Documents, Construction Observation/Administration and Permitting Support for the Gateway Parcel of the Tuolumne River Regional Park at a cost not to exceed $380,841.00.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2007, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Morris, City Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-108

A RESOLUTION AMENDING THE FY 06-07 CIP TO ESTIMATE $1,000,000 IN REVENUE FROM THE COUNTY OF STANISLAUS PUBLIC FACILITY FEES AND APPROPRIATE SAID REVENUE TO CIP PROJECT 8910-310-N441, TRRP GATEWAY PROJECT, FOR CONSTRUCTION OF PHASE 1.2 IN THE TUOLUMNE RIVER REGIONAL PARK GATEWAY PARCEL.

WHEREAS, the Parks, Recreation and Neighborhoods Department, on behalf of the Tuolumne River regional Park Joint Powers Authority began a project to plan for the future development of the Tuolumne River Regional Park (TRRP) when the Joint Powers Authority of the City of Modesto, City of Ceres and Stanislaus County adopted the TRRP Master Plan in December 2001, and

WHEREAS, the Gateway Parcel is one of six planning areas addressed in the TRRP Master Plan, and

WHEREAS, the TRRP Commission envisions the Gateway Parcel to be a high-profile public gathering place close to the commercial centers of Modesto and Ceres and accessible to the rest of the region along major arterial streets and State Route (SR) 99, as defined in the TRRP Master Plan, and

WHEREAS, the TRRP Commission has discussed and agreed to recommend that the Stanislaus County Board of Supervisors and the Modesto City Council simultaneously approve the use of Public Facilities Fees (PFF) and Capital Facilities Fees (CFF), respectively, to fund the Gateway parcel as an all or nothing proposal to help reduce overall construction costs and finish Phase I, and

WHEREAS, County and City staff agreed to take this proposal to their respective bodies on the same day to demonstrate solidarity in their commitment to make the Gateway a significant asset to the region, and
WHEREAS, at its meeting on February 13, 2007, the Board of Supervisors of the County of Stanislaus adopted a resolution committing $1,000,000 in County Public Facilities Fees for construction of Phase 1.2 in the Tuolumne River Regional Park Gateway Parcel,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the FY 06-07 CIP to estimate $1,000,000 in revenue from the County of Stanislaus Public Facility Fees and appropriate said revenue to CIP Project 8910-310-N441, TRRP Gateway Project, for construction of Phase 1.2 in the Tuolumne River Regional Park Gateway Parcel.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2007, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Morris, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
A RESOLUTION AMENDING THE FY 06-07 CAPITAL IMPROVEMENT PROGRAM (CIP) TO: A) REDUCE EXPENDITURES IN PROJECT 1350-310-P503, NEW PARKLAND ACQUISITION, BY $1,000,000; B) INCREASE 1350-800-8000-8003, THE CITY OF MODESTO PARKS’ CAPITAL FACILITY FEES FUND RESERVE BY $1,000,000; C) RE-APPROPRIATE $1,000,000 TO A NEW FUND 1350 CIP; AND, D) CONTRIBUTE $1,000,000 TO CIP PROJECT 8910-310-N441, TRRP GATEWAY PROJECT, FOR CONSTRUCTION OF PHASE 1.2 IN THE TUOLUMNE RIVER REGIONAL PARK GATEWAY PARCEL.

WHEREAS, the Parks, Recreation and Neighborhoods Department, on behalf of the Tuolumne River regional Park Joint Powers Authority began a project to plan for the future development of the Tuolumne River Regional Park (TRRP) when the Joint Powers Authority of the City of Modesto, City of Ceres and Stanislaus County adopted the TRRP Master Plan in December 2001, and

WHEREAS, the Gateway Parcel is one of six planning areas addressed in the TRRP Master Plan, and

WHEREAS, the TRRP Commission envisions the Gateway Parcel to be a high-profile public gathering place close to the commercial centers of Modesto and Ceres and accessible to the rest of the region along major arterial streets and State Route (SR) 99, as defined in the TRRP Master Plan, and

WHEREAS, the TRRP Commission has discussed and agreed to recommend that the Stanislaus County Board of Supervisors and the Modesto City Council simultaneously approve the use of Public Facilities Fees (PFF) and Capital Facilities Fees (CFF), respectively, to fund the Gateway parcel as an all or nothing proposal to help reduce overall construction costs and finish Phase I, and
WHEREAS, County and City staff agreed to take this proposal to their respective bodies on the same day to demonstrate solidarity in their commitment to make the Gateway a significant asset to the region, and

WHEREAS, projects in the Tuolumne River Regional Park are eligible for Parks Capital Facilities Fees funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the FY 06-07 Capital Improvement Program (CIP) to reduce expenditures in project 1350-310-P503, New Parkland Acquisition, by $1,000,000.

BE IT FURTHER RESOLVED that the Council approves amending the FY 06-07 CIP to increase 1350-800-8000-8003, the City of Modesto Parks’ Capital Facility Fees Fund Reserve by $1,000,000.

BE IT FURTHER RESOLVED that the Council approves amending the FY 06-07 CIP to re-appropriate $1,000,000 to a new Fund 1350 CIP.

BE IT FURTHER RESOLVED that the Council approves amending the FY 06-07 CIP to contribute $1,000,000 to CIP Project 8910-310-N441, TRRP Gateway Project, for construction of Phase 1.2 in the Tuolumne River Regional Park Gateway Parcel.

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2007, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
A RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS TO PREPARE A 35% PROJECT DESIGN AND A PRELIMINARY DESIGN REPORT (PDR) FOR PHASE 1A AND PHASE 1B TERTIARY TREATMENT FACILITIES PROJECT IN AN AMOUNT NOT TO EXCEED $1,113,700, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto operates and maintains a secondary treatment system at 7007 Jennings Road, and

WHEREAS, based on the recent analysis prepared for the Wastewater Master Plan, the City expects that tertiary treatment will be required to meet anticipated regulatory requirements, and

WHEREAS, a phased approach will allow the City to comply with expected regulatory issues and continue with development within a short timeframe, and

WHEREAS, the Wastewater Master Plan and near term capacity study recommended that Phase 1A should consist of a temporary facility to be phased out when Phase 2 is completed, and

WHEREAS, an alternative approach to regroup Phase 1A and Phase 1B to the same site will be analyzed, and

WHEREAS, the City Administrative Directive 3.1 was followed to select a professional engineering design consultant, and

WHEREAS, following a Request for Qualifications for engineering design services, which was sent to all listed engineering firms, seven Statements of Qualifications were received, and

WHEREAS, of the seven Statements of Qualifications, two firms were short listed for Proposals and Interviews, and
WHEREAS, Carollo Engineers was deemed most qualified and selected for preliminary engineering design services, and

WHEREAS, the Public Works Director has recommended accepting the proposed contract with Carollo Engineers to complete the Preliminary Design Services for the Phase 1A and Phase 1B Tertiary Treatment Facility in an amount not to exceed $1,113,700,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Carollo Engineers to prepare a 35% project design and a Preliminary Design Services Report for Phase 1A and Phase 1B Tertiary Treatment Facilities project in an amount not to exceed $1,113,700,

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 13th day of February, 2007, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

By Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-111

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE PROJECT TITLED “REMODEL OF EXISTING WATER QUALITY CONTROL LABORATORY,” ACCEPTING THE BID AND APPROVING A $424,925.00 CONTRACT WITH GWINN CONSTRUCTION, INC., FOR THE PROJECT TITLED, “REMODEL OF EXISTING WATER QUALITY CONTROL LABORATORY,” AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, the low bid received for “Remodel of Existing Water Quality Control Laboratory” was opened at 11:00 a.m. on January 23, 2007, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the plans and specifications included the remodel of the existing laboratory at the City of Modesto Primary Wastewater Treatment Facility, and

WHEREAS, the Public Works Director has recommended that the bid received from Gwinn Construction, Inc., be accepted as the lowest responsible bid and the contract be awarded to Gwinn Construction, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the “Remodel of Existing Water Quality Control Laboratory”.

BE IT FURTHER RESOLVED that the Council hereby accepts the bid of $424,925.00 and hereby awards Gwinn Construction, Inc., the contract titled “Remodel of Existing Water Quality Control Laboratory.”

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 13th day of February, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Olsen, upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Hawn, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: Dunbar, Keating, O'Bryant

ABSENT: Councilmembers: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By Susana Acalal Wood
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-112

A RESOLUTION APPROVING A CFD RIGHT-OF-WAY ACQUISITION AGREEMENT BETWEEN THE VILLAGE ONE COMMUNITY FACILITIES DISTRICT NO. 1996-1 AND THE SYLVAN SCHOOL DISTRICT FOR THE PURCHASE OF A .48 ACRE PARCEL LOCATED ON FLOYD AVENUE AT LINCOLN OAK DRIVE FOR $81,600.00, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED PROPERTY DOCUMENTS AS GRANTEE ON BEHALF OF THE CITY OF MODESTO

WHEREAS, the Floyd Avenue Improvement project between Oakdale Road and Roselle Avenue requires the acquisition of right-of-way along the north side of Floyd Avenue, and

WHEREAS, the City purchased all but one parcel before awarding the construction contract, and

WHEREAS, the City was unable to acquire the remaining parcel, Assessor’s Parcel Number 077-008-027, a .48 acre parcel owned by the Sylvan School District, because the City and Sylvan School District were unable to agree upon a purchase price at the time, and

WHEREAS, on April 26, 2005, the District Administrator approved an Access and Indemnity Agreement between the Village One Community Facilities District No. 2004-1 (Village One #2) and the Sylvan School District that allowed the City access to the parcel for construction purposes while the Sylvan School District and the City negotiated a fair price, and

WHEREAS, after reviewing multiple appraisals, the City offered the Sylvan School District $170,000 per acre or $81,600 for the parcel and on January 16, 2007, the
Sylvan School District Board of Trustees accepted the offer and approved the CFD Right-of-Way Acquisition Agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the CFD Right-of-Way Acquisition Agreement between the Village One Community Facilities District No.1996-1 and the Sylvan School District for the purchase of a .48 Acre parcel located on Floyd Avenue at Lincoln Oak Drive for $81,600.00.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related property documents as Grantee on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2007, by Councilmember Marsh, 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: Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunbar

ATTEST: 

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-113

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH STORM WATER CONSULTING INC., IN THE NOT-TO-EXCEED AMOUNT OF $107,600 TO DEVELOP AN ENGINEER’S REPORT NEEDED FOR THE STORM DRAINAGE UTILITY RATE AND CONNECTION FEE ANALYSIS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto is nearing the completion of its Storm Drainage Master Plan (SDMP), and

WHEREAS, the City is desirous to conduct a Storm Drainage Utility Rate and Connection Fee Analysis, and

WHEREAS, the principal of Storm Water Consulting, Inc., has intimate knowledge of the SDMP (as a past employee of the Stantec Consulting team working on its development) and its modeling software, and

WHEREAS, City staff requested a project proposal from Storm Water Consulting Inc., and

WHEREAS, City staff negotiated an Agreement with Storm Water Consulting Inc., to provide all of the professional services needed to develop an Engineer’s Report for the Storm Drainage Utility Rate and Connection Fee Analysis based on the SDMP, on a time and materials basis in the not-to-exceed amount of $107,600, and

WHEREAS, City staff recommends that Storm Water Consulting Inc., be hired to develop an Engineer’s Report for the Storm Drainage Utility Rate and Connection Fee Analysis based on the SDMP, and
WHEREAS, Stantec Consulting has expressed its support of this action due to the requirements and particular circumstances of this project (Stantec Consulting will be a sub-consultant to Storm Water Consulting Inc., for this work), and

WHEREAS, the Finance Committee reviewed this item on January 29, 2007, and recommended its approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement with Storm Water Consulting Inc., in the not-to-exceed amount of $107,600 for developing an Engineer’s Report for the Storm Drainage Utility Rate and Connection Fee Analysis based on the SDMP.

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 13th day of February, 2007, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By  

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AMENDING THE CURRENT OPERATING BUDGET BY AUTHORIZING THE TRANSFER OF $125,000 FROM THE STORM DRAINAGE FUND RESERVE (6280-800-8000-8003) AND REAPPROPRIATING $107,600 TO THE STORM DRAIN ENGINEERING ACCOUNT (6280-440-5319-0235) AND $17,400 TO THE STORM DRAIN ENGINEERING ACCOUNT (6280-440-5319-0255)

WHEREAS, the City of Modesto is nearing the completion of its Storm Drainage Master Plan (SDMP), and

WHEREAS, the City is desirous to put together a work plan aimed at developing a financing strategy to fund the proposed improvements identified in the SDMP, and

WHEREAS, City staff negotiated an Agreement with Storm Water Consulting Inc., to provide all of the professional services needed to develop an Engineer’s Report for the Storm Drainage Utility Rate and Connection Fee Analysis (as a first step in the work plan) based on the SDMP, on a time and materials basis, in the not-to-exceed amount of $107,600, and

WHEREAS, City staff has recommended Storm Water Consulting Inc., be hired to develop an Engineer’s Report for the Storm Drainage Utility Rate and Connection Fee Analysis, and

WHEREAS, the Storm Drain Engineering account does not have sufficient funds to cover the cost of these services, the current Operating Budget needs to be amended by authorizing the transfer of $125,000 from the Storm Drainage Fund Reserve Account (6280-800-8000-8003) and reappropiating $107,600 to the Storm Drain Engineering Account (6280-440-5319-0235) and $17,400 to the Storm Drain Engineering Account (6280-440-5319-0255) based on the following:

| Agreement with Storm Water Consulting Inc. for Engineer’s Report | $107,600 |
| Contract Administration by City Staff                          | $17,400  |
| TOTAL ANTICIPATED EXPENDITURES:                                 | $125,000 |
WHEREAS, the Finance Committee reviewed this item on January 29, 2007, and recommended its approval,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby amends the operating budget and approves the transfer of funds as set forth herein to fully fund the Agreement with Storm Water Consulting Inc., in the not-to-exceed amount of $107,600 to develop an Engineer’s Report needed for Storm Drainage Utility Rate and Connection Fee Analysis, and contract administration by City staff in the amount of $17,400 for a total of $125,000 for the Storm Drain Engineering project by reducing Account 6280-800-8000-8003 (Storm Drainage Fund Reserves) and reappropriating $107,600 to Account 6280-440-5319-0235 (Storm Drain Engineering–Services, Professional & Other) and $17,400 to Account 6280-440-5319-0255 (Storm Drain Engineering–Services City Forces).

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to take the steps necessary to amend the Operating Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2007, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Susana Acalal Wood, City Attorney
A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH JONES AND STOKES ASSOCIATES, INC., FOR ENVIRONMENTAL REVIEW WORK RELATED TO COMPLETION OF THE STORM DRAINAGE MASTER PLAN IN THE NOT-TO-EXCEED AMOUNT OF $90,942, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto is nearing the completion of its Storm Drainage Master Plan (SDMP) and needs to complete the project’s associated Environmental Review, and

WHEREAS, using Professional Consulting Services will enable this project to continue moving forward in a timely manner, and

WHEREAS, the City is desirous of taking full advantage of past experiences and the breadth of knowledge certain consultants have obtained while working for the City, and

WHEREAS, Jones & Stokes Associates, Inc., (Jones & Stokes) is on the City’s pre-qualified short list for providing Environmental Review services, and

WHEREAS, Jones & Stokes has demonstrated their clear understanding of the City’s environmental challenges and City staff is familiar with the high quality of their work, and

WHEREAS, staff requested a proposal from Jones & Stokes to complete the project’s Environmental Review work, and

WHEREAS, staff negotiated an agreement with Jones & Stokes to provide all of the professional services needed to complete the SDMP’s Environmental Review work, on a time and materials basis, for a "not to exceed" amount of $90,942, and

2/13/07/PW/bond/item13  1  2007-115
WHEREAS, staff is recommending Jones & Stokes be hired to complete the Environmental Review work for the SDMP, and

WHEREAS, the Finance Committee reviewed this item on January 29, 2007, and recommended its approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Jones & Stokes Associates, Inc., in the not-to-exceed amount of $90,942 for conducting the Environmental Review for the SDMP.

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 13th day of February, 2007, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  
SUSANÁ ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-116

A RESOLUTION APPROVING A CONSULTANT AGREEMENT WITH
HARRIS AND ASSOCIATES FOR CONSTRUCTION MANAGEMENT
SERVICES OF THE LA LOMA AVENUE SANITARY SEWER LIFT STATION
REPLACEMENT PROJECT IN THE NOT-TO-EXCEED AMOUNT OF
$200,725.00, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,
TO EXECUTE THE AGREEMENT

WHEREAS, on January 23, 2007, by Resolution No. 2007-073, City Council
awarded a construction contract in the amount of $1,794,000 to Preston Pipelines, Inc.,
for construction of the La Loma Avenue Sanitary Sewer Lift Station Replacement Project
(Lift Station), and

WHEREAS, due to the current staffing levels, a construction management
company is being tasked with the management of the project, and

WHEREAS, the selection process for construction management services followed
the City’s selection procedures for professional consultants, and

WHEREAS, in accordance with Administrative Directive 3.1, Capital
Improvement Services (CIS) staff mailed a Request for Qualifications for construction
management services to all firms that had previously indicated an interest in providing
construction management services to the City, and

WHEREAS, four specialized consulting firms of construction management
services were asked to provide a proposal, and

WHEREAS, the City’s Selection Committee reviewed the proposals submitted
and held interviews with the top two firms, and

WHEREAS, the firm of Harris and Associates was considered to be the most
qualified to provide construction management services for the project, and

WHEREAS, CIS staff recommends the consulting firm of Harris and Associates
be awarded a contract to perform the construction management services as current
workload levels do not provide for timely in-house solutions/responses, and

WHEREAS, City desires to enter into an Agreement with Harris and Associates in an amount not-to-exceed $200,725.00 to perform construction management services of the Lift Station project, and

WHEREAS, Harris and Associates will be paid on a time and materials basis for actual hours required performing individual tasks at a set rate,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement for Construction Management Services with Harris and Associates in an amount not-to-exceed $200,725.00 for construction management services of the La Loma Avenue Sanitary Sewer Lift Station project.

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 13th day of February, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Marsh, O'Bryant, Olsen, Mayor Ridneour
NOES: Councilmembers: None
ABSENT: Councilmembers: Keating

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By

SUSANÁ ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-117

A RESOLUTION APPROVING A CONSULTANT AGREEMENT WITH HARRIS AND ASSOCIATES FOR CONSTRUCTION MANAGEMENT SERVICES OF THE COLLECTION SYSTEM REHABILITATION 2006 PROJECT IN THE NOT-TO-EXCEED AMOUNT OF $39,345.00, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on January 9, 2007, by Resolution No. 2007-060, City Council awarded a construction contract in the amount of $620,019.70 to D.A. Wood Construction, Inc., for construction of the Collection System Rehabilitation 2006 project (Project), and

WHEREAS, due to the current staffing levels, a construction management company is being tasked with the construction management of the Project, and

WHEREAS, the selection process for construction management services followed the City’s selection procedures for professional consultants, and

WHEREAS, in accordance with Administrative Directive 3.1, Capital Improvement Services (CIS) staff mailed a Request for Qualifications for construction management services to all firms that had previously indicated an interest in providing construction management services to the City, and

WHEREAS, four specialized consulting firms of construction management services were asked to provide a proposal, and

WHEREAS, the City’s Selection Committee reviewed the proposals submitted and held interviews with the top two firms, and

WHEREAS, the firm of Harris and Associates was considered to be the most qualified to provide construction management services for the Project, and

WHEREAS, Capital Improvement Services staff recommends the consulting firm of Harris and Associates be awarded a contract to perform the construction management
services as current workload levels do not provide for timely in-house solutions/responses, and

WHEREAS, City desires to enter into an Agreement with Harris and Associates in an amount not-to-exceed $39,345.00 to perform construction management services of the Collection System Rehabilitation 2006 project, and

WHEREAS, Harris and Associates will be paid on a time and materials basis for actual hours required performing individual tasks at a set rate,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement for Construction Management Services with Harris and Associates in an amount not-to-exceed $39,345.00 for construction management services of the Collection System Rehabilitation 2006 project.

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 13th day of February, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

APPROVED AS TO FORM:

By

SUSANA’ALCALA WOOD, City Attorney

JEAN MORRIS, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 2007-118

A RESOLUTION APPROVING A CONSULTANT AGREEMENT WITH TRS CONSULTANTS, INC., IN THE NOT-TO-EXCEED AMOUNT OF $282,145.42 FOR CONSTRUCTION MANAGEMENT SERVICES OF THE FLOYD/ROSELLA AVENUES ROUNDBOUT PROJECT, AND AUTHORIZING THE COMMUNITY FACILITIES DISTRICT ADMINISTRATOR, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on February 6, 2007, by Resolution No. 2007-091, City Council awarded a construction contract in the amount of $2,819,799.75 to Teichert Construction, for construction of the Roselle Avenue at Floyd Avenue Improvements (Floyd/Roselle Avenues Roundabout), and

WHEREAS, due to the current staffing levels, a construction management company is being tasked with the construction management of the Floyd/Roselle Avenues Roundabout, and

WHEREAS, the selection process for construction management services followed the City’s selection procedures for professional consultants, and

WHEREAS, in accordance with Administrative Directive 3.1, Capital Improvement Services (CIS) staff mailed a Request for Qualifications for construction management services to all firms that had previously indicated an interest in providing construction management services to the City, and

WHEREAS, three specialized consulting firms of construction management services were asked to provide a proposal, and

WHEREAS, the City’s Selection Committee reviewed the proposals submitted and held interviews with the three firms, and
WHEREAS, the firm of TRS Consulting, Inc., (TRS) was considered to be the most qualified to provide construction management services of the Floyd/Roselle Avenues Roundabout, and

WHEREAS, City staff recommends the consulting firm of TRS be awarded a contract to perform the construction management services as current workload levels do not provide for timely in-house solutions/responses, and

WHEREAS, City desires to enter into an Agreement with TRS in an amount not-to-exceed $282,145.42 to perform construction management services of the Floyd/Roselle Avenues Roundabout project, and

WHEREAS, TRS will be paid on a time and materials basis for actual hours required performing individual tasks at a set rate,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement with TRS Consulting, Inc., in an amount not-to-exceed $282,145.42 for construction management services of the Floyd/Roselle Avenues Roundabout.

BE IT FURTHER RESOLVED that the Community Facilities District Administrator, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2007, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-119

A RESOLUTION AMENDING THE FISCAL YEAR 06-07 OPERATING BUDGET TO APPROPRIATE $592,150 FROM 0100-800-8000-8003 GENERAL FUND RESERVE TO VARIOUS ACCOUNTS IN THE FIRE DEPARTMENT’S OPERATING BUDGET FOR IMPLEMENTATION OF THE CITY’S NEGOTIATED MEMORANDUM OF UNDERSTANDING WITH THE MODESTO CITY FIRE FIGHTERS ASSOCIATION (MCFFA).

WHEREAS, on December 12, 2006, the City of Modesto (CITY) and the Modesto City Fire Fighters Association (MCFFA) reached an agreement for a new MOU, which went into effect December 26, 2006, and

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

WHEREAS, the City Council agreed to increase the CITY’s contribution to Health, Dental and Vision benefits for employees represented by MCFFA, and

WHEREAS, the City Council agreed to increase the salaries of employees represented by MCFFA, and

WHEREAS, the City Council agreed to implement other economic items which impact the FY 06-07 General Fund Operating Budget including educational incentive pay, holiday cashout for non-shift employees, Fire Investigator On-Call pay, increases in uniform allowance and compensation for training, and

WHEREAS, the FY 06-07 net increased costs associated with these salary and benefit changes are estimated at $592,150 effective December 26, 2006, and

WHEREAS, these increased expenditures have not yet been budgeted,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the fiscal year 2006-07 Operating Budget is hereby amended to appropriate $592,150 from 0100-800-8000-8003 General Fund Reserve to various accounts in the Fire Department's operating budget for implementation of the negotiated MOU between the City of Modesto and the Modesto City Fire Fighters Association.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING THE FUNDING OF GENERAL FUND SUPPLEMENTAL BUDGET REQUESTS FOR FISCAL YEAR 2006-07

WHEREAS, during the FY2006-07 budget process, the City Council decided to defer the consideration of supplemental budget requests until the year-end information was finalized, and

WHEREAS, on January 22, 2007, the Finance Committee reviewed the City Manager’s recommendations for General Fund supplemental funding of ongoing and one-time requests, as well as requests that were not recommended to move forward, and

WHEREAS, the Finance Committee recommended that the City Manager’s recommendations for supplemental funding be referred to the City Council for approval, and

WHEREAS, on February 13, 2007, the City Council reviewed the requests for supplemental funding, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves the funding of General Fund supplemental budget requests as set forth in Attachment A, and directs that the necessary budgetary adjustments be made for FY2006-07 as designated in said Attachment “A” as ongoing and one-time requests.

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN MORRIS, City Clerk

(seal)

APPROVED AS TO FORM:

By: Susana Alcala-Wood, City Attorney
### General Fund Supplemental Requests

**As Recommended by the Council Finance Committee (1/22/07)**

<table>
<thead>
<tr>
<th>Line From Proforma</th>
<th>Dept.</th>
<th>Budget Request</th>
<th>FY 06-07</th>
<th>FY 07-08</th>
</tr>
</thead>
<tbody>
<tr>
<td>36</td>
<td>PD</td>
<td>Sworn Staffing (6)/CAD: Designates funding for the six sworn positions currently funded through grants and, as a interim step, utilizes these funds for the Computer Aided Dispatch system.</td>
<td>$819,680</td>
<td>$586,087</td>
</tr>
<tr>
<td>46</td>
<td>Pers.</td>
<td>Workers Comp Claims Examiner (60%/Benefited/Confidential): Responsible for adjustment medical-only workers comp claims and bill review process. Funding reflects difference between current part-time funding allocation and cost of permanent position at 60%.</td>
<td>$5,000</td>
<td>$8,532</td>
</tr>
<tr>
<td>47</td>
<td>Pers.</td>
<td>Employee Relations Specialist: Provides assistance and advise to departments in disciplinary investigation/resolution, and grievances. Also participates in the meet &amp; confer process, provides mandated training in a variety of areas including sexual harassment.</td>
<td>$27,470</td>
<td>$109,075</td>
</tr>
<tr>
<td>48</td>
<td>City Atty</td>
<td>Legal Secretary: Provides administrative support for the criminal prosecution function of the City Attorney's Office and litigation support for the civil drug nuisance actions and receivership actions brought by the Office. Request restores a position previously eliminated as a budget reduction measure.</td>
<td>$16,075</td>
<td>$66,872</td>
</tr>
<tr>
<td>49</td>
<td>City Atty</td>
<td>Deputy City Attorney II: Responsible for prosecution of MMC violations to support police, fire, and NPU enforcement efforts. Position will re-establish the Office's ability to provide support for time-consuming civil drug abatement actions and civil receivership actions in support of the Beat Health Program.</td>
<td>$26,290</td>
<td>$109,364</td>
</tr>
<tr>
<td>50</td>
<td>IT</td>
<td>Network Engineer III/Security Manager: Responsible for developing and managing security policies/procedures and providing a high level of expertise in managing/protecting the City's network, system data, and computer systems from destructive or malicious hackers and electronic pirating.</td>
<td>$20,413</td>
<td>$69,182</td>
</tr>
<tr>
<td>51</td>
<td>Finance</td>
<td>Administrative Analyst II: Provides analytical support in the monitoring, billing, and auditing of Police grants to assure grant compliance. Position would physically reside in the PD but be allocated in the Accounting Division of the Finance Department.</td>
<td>$21,749</td>
<td>$84,234</td>
</tr>
<tr>
<td>52</td>
<td>Finance</td>
<td>Bids-Online Maintenance Support: Funding supports the management/maintenance of this online purchasing management system which allows vendors to register online, receive automated service and commodity solicitations via e-mail and will eventually allow for electronic submission of bids.</td>
<td>$8,000</td>
<td>$8,000</td>
</tr>
<tr>
<td>Line From Proforma</td>
<td>Dept.</td>
<td>Budget Request</td>
<td>FY 06-07 General Fund</td>
<td>FY 06-07 Other</td>
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</tr>
<tr>
<td>53</td>
<td>Finance</td>
<td>Account Clerk II: Processes parking citations issued by the PD to meet State-mandated time frames and manage increased activity in the adjudication process. Position is fully supported by revenue generation from parking citation revenue.</td>
<td>$12,255</td>
<td>$0</td>
</tr>
<tr>
<td>54</td>
<td>PD</td>
<td>Sworn Staffing (4): Funding moves the City towards the Council desired goal of 1.85 officers per 1,000 residents.</td>
<td>$135,417</td>
<td>$0</td>
</tr>
<tr>
<td>55</td>
<td>PRN</td>
<td>Administrative Office Assistant I (from 75% benefited to full-time benefited): Responsible for department-wide tasks, including distribution of City Council and Committee reports; preparing check requests; and other basic clerical support functions. This request is fully supported by revenue generation from service credits to other funds.</td>
<td>$3,072</td>
<td>$0</td>
</tr>
<tr>
<td>56</td>
<td>PRN</td>
<td>Maddux Youth Center: Provides for facility and programming needs at the updated and expanded Maddux Youth Center.</td>
<td>$97,780</td>
<td>$0</td>
</tr>
<tr>
<td>57</td>
<td>PRN</td>
<td>Weed, Litter, &amp; Blight Removal: Provides funding support for the removal of weeds, litter, and other blight from the public right-of-ways.</td>
<td>$100,000</td>
<td>$0</td>
</tr>
<tr>
<td>58</td>
<td>PRN</td>
<td>John Thurman Capital Projects: Provides capital funding for projects at John Thurman Field in keeping the Modesto Nuts agreement. This year’s funding provides for new fencing and upgraded lighting.</td>
<td>$50,000</td>
<td>$0</td>
</tr>
<tr>
<td>59</td>
<td>PRN</td>
<td>Golf Capital Projects: In keeping with prior Council direction, this funding designates $1 of each 18-hole round for capital infrastructure needs at the City’s three golf courses.</td>
<td>$99,372</td>
<td>$0</td>
</tr>
<tr>
<td>60</td>
<td>PW</td>
<td>Fleet Supervisor: Funding of this position assures full-time management of both the downtown shop where police vehicles are maintained and of the transit bus facility. This additional supervisor will provide future planning as well as management of current operations.</td>
<td>$6,078</td>
<td>$21,582</td>
</tr>
<tr>
<td>61</td>
<td>PRN</td>
<td>Exhibits Coordinator (75% Benefited): Moves this position from part-time to a permanent position with benefits; position is responsible for exhibits at both the Mansion and the Museum. There may be an opportunity for this cost to be offset by contributions from the McHenry Museum and Historical Society and the McHenry Mansion Foundation.</td>
<td>$7,441</td>
<td>$0</td>
</tr>
</tbody>
</table>
### General Fund Supplemental Requests

**As Recommended by the Council Finance Committee (1/22/07)**

<table>
<thead>
<tr>
<th>Line From Proforma</th>
<th>Dept.</th>
<th>Budget Request</th>
<th>FY 06-07</th>
<th>FY 07-08</th>
</tr>
</thead>
<tbody>
<tr>
<td>62</td>
<td>CEDD</td>
<td>Reallocate Administrative Analyst II to Business Analyst: This action would reallocate a vacant Administrative Analyst position to Business Analyst in the Business Development Division. Position responsible for working with existing businesses; attracting new business and industry; creating revolving loan fund and pursuing grants.</td>
<td>$2,634</td>
<td>$5,687</td>
</tr>
<tr>
<td>75</td>
<td>CEDD</td>
<td>Planning Mgr. Consultant Contract: Reimburses the department for the cost difference between salary/benefits for the Planning Manager position and the cost of consultant contract.</td>
<td>$50,000</td>
<td>$0</td>
</tr>
<tr>
<td>76</td>
<td>IT</td>
<td>Novell Licensing: Covers those costs associated with the extended period of time allowed for migration of e-mail documents, etc from Groupwise to Outlook.</td>
<td>$34,087</td>
<td>$40,913</td>
</tr>
<tr>
<td>77</td>
<td>PRN</td>
<td>McHenry Mansion Foundation Work: Provides funding for remediation work on the brick foundation which is peeling and crumbling due to moisture penetration. The study portion of this effort has already been done on a volunteer basis.</td>
<td>$50,000</td>
<td>$0</td>
</tr>
<tr>
<td>78</td>
<td>PRN</td>
<td>Cultural Arts Promotions: Increases the amount of funding available to the Culture Commission for allocation to cultural arts organizations within the community (raises the FY 06-07 total from $49,008 to $59,008)</td>
<td>$10,000</td>
<td>$0</td>
</tr>
<tr>
<td>79</td>
<td>PW</td>
<td>Modesto Arch: Provides funding for necessary maintenance of the Modesto Arch including sandblasting of the abutments and crack-filling of the masonry structure, wire brushing the metal structure, and painting of entire structure with 1 coat of primer and 2 coats of color.</td>
<td>$45,000</td>
<td>$0</td>
</tr>
</tbody>
</table>

**Expenditures**: $1,647,813 | $80,898 | $1,978,742 | $116,219
A RESOLUTION AMENDING THE GENERAL FUND FISCAL YEAR 06-07 OPERATING BUDGET TO REFLECT REVISED REVENUE PROJECTIONS.

WHEREAS, each year the City Council adopts revenue forecasts for the upcoming fiscal year based on staff analysis, and

WHEREAS, those forecasts are reviewed from time to time to assure their validity, and

WHEREAS, there have been changes in the revenue forecasts which require amending the previously adopted revenue projections for FY 06-07 General Fund revenue, and

WHEREAS, these new revenue projections are identified in a staff report to City Council from the City Manager dated January 29, 2007, a copy of which is on file in the Office of the City Clerk, and

WHEREAS, the Finance Committee reviewed said revenue information at their meeting of January 22, 2007,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the General Fund operating budget for FY 06-07 to reflect the aforementioned revised revenue projections.

BE IT FURTHER RESOLVED that this action will increase overall major revenue projections in the General Fund for FY 06-07 by an estimated $3.5 million dollars over the adopted revenue budget.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

BY: 

Susana Alcala-Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-122

A RESOLUTION AUTHORIZING THE MODESTO IRRIGATION DISTRICT TO EXECUTE AMENDMENT NO. 5 TO THEIR EXISTING AGREEMENT WITH THE BLACK & VEATCH CORPORATION IN AN AMOUNT NOT TO EXCEED $353,940, TO COMPLETE THE ENGINEERING DESIGN SERVICES RELATED TO THE MODESTO REGIONAL WATER TREATMENT PLANT PHASE TWO EXPANSION

WHEREAS, on October 11, 2005, by Resolution No. 2005-516 the Council of the City of Modesto approved the Amended and Restated Treatment and Delivery Agreement (ARTDA) with the Modesto Irrigation District (MID) that contemplates the design, construction, and operation of the Modesto Regional Water Treatment Plant (MRWTP) Phase Two Expansion project, and

WHEREAS, the City and MID have been working together planning for the expansion of the MRWTP from its existing capacity of 36 mgd to 72 mgd, and

WHEREAS, it has been well documented that the MRWTP Phase Two Expansion project is needed to provide existing users with a reliable water source and to keep pace with the City’s projected growth, and

WHEREAS, the ARTDA requires MID to obtain City authorization for such amendments, and

WHEREAS, MID and City staff agree that additional services are needed and justified to complete the project’s engineering design services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes Modesto Irrigation District to execute Amendment No. 5 to the Agreement with Black & Veatch in an amount not to exceed an additional $353,940, for
a total agreement amount of $4,760,769, to complete the engineering design services related to the Modesto Regional Water Treatment Plant Phase Two Expansion project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2007 by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-123

A RESOLUTION AUTHORIZING THE MODESTO IRRIGATION DISTRICT TO EXECUTE AN AGREEMENT WITH THE BLACK & VEATCH CORPORATION IN AN AMOUNT NOT TO EXCEED $5,659,785, TO PROVIDE CONSTRUCTION PHASE SERVICES RELATED TO THE MODESTO REGIONAL WATER TREATMENT PLANT PHASE TWO EXPANSION

WHEREAS, on October 11, 2005, by Resolution No. 2005-516 the Council of the City of Modesto approved the Amended and Restated Treatment and Delivery Agreement (ARTDA) with the Modesto Irrigation District (MID) that contemplates the design, construction, and operation of the Modesto Regional Water Treatment Plant (MRWTP) Phase Two Expansion project, and

WHEREAS, the City and MID have been working together planning for the expansion of the MRWTP from its existing capacity of 36 mgd to 72 mgd, and

WHEREAS, it has been well documented that the MRWTP Phase Two Expansion project is needed to provide existing users with a reliable water source and to keep pace with the City’s projected growth, and

WHEREAS, the ARTDA requires MID to obtain City authorization for such agreements, and

WHEREAS, MID and City staff agree that construction phase services are needed and justified to complete the project’s construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes Modesto Irrigation District to execute an Agreement with Black & Veatch in an amount not to exceed $5,659,785, to provide construction phase services related to the Modesto Regional Water Treatment Plant Phase Two Expansion project.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 13th day of February, 2007, by Councilmember Hawn,
who moved its adoption, which motion being duly seconded by Councilmember Keating,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen,
        Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Morris
        JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
A RESOLUTION AUTHORIZING THE MODESTO IRRIGATION DISTRICT TO EXECUTE AMENDMENT NO. 1 TO THEIR EXISTING MEMORANDUM OF UNDERSTANDING WITH THE US FILTER-WASTEWATER GROUP (NOW SIEMENS WATER TECHNOLOGIES CORPORATION) IN AN AMOUNT NOT TO EXCEED $1,119,570, TO COMPLETE THE DESIGN AND PROCUREMENT PROCESS OF THE LOW-PRESSURE MEMBRANE WATER FILTRATION SYSTEM FOR THE MODESTO REGIONAL WATER TREATMENT PLANT PHASE TWO EXPANSION

WHEREAS, on October 11, 2005, by Resolution No. 2005-516 the Council of the City of Modesto approved the Amended and Restated Treatment and Delivery Agreement (ARTDA) with the Modesto Irrigation District (MID) that contemplates the design, construction, and operation of the Modesto Regional Water Treatment Plant (MRWTP) Phase Two Expansion project, and

WHEREAS, the City and MID have been working together planning for the expansion of the MRWTP from its existing capacity of 36 mgd to 72 mgd, and

WHEREAS, it has been well documented that the MRWTP Phase Two Expansion project is needed to provide existing users with a reliable water source and to keep pace with the City’s projected growth, and

WHEREAS, the ARTDA requires MID to obtain City authorization for such amendments, and

WHEREAS, MID and City staff agree that additional services are needed and justified to complete the project’s design and procurement process of the low-pressure membrane water filtration system,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes Modesto Irrigation District to execute Amendment No. 1 to the
Memorandum of Understanding with the US Filter-Wastewater Group (now Siemens Water Technology Corporation) in an amount not to exceed an additional $1,119,570, for a total Memorandum of Understanding amount of $5,433,436, to complete the design and procurement process of the low-pressure membrane water filtration system related to the Modesto Regional Water Treatment Plant Phase Two Expansion project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS, AND COST ESTIMATE FOR THE MODESTO REGIONAL WATER TREATMENT PLANT PHASE TWO EXPANSION PROJECT AND AUTHORIZING THE MODESTO IRRIGATION DISTRICT TO SOLICIT BIDS FOR ITS CONSTRUCTION

WHEREAS, on October 11, 2005, by Resolution No. 2005-516 the Council of the City of Modesto approved the Amended and Restated Treatment and Delivery Agreement (ARTDA) with the Modesto Irrigation District (MID) that contemplates the design, construction, and operation of the Modesto Regional Water Treatment Plant (MRWTP) Phase Two Expansion project, and

WHEREAS, the City and MID have been working together planning for the expansion of the MRWTP from its existing capacity of 36 mgd to 72 mgd, and

WHEREAS, it has been well documented that the MRWTP Phase Two Expansion project is needed to provide existing users with a reliable water source and to keep pace with the City’s projected growth, and

WHEREAS, the ARTDA requires MID to obtain City authorization for such milestones, and

WHEREAS, MID and City staff agree that such action is ready,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans, specifications, and cost estimate for the Modesto Regional Water Treatment Plant Phase Two Expansion project and authorizes the Modesto Irrigation District to solicit bids for its construction.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-126

A RESOLUTION DENYING THE ABANDONMENT OF A PORTION OF THE MERLE AVENUE RIGHT-OF-WAY AT THE CLAUS ROAD INTERSECTION (PACIFIC PRIDE COMMUNITIES)

WHEREAS, Pacific Pride Communities has filed an application to vacate and abandon a portion of the Merle Avenue right-of-way, located at the Claus Road Intersection ("Proposed Abandonment"), and

WHEREAS, said right-of-way to be vacated and abandoned is more particularly described in Exhibit “A” attached hereto and incorporated by this reference, and

WHEREAS, Government Code Section 65402(a) requires that prior to abandoning a public right-of-way, the Planning Commission shall make a determination as to whether the abandonment is consistent with the General Plan, and

WHEREAS, the proposed right-of-way abandonment has been referred to affected City departments and local utility companies and no objection to the abandonment has been received, and

WHEREAS, a hearing was held by the Planning Commission on December 18, 2006, in the Tenth Street Chambers, located at 1010 Tenth Street, Modesto, California, at which hearing both oral and documentary was received and considered regarding the proposed vacation and abandonment, and

WHEREAS, several residents testified in opposition to the abandonment at the public hearing, due to ingress and egress concerns; and

WHEREAS, by Planning Commission Resolution No. 2006-78, the Planning Commission rendered a report finding that the Proposed Abandonment is in conformance
with the Modesto Urban Area General Plan, but recommended that the Council reconsider the General Plan policies pertaining to the abandonment of Merle Avenue, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Tuesday, February 13, 2007, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which time all persons interested in or objecting to the Proposed Abandonment were afforded the opportunity to appear, and

WHEREAS, a notice of the hearing on the proposed right-of-way abandonment has been posted and published in the Modesto Bee for two successive weeks starting January 30, 2007, as required by the California Streets and Highways Code Sections 8322 and 8323, and

WHEREAS, after said public hearing, the Council found and determined that said abandonment should be denied, and

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby denies the proposed abandonment of a portion of Merle Avenue for the following reasons:

1. Until such time as the Claus Road Expressway is constructed, the abandonment of Merle Avenue is premature, because it will reduce the options for ingress and egress to and from Village One unnecessarily in that the Merle Avenue and Claus Road intersection operates in accordance with City Standards under the current configuration.

2. Until such time as Precise Plan 30 is developed, the abandonment of Merle Avenue is premature, because Precise Plan 30 will provide an alternative means of ingress and egress for the adjacent neighborhood and emergency services during school drop-off and pick-up times for the schools along Fine and Merle Avenues.

3. Denying the abandonment of Merle Avenue is consistent with the Village One Specific Plan, because the abandonment is not being denied indefinitely, but delayed pending the construction of the Claus Road Expressway and development of Precise Plan 30, as referenced in the above findings.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: Olsen

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
EXHIBIT

MERLE AVENUE
CITY OF MODESTO  12.00 WIDE ACCESS EASEMENT

PARCEL 4

LEGAL DESCRIPTION

All that certain real property being a portion of a public road known as Merle Avenue and a portion of Parcel No. 1, as parcel is shown on Parcel Map filed for record in Book 1 of Parcel Maps, at Page 128, Stanislaus County Records, being in the Southeast quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Parcel A: BEGINNING at the Southeast corner of said Parcel No. 1; thence South 89° 52' 34" West 35.60 feet along the North right of way line of Merle Avenue to a non-tangent curve, concave to the Southwest, from which a radial line bears South 21° 14' 37" West; thence Southeasterly 19.17 feet along said non-tangent curve having a radius of 53.50 feet and a central angle of 20° 31' 47", to a non-tangent line from which a radial line bears South 41° 46' 23" West, said non-tangent line being parallel with and 10.00 feet South of said North right of way line of said Merle Avenue; thence North 89° 52' 34" East 19.40 feet along said parallel line; thence North 00° 17' 47" West 10.00 feet, to the point of beginning.

Parcel B: The South 2.00 feet, measured at right angles, of the East 35.60 feet, measured along the South line of said Parcel No. 1, of said Parcel 1.
EXHIBIT

MERLE AVENUE
CITY OF MODESTO STREET ABANDONMENT

PARCEL 3, PORTION OF NORTH HALF, WEST PARCEL

LEGAL DESCRIPTION

All that certain real property being a portion of a public road known as Merle Avenue which is adjacent on the South to a portion of Parcel No. 1 and Parcel No. 2, as parcels are shown on Parcel Map filed for record in Book 1 of Parcel Maps, at Page 128, Stanislaus County Records, being in the Southeast quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the Southeast corner of said Parcel No. 1; thence South 89° 52' 34" West 35.60 feet along the North right of way line of Merle Avenue to a non-tangent curve, concave to the Southwest, from which a radial line bears South 21° 14' 37" West; thence Southeasterly 19.17 feet along said non-tangent curve having a radius of 53.50 feet and a central angle of 20° 31' 47", to a non-tangent line from which a radial line bears South 41° 46' 23" West, said non-tangent line being parallel with and 10.00 feet South of said North right of way line of said Merle Avenue; thence North 89° 52' 34" East 19.40 feet along said parallel line; thence North 00° 17' 47" West 10.00 feet, to the point of beginning.
EXHIBIT

MERLE AVENUE
CITY OF MODESTO STREET ABANDONMENT

PARCEL 2, PORTION OF NORTH HALF, EAST PARCEL

LEGAL DESCRIPTION

All that certain real property being a portion of a public road known as Merle Avenue which is adjacent on the South to a portion of Parcel No. 1 and Parcel No. 2, as parcels are shown on Parcel Map filed for record in Book 1 of Parcel Maps, at Page 128, Stanislaus County Records, being in the Southeast quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the intersection of the center line of said Merle Avenue with the center line of Claus Road, as shown on said parcel map; thence South 89° 52' 34" West 109.89 feet along said center line of Merle Avenue; thence North 00° 07' 26" West 20.00 feet to the POINT OF BEGINNING; thence continuing North 00° 07' 26" West 10.00 feet to the North right of way line of Merle Avenue; thence South 89° 52' 34" West 66.95 feet, more or less, along said North right of way line of Merle Avenue to the Southwest corner of said Parcel No. 2, in Book 1 of Parcel Maps, at Page 128, Stanislaus County Records; thence South 00° 17' 47" East 10.00 feet; thence North 89° 52' 34" East 66.92 feet along a line parallel with, and 10.00 feet South of said North right of way line of Merle Avenue, to the point of beginning.
EXHIBIT
MERLE AVENUE
CITY OF MODESTO STREET ABANDONMENT
PARCEL 1, PORTION OF SOUTH HALF

LEGAL DESCRIPTION

All that certain real property being a portion of a public road known as Merle Avenue which is adjacent on the South to a portion of Parcel No. 1 and Parcel No. 2, as parcels are shown on Parcel Map filed for record in Book 1 of Parcel Maps, at Page 128, Stanislaus County Records, being in the Southeast quarter of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the intersection of the center line of said Merle Avenue with the center line of Claus Road, as shown on said parcel map; thence South 89° 52' 34" West 109.89 feet along said center line of Merle Avenue; thence South 00° 07' 26" East 17.50 feet to the POINT OF BEGINNING; thence continuing South 00° 07' 26" East 12.50 feet to the South right of way line of Merle Avenue; thence South 89° 52' 34" West 70.03 feet along said South right of way line to a non-tangent curve, concave to the West, from which a radial line bears North 79° 09' 27" West; thence Northerly 12.56 feet along said non-tangent curve, having a radius of 53.50 feet and a central angle of 13° 27' 16", to a point of cusp with a non-tangent line from which a radial line bears North 87° 23' 17" East; thence North 89° 52' 34" East 68.67 feet along said non-tangent line, being parallel with, and 12.5 feet North of said South right of way line of Merle Avenue, to the point of beginning.
PARCEL #1
PARCEL NO. 1
1 PM 128

SCALE
1" = 50'

PARCEL #2
PARCEL NO. 2
1 PM 128

CLAUS ROAD

CURVE TABLE

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<th>CURVE</th>
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<th>RADIUS</th>
<th>DELTA</th>
<th>CHORD BEARING</th>
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<tbody>
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<td>C1</td>
<td>23.52'</td>
<td>15.00'</td>
<td>89'49'39&quot;</td>
<td>N45'12'36&quot;W</td>
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</tr>
<tr>
<td>C18</td>
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<td>C23</td>
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<td>53.50'</td>
<td>20'31'47&quot;</td>
<td>N58'29'30&quot;W</td>
<td>19.07'</td>
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</table>

Owens Design Consultants
2200 McHenry Avenue, Suite C
Modesto, CA 95350
(209) 522-4031  fax (209) 522-4738  www.odcenguom.com

Brown By: AP
Checked By: TO

Project: THOMAS TERRACE
A PRIVATE COMMUNITY

Title: EXHIBIT "A"
PUBLIC UTILITY EASEMENT

CITY OF MODESTO  STATE OF CALIFORNIA

Sheet No. 1
A RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROMENADE PROJECT (STATE CLEARINGHOUSE NUMBER 2004102044)

WHEREAS, Setrok LP filed applications for a General Plan Amendment and PD zone district, including submittal of a Development Plan, in October of 2003 with the Planning Division to allow for construction of a Lifestyle Retail Center, including specialty retailers, a multi-screen movie theater, restaurants, offices, and a four-story hotel on a 45-acre site located along the west side of Dale Road, between Standiford and Pelandale Avenues, just north of the existing Vintage Faire Mall, ("the Project"), and

WHEREAS, the application was deemed complete in January of 2004, and

WHEREAS, the City of Modesto ("the City"), on October 8, 2004, published an Initial Study and a Notice of Preparation for the Project, which identified potentially significant environmental impacts attributable to the Project, on which basis the City determined that an Environmental Impact Report ("EIR") was required for the Project, and

WHEREAS, the Notice of Preparation provided notice of the City’s determination, and solicited public input on the proposed scope and content of the EIR for the Project, and

WHEREAS, on November 8, 2004, the City held a public scoping meeting to receive public comments on the scope and content of the EIR, and
WHEREAS, the City published and distributed a Draft EIR for the Promenade Project (State Clearinghouse Number 2004102044) ("DEIR") for public comment on June 9, 2006, in accordance with Section 21091 of the California Environmental Quality Act ("CEQA"), and

WHEREAS, the DEIR was available for public comment for a period of 45 days as required by Section 21091 of CEQA, the close of the public comment period being July 24, 2006, and

WHEREAS, the public comment period was extended for an additional 10 days to close on August 3, 2006, and

WHEREAS, during the 55-day public comment period the City received eight letters commenting on the DEIR, and

WHEREAS, subsequent to the release of the DEIR and close of the public comment period the Project entitlement applications were suspended in September of 2006 by the Project applicant, and

WHEREAS, the applicant requested to move forward with certification of the EIR without any approval of the Promenade Project or related entitlements, and

WHEREAS, the City continued with the certification of the EIR at the applicant’s request and prepared written responses to all written comments received on the DEIR, said responses being contained in a Final EIR for the Promenade Project (State Clearinghouse Number 2004102044) ("FEIR") prepared pursuant to Section 15089 of the CEQA Guidelines, and
WHEREAS, the FEIR was published and distributed on January 31, 2007, and consists of the Draft EIR, a list of commentors, copies of all written comments received, responses to those comments that raise environmental issues, and any revisions to the text of the Draft EIR made in response to the comments, as required by Section 15132 of the CEQA Guidelines, and

WHEREAS, no action is being taken on the Promenade Project for development approval due to the suspension of planning entitlement applications by the Project applicant, and

WHEREAS, no findings of fact are required to be adopted by the decision-making agency unless action is being taken on approval of a project, in accordance with section 15091(a) of the CEQA Guidelines, and

WHEREAS, no mitigation monitoring and reporting program is required to be adopted by the decision-making agency unless action is being taken on approval of a project, in accordance with section 15091(d) of the CEQA Guidelines, and

WHEREAS, no statement of overriding considerations is required to be adopted by the decision-making agency unless action is being taken on approval of a project, in accordance with section 15093 of the CEQA Guidelines, and

WHEREAS, a no public hearing was held by the Planning Commission as the Project applicant has requested that the planning entitlement applications be suspended from consideration at this time, and
WHEREAS, certification of the Promenade FEIR (SCH No. 2004102044) was set for a public hearing of the City Council to be held on February 13, 2007, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council evidence both oral and documentary was received and considered, and

WHEREAS, the City Council has received and considered the FEIR for the Promenade Project (SCH No. 2004102044) that analyzed the potential environmental effects of the proposed Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines in respect to the FEIR:

1. That the FEIR has been completed in compliance with CEQA; that the City Council has reviewed and analyzed the FEIR and other information in the record and has considered the information contained therein, including the written and oral comments received at the public hearings on the FEIR, prior to certifying the FEIR; and that the FEIR represents the independent judgment of the City of Modesto (Section 15090(a)); and

2. The City Council hereby finds and recognizes that the FEIR contains additions, clarifications, modifications and other information in its responses to comments on the Draft Environmental Impact Report for the Project ("DEIR") and also incorporates information obtained by the City since the DEIR was issued. This Council hereby finds and determines that such changes and additional information are not significant new information as that term is defined under the provisions of the California Environmental Quality Act, because such changes and additional information do not indicate that any new significant environmental impacts not already evaluated would result from the Project and do not reflect any substantial increase in the severity of any environmental impact; that no feasible mitigation measures considerably different from those previously analyzed in the DEIR have been proposed that would lessen significant environmental impacts of the Project; and that no feasible alternatives considerably different from those analyzed in the DEIR have been proposed that would lessen significant environmental impacts of the Project. Accordingly, this Council hereby finds and determines that recirculation of the FEIR for further public review and comment is not warranted; and
3. The City Council does hereby designate the Community and Economic Development Director of the City of Modesto, at his office at 1010 Tenth Street, Modesto, California 95354 as the custodian of documents and record of proceedings on which the decision is based; and

4. The City Council does hereby make the foregoing findings with respect to the significant effects on the environment of such Project, as identified in the FEIR, with the stipulations that all information in these findings is intended as a summary of the full administrative record supporting the FEIR, which full administrative record should be consulted for the full details supporting these findings, and that any mitigation measures and/or alternatives that were suggested by commentors to the DEIR and were not adopted as part of the FEIR are hereby expressly rejected for the reasons stated in the responses to the comments set forth in the FEIR and elsewhere in the record.

BE IT FURTHER RESOLVED by the Council that it hereby certifies the Final Environmental Impact Report for the Promenade Project (SCH No. 2004104022), a copy of which is available in the City Clerk’s Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2007, by Councilmember Olsen, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: Keating, O’Bryant

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-128

A RESOLUTION ALLOWING A REFUND TO CITIFINANCIAL AUTO CORPORATION OF OVERPAID BUSINESS LICENSE TAXES AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID REFUND

WHEREAS, CitiFinancial Auto Corporation has submitted a request for a business license tax refund in the amount of $27,433.42, and

WHEREAS, the City Finance Department has verified said refund, and

WHEREAS, the Modesto City Council is required to approve all refunds of more than $5000.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby authorizes a refund in the amount of $27,433.42 be paid to CitiFinancial Auto Corporation.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute said refund.
The forgoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

(seal)

APPROVED AS TO FORM:

By: Susana Acala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-129

RESOLUTION DECLARING ONE (1) 1977 VAN PELT FIRE ENGINE AND (1) 1982 VAN PELT FIRE ENGINE SURPLUS, AND SELL BOTH TO THE YOSEMITE COMMUNITY COLLEGE DISTRICT (YCCD) FOR $1 EACH, FOR USE AT THE REGIONAL FIRE TRAINING CENTER (RFTC).

WHEREAS, in 1995 the City of Modesto partnered with the Yosemite Community College District (YCCD) and Stanislaus County in the construction and operation of the Regional Fire Training Center, and

WHEREAS, the RFTC maintains fire engines, utilized by the Regional Fire Academy, Modesto Fire Explorers, and others who rent the facility, and

WHEREAS, rent from the facility, in part, offsets partnership costs of the center, and

WHEREAS, the 1977 and 1982 Van Pelt fire engines function, but are very old and are being replaced in their reserve status by newer fire engines which have been removed from front line service, and

WHEREAS, the 1977 and 1982 Van Pelt fire engines have reached the end of their fire fighting service life, and

WHEREAS, the Council of the City of Modesto desires to sell the 1977 and 1982 Van Pelt fire engines to YCCD for one dollar ($1.00) each,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that the 1977 and 1982 Van Pelt fire engines have become surplus property.

BE IT FURTHER RESOLVED that the sale of the 1977 and 1982 Van Pelt fire engines to the YCCD for one dollar ($1.00) each is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

By: Susana Acalal Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-130

ADOPT A RESOLUTION AUTHORIZING THE MODESTO FIRE
DEPARTMENT TO APPLY FOR A LIVESCAN ACCOUNT WITH THE
DEPARTMENT OF JUSTICE, GIVING THEM ACCESS TO LOCAL, STATE
AND FEDERAL SUMMARY CRIMINAL HISTORY INFORMATION FOR
EMPLOYMENT, LICENSING OR CERTIFICATION PURPOSES.

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) authorize cities,
counties and districts to access local, state and federal summary criminal history
information for employment, licensing or certification purposes, and

WHEREAS, Penal Code Section 11105(b)(10) authorizes cities, counties and
districts to access federal level criminal history information by transmitting fingerprint
images and related information to the Department of Justice to be transmitted to the
Federal Bureau of Investigation, and

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) require that
there be a requirement or exclusion from employment, licensing, or certification based on
specific criminal conduct on the part of the subject of the record, and

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) require the city
council, board of supervisors, or governing body of a city, county or district to
specifically authorize access to summary criminal history information for employment,
licensing, or certification purposes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it
hereby authorizes the Modesto Fire Department to apply for a LiveScan account with the
Department of Justice, giving access to local, state and federal level summary criminal
history information for employment (including volunteers and contract employees),
licensing, or certification purposes and may not disseminate the information to a private entity; and

BE IT FURTHER RESOLVED, that the Modesto Fire Department shall not consider a person who has been convicted of a felony or misdemeanor involving moral turpitude eligible for employment (including volunteers and contract employees), or licensing; except that such conviction may be discharged if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment, volunteer or license in question.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-131

A RESOLUTION APPROVING A SECOND AMENDMENT TO A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND GOLDENSTATE TOWERS, LLC FOR EXPANSION OF A CELLULAR TOWER SITE LOCATED ON A PORTION OF CREEKSID MUNICIPAL GOLF COURSE, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SECOND AMENDMENT TO THE LEASE AGREEMENT.

WHEREAS, GoldenState Towers, LLC currently leases a cellular tower site located on a portion of Creekside Municipal Golf Course, and

WHEREAS, it has been determined that the space being used by GoldenState Towers, LLC is larger than identified in the lease, and

WHEREAS, GoldenState Towers, LLC has agreed to a rent increase from $1,000 per month to $1,250 per month to compensate the City for the additional ground space,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to a Lease Agreement between the City of Modesto and GoldenState Towers, LLC for expansion of a cellular tower site located on a portion of Creekside Municipal Golf Course.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Second Amendment to the Lease Agreement.
The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 27th day of February, 2007, by
Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen,
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By SUSANA ALCALA WOOD
City Attorney

ATTEST:

By JEAN MORRIS
City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-132

A RESOLUTION AMENDING THE CURRENT “SUPPORTIVE SERVICES FOR HOUSING” COMMUNITY HOUSING AND SHELTER SERVICES (CHSS) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE AGREEMENT FOR FISCAL YEAR 2006-2007 TO USE UP TO $4,800 OF THE EXISTING GRANT TO PAY FOR WORKSPACE RENTAL AND SUPPLIES FOR THE STAFF PERSON, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO AGREEMENT.

WHEREAS, on May 2, 2006, by Resolution No. 2006-274, the City Council approved the allocation of the CDBG public service grant funding for Fiscal year 2006-2007, and

WHEREAS, included in this resolution was the allocation of $21,809 in CDBG funds to Community Housing and Shelter Services (CHSS), to be utilized for staff salary and benefits for Supportive Services for Housing, and

WHEREAS, CHSS had originally requested funding of $34,166, but due to limited funding all applicants received partial funding and had to adjust their funding requests accordingly, and

WHEREAS, on November 21, 2006, CHSS requested to amend their agreement to reallocate $4,800 of their funding to pay for rent and supplies for the staff person in the Supportive Services for Housing position, and

WHEREAS, the agreement currently funds staff salary and benefits only and the reallocation would allow them to use up to $4,800 of the existing grant to pay for workspace rental and supplies for the staff person, and

WHEREAS, CHSS is requesting this change because adequate funding has been identified to pay the staff person’s salary but CHSS is in need of funding for workspace rental and supplies, and
WHEREAS, the Citizens Housing and Community Development Committee met on January 26, 2006 and supported the recommendation to amend the agreement to use up to $4,800 of the existing grant to pay for workspace rental and supplies for the staff person,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the current “Supportive Services for Housing” Community Housing and Shelter Services (CHSS) Community Development Block Grant (CDBG) Public Service agreement for fiscal year 2006-2007 to use up to $4,800 of the existing grant to pay for workspace rental and supplies for the staff person.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Morris

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Susana Acalal Wood, City Attorney
A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE A FORMAL REQUEST FOR BIDS TO RE-ROOF THREE CITY OWNED RESTROOMS AND REPAIR ROOFS ON FOUR CITY OWNED RESTROOMS AT AN ESTIMATED COST OF $65,000.

WHEREAS, staff of the Parks, Recreation and Neighborhoods Department is responsible for the maintenance of all City owned park sites, and

WHEREAS, staff has made a thorough review of the park sites, and an analysis of the roofing structures determined that the roofs on the restrooms at Marshall Park, Cesar Chavez Park, and Beardbrook Park have significant dry rot damage and are in need of complete re-roofing including replacement of trusses at an estimated cost of $41,000.00, and

WHEREAS, during the review of restroom roofs, it was determined that the roofs on the restrooms at East La Loma Park, Revard Park, Lakewood Park, and Sipherd Park show some signs of dry rot and are in need of repair due to leakage at an estimate estimated cost of $24,000, and

WHEREAS, a formal Request for Bids (RFB) must be issued to complete repairs that will cost an estimated $65,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the Purchasing Manager to issue a formal Request for Bids to re-roof three City owned restrooms and to repair the roofs on four City owned restrooms.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

Attest: __________________________
JEAN MORRIS, City Clerk

By: ______________________________
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-134

A RESOLUTION SUPPORTING A PILOT PROGRAM TO CURB VANDALISM AND GRAFFITI OCCURRENCES AT THE MODESTO HIGH SCHOOL CAMPUS.

WHEREAS, during the week of January 15, 2007, a member of the Modesto City Schools staff (MCS) contacted staff at the Parks, Recreation and Neighborhoods Department (PR&N) regarding an increase in graffiti and negative behavior taking place on the Modesto High School campus, and

WHEREAS, the area specifically being affected is the Modesto High School tennis courts which are co-owned by the Modesto City School and the City of Modesto and managed through a use-agreement, and

WHEREAS, the school district’s main concerns are the occurrence of daily graffiti on the tennis courts, unlimited access to the tennis courts and lack of lighting in the area of the tennis courts, and

WHEREAS, after further discussion, PR&N and Modesto High School staff proposed that City graffiti crews will order paint which matches the tennis courts, and deliver the paint to the Modesto High School campus, and the school district personnel will paint out the graffiti as it occurs, and

WHEREAS, staff further proposed that the Modesto High School staff could lock the gates accessing the tennis courts from 9:00 p.m. to 6:30 a.m. and that the Modesto High School staff would be responsible for locking and unlocking the gates on a daily basis, and

WHEREAS, staff further proposed that the tennis court light timers be set so the lights will come on at 6:00 p.m. and turn off at 6:30 a.m., and
WHEREAS, after one month, both PR&N staff and School District staff will evaluate the pilot program, and

WHEREAS, the Safety and Communities Committee met on February 5, 2007, and supported the recommended pilot program to curb vandalism and graffiti occurrences at the Modesto High School campus,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the pilot program to curb vandalism and graffiti occurrences at the Modesto High School campus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
A RESOLUTION AFFIRMING THE CITY’S CO-SPONSORSHIP OF “EARTHDAY IN THE PARK FESTIVAL, 2007” AT GRACEADA PARK AND ALLOWING THE SALE OF MERCHANDISE IN THE PARK DURING THE EVENT.

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

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

WHEREAS, the Citizen’s Advisory Committee on Recycling (CACOR) sponsors the event, and the 18th Annual “Earth Day in the Park” will be held on Saturday, April 21, 2007, at Graceada Park, and

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

WHEREAS, “Earth Day in the Park Festival, 2006” had nearly 100 vendor booths, and

WHEREAS, as in prior years’ events, the Committee seeks Council approval for the sale of merchandise in the Park during the event,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City hereby affirms its co-sponsorship of “Earth Day in the Park Festival, 2007”, to be held on April 21, 2007, at Graceada Park.

BE IT FURTHER RESOLVED by the Council that it hereby approves the sale of merchandise at Graceada Park during the “Earth Day in the Park Festival, 2007” event.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-136

A RESOLUTION APPROVING AN INCREASE IN THE GROVER LANDSCAPING CONTRACT BY AN ADDITIONAL $129,140 TO ADD ADDITIONAL, NEWLY DEVELOPED PARK AND OPEN SPACE SITES, SPECIFICALLY THE VIRGINIA CORRIDOR, FREEDOM NEIGHBORHOOD PARK, SANDERS NEIGHBORHOOD PARK, FLOYD & FINE STREETSCAPE, RANCHO ENCANTADO – HATCH WALL, AND FAIRWAY NEIGHBORHOOD PARK.

WHEREAS on March 7, 2006, by Resolution No. 2006-134, the City Council approved a Landscape Maintenance Agreement, effective March 21, 2006, between Grover Landscape Services, Inc. and the City, and

WHEREAS, since implementation of the agreement several park and open space sites have been developed or are in the development stage, and

WHEREAS, these newly developed park and open space sites will require on-going maintenance and an increase in the number of Grover Landscaping contracted sites, and

WHEREAS, these sites are the Virginia Corridor, Freedom Neighborhood Park, Sanders Neighborhood Park, Floyd & Fine Streetscape, Rancho Encanto – Hatch Wall, and Fairway Neighborhood Park, and

WHEREAS, the annual costs for these sites are $8,340 for the Virginia Corridor, $30,900 for Freedom Neighborhood Park, $29,700 for Sanders Neighborhood Park, $17,700 for Floyd & Fine Streetscape, $15,300 for Rancho Encanto – Hatch Wall, and $27,200 for Fairway Neighborhood Park for a total of $129,140, and

WHEREAS, the additional charge of $8,340 to the General Fund for the Virginia Corridor is budgeted in 0100-350-3522-0235, and
WEHREAS, the additional charge for Freedom Neighborhood Park, Sanders Neighborhood Park and the Floyd and Fine Streetscape is $78,300, and

WHEREAS, one-half of the additional charge ($39,150) for Freedom Neighborhood Park, Sanders Neighborhood Park and the Floyd and Fine Streetscape is budgeted in the Village One Community Facilities District account 2600-020-0207-0231, and

WHEREAS, one-half of the additional charges ($39,150) for Freedom Neighborhood Park, Sanders Neighborhood Park and the Floyd and Fine Streetscape are budgeted in the Village One #2 Community Facilities District account 2690-020-0207-0231, and

WHEREAS the additional charge of $42,500 for the Rancho Encantado – Hatch Wall and the Fairway Neighborhood Park is budgeted in the Fairview Village Community Facilities District account 2640-020-0207-0231, and

WHEREAS, there is a need to increase the Grover Landscaping contract by a total of $129,140 as described above,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves increasing the Grover Landscape Services, Inc. agreement by an additional $129,140 per year to add additional, newly developed park and open space sites.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Morris, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

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

SECTION 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Parking Services Supervisor

The job specification for this classification is being created as part of a new program to automate the City’s parking garages. The job specification for the classification of Parking Services Supervisor, as shown on the attached Exhibit “A,” which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after February 27, 2007.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
PARKING SERVICES SUPERVISOR

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To plan, organize, supervise and participate in the City's parking operations; and to manage a variety of both parking and facility maintenance duties.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level supervisory and management staff.

Exercises direct supervision over assigned parking and maintenance staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

Essential and other important responsibilities an duties may include, but are not limited to the following:

Essential Functions:

Recommend and assist in the implementation of goals and objectives; establish schedules and methods for providing parking services; implement policies and procedures.

Plan, prioritize, assign, supervise and review the work of staff involved in providing parking services.

Assist in developing and monitoring of the Parking Services Budget.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies and initiate disciplinary actions as necessary.

Participate in the solicitation and evaluation of bids for price and quality; make contractual recommendations to management.

Develop and implement maintenance management plans for parking structures.

Supervise the response to emergency requests for service.

Inspect areas to ensure work standards are met and maintenance problems are corrected.

Exhibit "A"
Essential Functions: (Continued)

Maintain time, material and equipment use records; test and evaluate maintenance supplies; requisition supplies and materials; and distribute supplies and equipment to staff.

Operate a personal computer to utilize required computer programs and software.

Oversee revenue collection, deposit of, and reporting activities within Parking Services.

May perform some maintenance tasks on parking equipment, as needed.

Compile information and prepare reports.

Marginal Functions:

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods and practices used in parking services and minor facility maintenance activities.

Tools, equipment and supplies used in providing comprehensive parking services and minor facility maintenance services.

Principles and practices used in the supervision and training of personnel.

Safe work practices; regulatory safety programs and procedures.

Word processing, spreadsheet applications, and Internet usage necessary for job performance.

State and municipal parking regulations.

Ability to:

Establish and maintain cooperative working relationships with those contacted in the course of work.

Plan, estimate, direct coordinate, schedule and review the work of others.
Ability to: (Continued)

Communicate clearly and concisely, both orally and in writing.

Supervise, train and evaluate the performance of assigned staff.

Operate a variety of modern office, communication, and parking equipment.

EXPERIENCE AND TRAINING GUIDELINES:

Any combination equivalent to experience and education that could likely provide the required knowledge and abilities would be qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of increasingly responsible experience involving customer services management. Experience must include the supervision of staff. Parking facility experience is highly desirable.

Education:

Equivalent to completion of the twelfth grade preferably supplemented by specialized training related to the supervision of personnel.

License or Certificate:

Possession of, or the ability to obtain, a valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Office and field environment. travel from site to site; hot and cold temperatures; inclement weather.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition for sitting for prolonged periods of time; attending meetings; using a personal computer and related office equipment.

Exhibit "A"
A RESOLUTION AMENDING EXHIBIT “A” OF RESOLUTION NO. 2006-321 TO AMEND THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ADD PARKING SERVICES SUPERVISOR AT SALARY RANGE 423.

WHEREAS, the City Council desires to amend Exhibit “A” of Resolution No. 2006-321, 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 1. AMENDMENT TO RESOLUTION NO. 2006-321 Exhibit “A” entitled, "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective May 23, 2006", attached to Resolution No. 2006-321, 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 February 27, 2007,” which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit “A” adds the classification of Parking Services Supervisor at Salary Range 423 ($3,822 - $4,657 per month) to the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after February 27, 2007.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SUSANA ALCALA WOOD, City Attorney
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| 407   | Administrative Clerk II (Confidential)  
      | Administrative Office Assistant II (Confidential) |
| 408   |       |
| 409   |       |
| 410   |       |
| 411   | Administrative Office Assistant III (Confidential)  
      | Police Clerk II (Confidential) |
| 412   |       |
| 413   | Administrative Technician (Confidential) |
| 414   |       |
| 415   | Senior Administrative Office Assistant (Confidential)  
      | Secretary |
| 416   |       |
| 417   |       |
| 418   | Legal Secretary  
      | Systems Technician I |
| 419   | Public Information Technician (Confidential) |
| 420   | Accountant I (Confidential)  
      | Deputy City Clerk  
      | Employee Benefits Coordinator  
      | Executive Secretary (Represented)  
      | Legal Services Technician |
| 421   |       |

Exhibit “A”
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 422   | Office Supervisor  
       | Utility Dispatch Supervisor  
       | Workers' Compensation Claims Examiner I  
       | Systems Technician II |
| 423   | Custodian Supervisor  
       | **Parking Services Supervisor** |
| 424   | Assistant Planner  
       | Buyer  
       | Police Facilities Coordinator |
| 425   | Administrative Analyst I |
| 426   | Supervising Animal Control Officer  
       | Police Civilian Supervisor  
       | Stores Manager  
       | Systems Technician III |
| 427   | Assistant City Clerk/Auditor  
       | Legal Services Administrator  
       | Workers' Compensation Claims Examiner II |
| 428   | Accountant II (Represented)  
       | Senior Buyer |
| 429   | |
| 430   | Associate Planner  
       | Community Services Supervisor  
       | Events Coordinator  
       | Junior Civil Engineer  
       | Junior Traffic Engineer  
       | Senior Crime Analyst  
       | Software Analyst I |
| 431   | Administrative Analyst II  
       | Assistant Risk Manager  
       | Budget Analyst I  
       | Personnel Analyst  
       | Recycling Program Coordinator |

Exhibit “A”
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<th>RANGE</th>
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</table>
| 432   | Communications Specialist  
               Compost Facility Supervisor  
               Customer Services Supervisor  
               Neighborhood Preservation Supervisor  
               Operations and Maintenance Supervisor  
               Recreation Supervisor II  
               Senior Accountant  
               Water Quality Control Maintenance Supervisor  
               Water Quality Control Operations Supervisor |
| 433   | Organizational Development Specialist |
| 434   | Assistant Civil Engineer  
               Assistant Traffic Engineer  
               Budget Analyst II  
               Environmental Laboratory Supervisor  
               Operations Supervisor  
               Regulatory Compliance Supervisor  
               SCADA Supervisor  
               Senior Community Development Program Specialist  
               Senior Housing Rehabilitation Specialist  
               Software Analyst II  
               Supervising Accountant  
               Systems Engineer I |
| 435   | Business Analyst  
               Cultural Services Manager  
               Emergency Medical Services Coordinator  
               Integrated Waste Specialist  
               Management Analyst  
               Senior Personnel Analyst  
               Weed and Seed Program Coordinator |
| 436   | Electrical Supervisor  
               Senior Planner |
<p>| 437   | |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 438   | Budget Officer  
|       | Events Supervisor  
|       | Housing Program Supervisor  
|       | Land Surveyor  
|       | Property Agent  
|       | Public Safety Business Services Analyst  
|       | Senior Business Analyst  
|       | Software Analyst III  
|       | Systems Engineer II |
| 439   | Administrative Services Officer  
|       | Community Facilities Districts Administrative Officer |
| 440   | Associate Civil Engineer  
|       | Associate Traffic Engineer  
|       | Transportation Planner |
| 441   | Airport Manager  
|       | Building Maintenance Superintendent  
|       | Fleet Manager  
|       | Housing and Urban Development Manager  
|       | Parks Operations Superintendent  
|       | Parks Planning and Development Manager  
|       | Purchasing Manager  
|       | Recreation Program Manager  
|       | Streets Superintendent  
|       | Urban Forestry Superintendent  
|       | Wastewater Collections Superintendent  
|       | Water Superintendent |
| 442   | Customer Services Division Manager  
|       | Manager of Budget and Financial Analysis  
|       | Software Analyst IV  
|       | Supervising Building Inspector  
|       | Supervising Construction Inspector  
|       | Systems Engineer III |

Exhibit “A”
<table>
<thead>
<tr>
<th>RANGE</th>
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</tr>
</thead>
</table>
| 444   | Deputy Chief Building Official  
       | Principal Planner  
       | Solid Waste Program Manager  
       | Transit Manager |
| 445   | Accounting Division Manager |
| 446   | Water Quality Control Superintendent  
       | Information Technology Unit Manager |
| 447   | Business Development Division Manager  
       | Chief Building Official  
       | Planning Division Manager  
       | Senior Civil Engineer  
       | Traffic Engineer |
| 448   |       |
| 449   |       |
| 450   |       |
| 451   |       |
| 452   |       |
| 453   |       |
| 455   |       |

Exhibit "A"
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-139

A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN
FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted
by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel
Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to
the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that
revisions to the Classification Plan shall be effective upon adoption of resolution of the
City Council,

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

SECTION I. CLASSIFICATION CREATED. The Position Classification Plan
of the City of Modesto is hereby amended to create the following classification:

Laboratory Analyst III

The job specification for this classification is being created as part of a reorganization and
expansion of the Water Quality Laboratory to operate new sophisticated analytical
equipment. The job specification for the classification of Laboratory Analyst III, as
shown on the attached Exhibit “A,” which is hereby made a part of this resolution by
reference, is hereby approved and made part of the Position Classification Plan of the
City of Modesto.
SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after February 27, 2007.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
LABORATORY ANALYST III

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION:

Performs a variety of chemical, biochemical, and physical analyses of water, domestic and industrial wastewater, receiving waters, and other samples, using a variety of laboratory instruments and equipment; and may perform varied bacteriological analysis as required.

DISTINGUISHING CHARACTERISTICS

The Laboratory Analyst III is considered the lead level in the Laboratory Analyst series. The class is distinguished from the Laboratory Analyst II by the analysis of complex and difficult laboratory procedures involving GC, GCMS, ICPMS, AA. Incumbents may be assigned projects and may direct the work of the Laboratory Analyst I/II on certain project assignments.

SUPERVISION EXERCISED AND RECEIVED

Receives general supervision from the Environmental Laboratory Supervisor. May exercise technical or functional supervision over assigned staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Perform a full range of chemical and biological tests following standardized procedures as related to treatment, quality control and distribution of drinking water and of domestic and environmental compliance, wastewater effluent and receiving waters.

Interpret results of analysis, recognizing problems, which may occur during the process; determine the cause for and recommends corrective measures; evaluate results of chemical testing.

Serve as technical consultant regarding chemical treatment and analytical testing to plant staff such as plant operators, environmental compliance inspectors and plant engineers on matters relating to the wastewater treatment process.

Exhibit “A”
Essential Functions: (Continued)

Perform calculations, complete forms maintain records and prepare oral and written reports of work performed.

Maintain proper quality assurance and follow work safety procedures; recommend improvement to work procedures, methods and forms.

Prepare standards, chemical solutions and reagents, clean glassware and specialized equipment.

Operate and maintain laboratory instruments and equipment such as atomic absorption/mass spectrophotometer, gas chromatograph, flow injection analyzer and others as needed.

Collect wastewater, storm water, receiving water and potable water distribution system samples.

Provide input to assist in maintaining and developing State and EPA approved test methods and procedures.

Assist with special projects, reports, and implementation of a quality assurance/quality control program, according to regulatory requirement.

Assist in maintaining the laboratory Chemical Hygiene Plan according to regulatory requirements.

Provide training to laboratory staff in the use of sophisticated analytical instruments.

Provide supervision of staff in the absence of the Environmental Laboratory Supervisor.

Marginal Functions:

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Standard methods used in the analysis of water and wastewater.

Principals and practices used in water, wastewater and environmental compliance analyses.

Exhibit “A”
Knowledge of: (Continued)

Organic, inorganic, physical chemistry and biochemistry.

Principals and operation of atomic absorption mass spectrometer and gas chromatograph.

Sampling techniques and statistical analysis, principles of water and wastewater treatment.

Basic computer operations.

Pertinent Federal, State, and local laws, codes and regulations.

Ability to:

Analyze and interpret the results of complex laboratory tests of water and wastewater.

Operate laboratory equipment in a safe manner.

Understand and carry out oral and written instructions.

Maintain accurate records and prepare complete and concise reports.

Make timely and accurate calculations.

Establish and maintain cooperative-working relationships with those contacted in the course of work.

Occasionally lift and carry up to 50 lbs. of weight.

Assist in the evaluation and acquisition of laboratory equipment.

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

A minimum of three years of laboratory experience in a water, wastewater, environmental or industrial setting, performing testing, analysis and control.

Exhibit “A”
Training:

Possession of a Bachelor of Science degree from an accredited college or university in chemistry, biochemistry, biology or closely related scientific field. The degree must include upper division coursework in chemistry.

License or Certificate:

Possession of Laboratory Analyst III certificate issued by the California Water Environmental Association is required by the end of probationary period.

Must possess a valid California driver's license and have a satisfactory record.

WORKING CONDITIONS

Environmental Conditions:

Laboratory and occasional field environment; exposure to potentially hazardous chemicals; work in or with water and wastewater; exposure to inclement weather conditions; some work is performed in varying temperatures and humidity.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time, manual dexterity, the ability to accurately distinguish color. Occasionally lift and carry up to 50 lbs. of weight.
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-140

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2006-319 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO ESTABLISH THE SALARY RANGE FOR LABORATORY ANALYST III AT SALARY RANGE 130.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2006-319, which approved the Class Range Table for General Non-Sworn Classes,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2006-319. Exhibit "A" entitled, "City of Modesto Class Range Table General Non-Sworn Classes Effective May 23, 2006," attached to Resolution No. 2006-319, is hereby amended as shown on the amended Exhibit "A" entitled, "City of Modesto Class Range Table General Non-Sworn Classes Effective February 27, 2007," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" establishes the salary range for Laboratory Analyst III at range 130.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after February 27, 2007.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective February 27, 2007

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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<tbody>
<tr>
<td>101</td>
<td>Custodian I</td>
</tr>
<tr>
<td>103</td>
<td>Administrative Office Assistant I</td>
</tr>
<tr>
<td>104</td>
<td></td>
</tr>
<tr>
<td>105</td>
<td></td>
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<tr>
<td>106</td>
<td></td>
</tr>
</tbody>
</table>
| 107   | Administrative Office Assistant II
Custodian II
Police Clerk I |
| 108   | |
| 109   | Customer Services Account Clerk I |
| 110   | Security Officer
Maintenance Worker I |
| 111   | Account Clerk
Administrative Office Assistant III
Customer Services Account Clerk II
Police Clerk II |
| 112   | |
| 113   | Administrative Technician
Computer Operator
Drafting and Graphics Technician |
| 114   | Animal Control Officer I
Electrical Technician I
Equipment Service Technician
Evidence and Property Specialist
Maintenance Worker II
Production Technician
Storeskeeper |

Exhibit “A”
<table>
<thead>
<tr>
<th>RANGE</th>
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</table>
| 115   | Accounting Technician  
       | Administrative Services Technician I  
       | Code Enforcement Officer I  
       | Community Service Officer I  
       | Customer Services Account Clerk III  
       | Senior Administrative Office Assistant  
       | Wastewater Treatment Plant Attendant |
| 116   | Equipment Operator  
       | Fire Prevention Technician I  
       | Motor Sweeper Operator  
       | Traffic Operations Technician  
       | Used Oil Coordinator  
       | Wastewater Collection System Operator  
       | Water Distribution System Operator |
| 117   | Electrical Technician II |
| 118   | Customer Services Accounting Technician  
       | Fleet Procurement Specialist  
       | Parking Lot Maintenance Crewleader  
       | Parks Crewleader  
       | Recreation Coordinator  
       | Senior Storeskeeper  
       | Tree Trimmer |
| 119   | Administrative Services Technician II  
       | Animal Control Officer II  
       | Assistant Buyer  
       | Building Maintenance Mechanic  
       | Civil Engineering Technician I  
       | Code Enforcement Officer II  
       | Community Service Officer II  
       | Maintenance Mechanic - Parks  
       | Maintenance Mechanic - Pumps  
       | Public Information Technician  
<pre><code>   | Wastewater Treatment Plant Operator |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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</thead>
</table>
| 120   | Accountant I  
       | Assistant Electrician  
       | Equipment Mechanic  
       | Fire Prevention Technician II  
       | Laboratory Analyst I  
       | Senior Equipment Operator  
       | Traffic Painter Crewleader  
       | Water Resource Specialist I  
       | Welder/Fabricator |
| 121   | Wastewater Treatment Plant Relief Operator |
| 122   | Heavy Equipment Mechanic  
       | Cross Connection Specialist  
       | Fire Equipment Mechanic  
       | Law Enforcement Academy Recruit  
       | Tree Trimmer Crewleader  
       | Water Conservation Specialist |
| 123   | Airport Maintenance Crewleader  
       | Civil Engineering Technician II  
       | Identification Technician I  
       | Maintenance Mechanic Crewleader – Parks |
| 124   | Community Development Program Specialist I  
       | Environmental Compliance Inspector I  
       | Equipment Mechanic Crewleader  
       | Laboratory Analyst II  
       | Operation and Maintenance Crewleader  
       | Planning Assistant  
       | Plant Mechanic  
       | Water Resource Specialist II |
| 125   | Crime Analyst |
| 126   | Building Inspector I  
       | Heavy Equipment Mechanic Crewleader  
       | Housing Financial Specialist  
<pre><code>   | Housing Rehabilitation Specialist I |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 127   | Civil Engineering Assistant  
        Identification Technician II  
        Senior Fire Equipment Mechanic |
| 128   | Community Development Program Specialist II  
        Electrician  
        Environmental Compliance Inspector II  
        Instrument Repair Technician  
        Senior Wastewater Treatment Plant Operator |
| 129   | Building Inspector II  
        Construction Inspector  
        Housing Rehabilitation Specialist II  
        Laboratory Analyst III  
        Project Coordinator |
| 130   | Senior Civil Engineering Assistant |
| 131   | Environmental Review Specialist  
        Senior Environmental Compliance Inspector |
| 133   | Deputy Fire Marshal  
        Plan Review Engineer  
        Senior Building Inspector  
        Senior Construction Inspector |

Exhibit "A"
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-141

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH BOYLE ENGINEERING CORPORATION IN THE NOT-TO-EXCEED AMOUNT OF $452,207 FOR THE DESIGN OF SYLVAN AVENUE BETWEEN MILLBROOK AVENUE AND CLAUS ROAD, AND LITT ROAD FROM SYLVAN AVENUE TO THE NORTH END OF THE GROGAN PARK SITE, AND AUTHORIZING THE COMMUNITY FACILITIES DISTRICT ADMINISTRATOR, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, following a Request for Qualifications which was sent to engineering firms, eight firms were asked to provide a proposal for the design of various road improvement projects, and

WHEREAS, a selection team interviewed eight consulting firms, and

WHEREAS, the Selection Committee determined that Boyle Engineering Corporation rated highest for the design of the Sylvan Avenue from Millbrook Avenue to Claus Road, and Litt Road from Sylvan Avenue to the north end of the Grogan Park site, in accordance with Administrative Directive 3.1, and

WHEREAS, the District Engineer has recommended that Boyle Engineering Corporation be accepted as the most qualified engineering consulting firm for engineering design services for the “Sylvan Avenue from Millbrook Avenue to Claus Road, and Litt Road from Sylvan Avenue to the north end of the Grogan Park site” project, and

WHEREAS, the District Engineer has recommended accepting the proposal of Boyle Engineering Corporation, in an amount not-to-exceed $452,207.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement between City of Modesto Community Facilities
District and Boyle Engineering Corporation for engineering design services for the project titled "Sylvan Avenue from Millbrook Avenue to Claus Road, and Litt Road from Sylvan Avenue to the north end of the Grogan Park site" project in the not-to-exceed amount of $452,207.00.

BE IT FURTHER RESOLVED that the District Administrator, 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 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

By ________________________________
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-142

A RESOLUTION AMENDING THE FY 06-07 CIP BUDGET BY DECREASING THE APPROPRIATION FOR THE MARY GROGAN COMMUNITY PARK PROJECT (P501) BY $170,000 AND RETURNING THOSE FUNDS TO RESERVES, THEN TRANSFER FROM THE PARKS CFF FUND TO THE VILLAGE ONE #2 CFD #2004-1 CIP FUND, REAPPROPRIATING $170,000 FROM THE VILLAGE ONE #2 CFD #2004-1 CIP FUND TO THE SYLVAN AVENUE BETWEEN MILLBROOK AVENUE AND CLAUS ROAD PROJECT (X536) TO FULLY FUND THE SYLVAN AVENUE BETWEEN MILLBROOK AVENUE AND CLAUS ROAD, AND THE LITT ROAD FROM SYLVAN AVENUE TO THE NORTH END OF THE GROGAN PARK SITE PROJECT

WHEREAS, on October 3, 2006, by Resolution No. 2006-637 the Council of the City of Modesto adopted the 2006/2007 Capital Improvement Program, and

WHEREAS, the 2006/2007 Capital Improvement Program included projects titled “Mary A. Grogan Community Park” (P501) and “Sylvan Avenue from Millbrook to Claus” (X536), and

WHEREAS, the street improvements on Litt Road adjacent to the Grogan Park site are being combined with the Sylvan Avenue project in an effort to take advantage of the cost savings associated with combining two medium sized projects into one large project, and

WHEREAS, staff recommends decreasing the CIP Account P501 “Mary Grogan Community Park” project by $170,000 and returning those funds to reserves, then transfer from the Parks CFF Fund to the Village One #2 CFD #2004-1 CIP fund, then reappropriating $170,000 from the Village One #2 CFD #2004-1 CIP fund to the CIP Account X536 “Sylvan Avenue from Millbrook to Claus” to provide for the Parks CFF
share of the costs for this work and to fully fund the design of the “Sylvan Avenue Millbrook to Claus, and the Litt Road Sylvan to north end of Grogan Park site” project,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves amending the FY 06-07 CIP budget by decreasing the CIP Account P501 “Mary Grogan Community Park” project by $170,000 and returning those funds to reserves, then transfer from the Parks CFF Fund to the Village One #2 CFD #2004-1 CIP fund, then reappropriating $170,000 from the Village One #2 CFD #2004-1 CIP fund to the CIP Account X536, “Sylvan Avenue from Millbrook to Claus” to provide for the Parks CFF share of the costs for this work and to fully fund the design of the “Sylvan Avenue Millbrook to Claus, and the Litt Road Sylvan to north end of Grogan Park site” project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

APPROVED AS TO FORM:

By  

By  

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-143

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE A FORMAL REQUEST FOR PROPOSALS (RFP) FOR THE PROVISION OF TRANSIT TICKET PRINTING SERVICES FOR THE PUBLIC WORKS DEPARTMENT, TRANSIT DIVISION, FOR A TWO (2) YEAR AGREEMENT, WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR A TOTAL ESTIMATED ANNUAL COST OF $20,000.

WHEREAS, the current contract for Modesto Area Express (MAX) transit ticket printing services was last bid in 2004 for a three-year period and will expire May 1, 2007, and

WHEREAS, Dillingham Tickets is the current contractor, and

WHEREAS, the new vendor selected through the RFP process will provide seven (7) different types of transit tickets, and

WHEREAS, the City provides specifications and artwork for each type of ticket and requires deliveries be made to specific locations at specified times according to the needs of the Transit Division, and

WHEREAS, funds for the transit ticket printing services are budgeted in 6540-165-1672-0205, and

WHEREAS, Modesto Municipal Code ("MMC") Section 8-3.203, generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid, and

WHEREAS, the issuance of a formal Request for Proposal for transit ticket printing services will conform to MMC Section 8-3.203,

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

022707/PW/FCavanah/item17

1

2007-143
SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed proposals for the purchase of transit ticket printing services to be opened in the Office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the sealed proposals are opened they shall be tabulated and analyzed by the Purchasing Division and Transit Staff and a report submitted to Council.

SECTION 3. The Purchasing Manager is hereby authorized to issue a formal Request for Proposals for the provision of Transit ticket printing services for the Public Works Department, Transit Division, for a two (2) year agreement with three (3) one-year extensions options at the sole discretion of the City, for a total estimated annual cost of $20,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen.

Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-144

A RESOLUTION APPROVING THE FINAL MAP OF SPORTSMEN ESTATES IN THE BASELINE DEVELOPED AREA OF THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT WITH WJC DEVELOPMENT, LLC.

WHEREAS, WJC DEVELOPMENT, LLC ("Subdivider"), is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 3.72 acres, known as Sportsmen Estates ("SUBDIVISION"), in the Baseline Developed Area, and

WHEREAS, WJC Development, LLC is proposing to develop a subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 3rd day of March, 2006, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer have certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for public streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid and after Subdivider
has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with WJC Development, LLC, as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-145

A RESOLUTION REJECTING THE SOLE BID FOR “MARSHALL PARK RENOVATION” AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT AT A FUTURE DATE

WHEREAS, the sole bid for “Marshall Park Renovation” was opened at 11:00 a.m. on January 23, 2007, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the sole bid received for “Marshall Park Renovation” was 50% above the architect’s estimate, and

WHEREAS, the sole bid for the project unreasonably exceeded the architect’s estimate, and

WHEREAS, during the bid evaluation process staff determined that there was insufficient bid competition. Therefore, staff recommends the bid be rejected and staff be allowed to re-advertise the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the sole bid received for “Marshall Park Renovation”, opened in the office of the City Clerk on January 23, 2007, is hereby rejected.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project at a future date.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

By Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-146

A RESOLUTION REJECTING THE TWO BIDS FOR THE PROJECT TITLED “SYLVAN AND MARSHALL PARK SPLASH PADS” AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT AT A FUTURE DATE

WHEREAS, the two bids received for “Sylvan and Marshall Splash Pads” were opened at 11:00 a.m. on January 23, 2007, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the two bids received for “Sylvan and Marshall Splash Pads” were 95% and 205% above the architect’s estimate, and

WHEREAS, all bids for the project exceeded the architect’s estimate by an excessive amount, and

WHEREAS, during the bid evaluation process staff determined that the two bids unreasonably exceeded the architect’s estimate. Therefore, staff recommends the bids be rejected and staff be allowed to re-advertise the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the two bids received for “Sylvan and Marshall Splash Pads”, opened in the office of the City Clerk on January 23, 2007, are hereby rejected.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project at a future date.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-147

A RESOLUTION APPROVING THE MASTER AGREEMENT
ADMINISTERING AGENCY-STATE AGREEMENT FOR
TRANSPORTATION-RELATED FEDERAL AID PROJECTS, AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO
EXECUTE THE MASTER AGREEMENT, PROGRAM
SUPPLEMENTAL AGREEMENTS, FUND EXCHANGE AGREEMENTS,
AND/OR FUND TRANSFER AGREEMENTS

WHEREAS, the City of Modesto uses various federally funded programs for
transportation related projects, and

WHEREAS, these federal funds are controlled by the State of California through
its agency, Caltrans, and

WHEREAS, the terms and conditions for use of these funds are established by an
agreement between the City and Caltrans, and

WHEREAS, the Master Agreement for all of the federally funded projects has
been revised by Caltrans to incorporate the various changes in regulations and policies,
and

WHEREAS, approving the Master Agreement is requisite for the City to continue
use of these programs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the Master Agreement Administering Agency-State Agreement
for transportation-related Federal Aid Projects.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby
authorized to execute the Master Agreement, Program Supplemental Agreements, Fund
Exchange Agreements and/or Fund Transfer Agreements.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

By Susana Alcala Wood, City Attorney
A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE TRENCH DRAIN INSTALLATION AT GENERAL AVIATION T-HANGARS PROJECT, ACCEPTING THE BID AND APPROVING A $189,637.00 CONTRACT WITH GRANITE CONSTRUCTION COMPANY FOR THE PROJECT TITLED, “TRENCH DRAIN INSTALLATION AT GENERAL AVIATION T-HANGARS,” AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the “Trench Drain Installation At General Aviation T-Hangars” and City staff recommends approval to the City Council, and

WHEREAS, the bids received for “Trench Drain Installation At General Aviation T-Hangars” were opened at 11:00 a.m. on February 6, 2007, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of $189,637.00 received from Granite Construction Company be accepted as the lowest responsible bid and the contract be awarded to Granite Construction Company,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for said project, and accepts the bid of Granite Construction Company, in the amount $189,637.00, and hereby awards Granite Construction Company, the contract titled “Trench Drain Installation At General Aviation T-Hangars.”

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By SUSANA ALCALA WOOD, City Attorney

ATTEST: JEAN MORRIS, City Clerk
A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE SLURRY SEAL INSTALLATION AT GENERAL AVIATION T-HANGARS PROJECT, ACCEPTING THE BID AND APPROVING A $60,930.00 CONTRACT WITH VALLEY SLURRY SEAL COMPANY, FOR THE PROJECT TITLED, “SLURRY SEAL INSTALLATION AT GENERAL AVIATION T-HANGARS,” AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the “Slurry Seal Installation at General Aviation T-Hangars” and City staff recommends approval to the City Council, and

WHEREAS, the bids received for “Slurry Seal Installation at General Aviation T-Hangars” were opened at 11:00 a.m. on February 6, 2007, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of $60,930.00 received from Valley Slurry Seal Company be accepted as the lowest responsible bid and the contract be awarded to Valley Slurry Seal Company,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for said project, and accepts the bid of Valley Slurry Seal Company, in the amount $60,930.00, and hereby awards Valley Slurry Seal Company, the contract titled “Slurry Seal Installation at General Aviation T-Hangars.”

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: \(\text{Jean Morris}\)

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By \(\text{SUSANA ALCALA WOOD}\), City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-150

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE WOODLAND AVENUE IMPROVEMENTS AT CARPENTER ROAD PROJECT, ACCEPTING THE BID AND APPROVING A $196,284.50 CONTRACT WITH TEICHERT CONSTRUCTION FOR THE PROJECT TITLED, “WOODLAND AVENUE IMPROVEMENTS AT CARPENTER ROAD,” AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the “Woodland Avenue Improvements at Carpenter Road” and City staff recommends approval to the City Council, and

WHEREAS, the bids received for “Woodland Avenue Improvements at Carpenter Road” were opened at 11:00 a.m. on February 6, 2007, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of $196,284.50 received from Teichert Construction be accepted as the lowest responsible bid and the contract be awarded to Teichert Construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for said project, and accepts the bid of Teichert Construction, in the amount $196,284.50, and hereby awards Teichert Construction, the contract titled “Woodland Avenue Improvements at Carpenter Road”.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Marsh,
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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-151

A RESOLUTION APPROVING THE TUOLUMNE RIVER BANK EROSION PROJECT AND ADOPTING A MITIGATED NEGATIVE DECLARATION (MND) AND A MITIGATION MONITORING PROGRAM (MMP) FOR THE PROJECT (SCH# 2006102058).

WHEREAS, due to heavy rains over the past year, erosion on a portion of the Tuolumne River embankment near Neece Drive has occurred, and

WHEREAS, the erosion left a gravity sewer pipe undermined and unsupported in two locations of approximately two (2) linear feet each, and

WHEREAS, at one of these locations, a manhole’s concrete footing is partially exposed and unsupported, and

WHEREAS, the same conditions exist for approximately 200 feet upstream and 100 feet downstream along the river’s edge, and

WHEREAS, as an emergency measure, the City has backfilled underneath the pipeline in the unsupported location to temporarily stabilize the manhole and protect the pipe from further undermining, and

WHEREAS, the recommended corrective work at the site includes (1) adding soil backfill above the pipe and down the slope (above the water surface, and most likely below the water line) to provide adequate cover for the pipe, (2) addition of a foundation of rock slope protection, and (3) approximately 300 linear feet of rock slope protection to be added upstream and downstream of the affected pipeline segment to further stabilize the bank, and
WHEREAS, on March 28, 2006 Council, by Resolution No. 2006-172, authorized a contract with Kleinfelder in the amount of $61,800, with $20,000 in contingency funds, for permitting assistance and environmental review support for this project, and

WHEREAS, at this same meeting, Council, by Resolution No. 2006-173, authorized the solicitation of a request for proposals (RFP) for performance of the project, and

WHEREAS, several state and federal permits are required because the improvements and restorations could directly affect the river, and

WHEREAS, as the City is lead agency for this project, Council approval and its associated MND is required prior to permit approval by the various agencies,

WHEREAS, Section 15070 of the CEQA Guidelines relating to Initial Study/Mitigated Negative Declarations (EA/PW No. 2006-11) provides for a lead agency to prepare an Initial Study on any proposed Project to analyze whether the Project may cause a significant effect on the environment, and

WHEREAS, the City of Modesto Department of Public Works has prepared an Initial Study/Mitigated Negative Declaration (SCH #2006102058) as provided for by CEQA, and

WHEREAS, a 30-day public review period for the proposed Initial Study/Mitigated Negative Declaration began on October 17, 2006 and ended on November 17, 2006, and

WHEREAS, the City received no public comments on the draft Initial Study/Mitigated Negative Declaration and no changes to the document were necessary as a result, and
WHEREAS, a Mitigation Monitoring Program (MMP) is included and incorporated within the Initial Study/Mitigated Negative Declaration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Plan prepared for the Tuolumne River Bank Erosion Project, and based on the substantial evidence provided in said Initial Study/Mitigated Negative Declaration makes the following findings:

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

2. The Initial Study/Mitigated Negative Declaration prepared for the proposed project has identified that the proposed mitigation measures/Best Management Practices would reduce all potentially adverse impacts to less-than-significant levels.

3. Before the Initial Study/Mitigated Negative Declaration was released for public review, feasible mitigation measures were made by or agreed to by the City, which will avoid or mitigate the effects to a point where clearly no significant effect will occur.

4. There is no substantial evidence, in light of the whole record before the public agency, that the project, as revised, may have a significant effect on the environment (Public Resources Code Section 21064.5(2)).

5. The Initial Study/Mitigated Negative Declaration reflects the independent judgment of the lead agency.

6. As required by Public Resources Code Section 21081.6 et seq., the Mitigation Monitoring and Reporting Program is hereby adopted, a copy of which is included in the Mitigated Negative Declaration, which is on file with the City Clerk.

7. The Initial Study/Mitigated Negative Declaration, Environmental Assessment (EA/PW 2007-04) provides the substantial evidence to support findings 1 through 6, above.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Tuolumne River Bank Erosion Project, and
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the Initial Study/Mitigated Negative Declaration (EA/PW 2007-04), copy of which is on file with the City Clerk and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City of Modesto Public Works Department, Wastewater Collections Division, is the custodian of the documents and other materials, which constitute the record of proceedings upon which its decision is based. The records are located at the office of the City of Modesto Public Works Deputy Director, 1212 Sutter Avenue, Modesto, CA 95351.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Public Works Director is hereby authorized and directed to file a Notice of Determination within five (5) business days with the Stanislaus County Clerk and the Governor’s Office of Planning Research, State Clearinghouse and Planning Unit, 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 27th day of February, 2007, by Councilmember Marsh, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

By Susana ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-152

A RESOLUTION ACCEPTING A DEED OF AVIGATION AND HAZARD EASEMENT FROM BEARD LAND IMPROVEMENT COMPANY THAT ALLOWS AIRCRAFT FLIGHT OVER REAL PROPERTY ON HOOVER AVENUE LOCATED OFF MITCHELL ROAD NORTH OF THE MODESTO CITY-COUNTY AIRPORT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE ACCEPTANCE ON BEHALF OF THE CITY.

WHEREAS, Beard Land Improvement Company has requested a Deed of Avigation and Easement for real property located on Hoover Avenue, located off Mitchell Road north of the Modesto City-County Airport in the City of Modesto, and

WHEREAS, Modesto City-County Airport is an active airport with commercial and general aviation aircraft arrivals and departures that will be flying over and near the parcel of land that is being sold, and

WHEREAS, Beard Land Improvement Company provided the City of Modesto with a Deed of Avigation and Hazard Easement (Deed), at no cost, that will assign perpetual, assignable easement in and over the real property named in that document, and

WHEREAS, the Deed gives the Airport certain rights that ensure safe flight over the property, and authorizes access to the property for specific purposes stated in the Deed, and

WHEREAS, the Deed dedicates easement and right-of-way that will allow continued flight operations at Modesto City-County Airport,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Deed of Avigation and Hazard Easement from Beard Land Improvement Company.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager, or his designee, to sign the Deed of Avigation and Hazard Easement on behalf of the City of Modesto.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carrier and the resolution adopted by the following vote:

AYES: Councilmember: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: __________
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

by __________
SUSANA ALCALA WOOD, City Attorney
A RESOLUTION ADOPTING CRITERIA FOR THE PRIORITIZATION OF STAFF WORK ON SPECIFIC PLANS

WHEREAS, from time to time, the volume of Specific Plans and related projects received for processing exceeds the available staff resources required to provide all projects with “top priority” service, and

WHEREAS, on July 10, 2006, August 7, 2006 and September 11, 2006, the Economic Development Committee of the City Council of the City of Modesto received a staff presentation regarding potential criteria for prioritization of work, and directed staff to schedule a discussion before the full Council of the matter, and

WHEREAS, selecting a set of criteria will provide the private sector as well as staff with guidance regarding the relative priority of various specific plan development proposals, and

WHEREAS, the establishment of such criteria is general policy-making and is not a "project" under Section 15378 (b) (2) of the California Environmental Quality Act (CEQA) Guidelines, and

WHEREAS, said matter was considered by the City Council on February 27, 2007, 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 hereby adopts criteria for the prioritization of Specific Plans, attached hereto as Exhibit “A”, and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember O'Bryant, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: Hawn

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
### SPECIFIC PLAN PRIORITIZATION CRITERIA

<table>
<thead>
<tr>
<th>Scoring</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Within the City Limits&lt;br&gt;Is the planning area currently within the City Limits?</td>
</tr>
<tr>
<td>3</td>
<td>Provides Critical Area wide Infrastructure Linkage&lt;br&gt;To what degree does the project fill a critical area wide gap in infrastructure improvements (e.g. roadways, sewer or water facilities)?</td>
</tr>
<tr>
<td>3</td>
<td>Fiscal Benefit&lt;br&gt;Does the project provide a defined fiscal benefit?</td>
</tr>
<tr>
<td>3</td>
<td>Economic Development&lt;br&gt;Does the project serve a defined economic development goal (i.e. business park, potential for job creation/retention, improves jobs/housing balance, etc.).&lt;br&gt;Does the project have an identified end user?</td>
</tr>
<tr>
<td>3</td>
<td>Affordable Housing&lt;br&gt;Extent project meets affordable housing policies (e.g. mix of housing choices) as per the Modesto Housing Element?</td>
</tr>
<tr>
<td>2</td>
<td>Compliance with existing General Plan policies&lt;br&gt;Extent to which the project conforms to General Plan policies?&lt;br&gt;Does the project require General Plan Amendment(s)?</td>
</tr>
<tr>
<td>2</td>
<td>Ability to Serve&lt;br&gt;Are water and sewer available to serve the site currently or are they projected to be available by the time the Specific Plan and associated entitlements are complete/adopted?</td>
</tr>
<tr>
<td>2</td>
<td>Affirmative Measure M vote&lt;br&gt;Was Measure M vote positive?</td>
</tr>
<tr>
<td>2</td>
<td>Existing specific plan&lt;br&gt;Is there already an adopted specific plan in place?&lt;br&gt;Are only minor modifications proposed?</td>
</tr>
<tr>
<td>1</td>
<td>Community Benefit&lt;br&gt;Does the proposed project include a defined community benefit? (This could be a new fire station, new or expanded city park, a portion of a regional trail linkage, or similar improvement).</td>
</tr>
<tr>
<td>1</td>
<td>Innovative Concept&lt;br&gt;Does the project propose innovative land use designs not found in other developments?&lt;br&gt;Does the project include superior energy conservation techniques over and above that required by the General Plan and Building Codes?</td>
</tr>
<tr>
<td>1</td>
<td>Existing CFD&lt;br&gt;Is there an existing CFD formed within the project area?</td>
</tr>
<tr>
<td>1</td>
<td>Administrative Draft Specific Plan&lt;br&gt;Completion of an administrative draft specific plan, signifying significant time/investment in the project to date.</td>
</tr>
<tr>
<td>1</td>
<td>Other&lt;br&gt;Other benefits, including project bolsters general fund, benefit to future residents within the planning area, based on superior plan design, benefits outside the planning area, etc.</td>
</tr>
<tr>
<td>1</td>
<td>Time in process (per EDC)</td>
</tr>
<tr>
<td>1</td>
<td>Existing CFD (per EDC)</td>
</tr>
<tr>
<td>1</td>
<td>Incorporates design guidelines (per EDC)</td>
</tr>
</tbody>
</table>

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*(Criteria reflects comments received from the Economic Development Committee on September 11, 2006)*
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-154

A RESOLUTION ADOPTING CITY OF MODESTO DEVELOPMENT APPLICATION SUBMITTAL REQUIREMENTS

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

WHEREAS, after a public hearing held on January 22, 2007, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2007-04 that adoption of submittal requirements for development applications will benefit public health, safety and welfare for the following reasons:

a. Establishment of submittal requirements ensures that adequate information is available on which to make decisions regarding land development projects.

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

and,

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 27, 2007, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and
WHEREAS, after said public hearing the Council found and determined that adoption of submittal requirements for development applications is consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2007-04 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3435-C.S. on the 27th day of February, 2007, amending Sections 4-4.401 and 4-4.502 and repealing Sections 4-4.402 and 4-4.403 of the Municipal Code relating to submittal requirements for tentative subdivision and parcel maps.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
EXHIBIT "A"

CITY OF MODESTO
DEVELOPMENT APPLICATION SUBMITTAL REQUIREMENTS
GENERAL REQUIREMENTS:

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

☐ 2. Abandonment petition signed by all affected property owners (i.e. property owners with an interest in
property underlying right-of-way to be abandoned, all immediately adjacent owners, and any parties
whose access will be affected).

☐ 3. Financial Interest Disclosure Form.

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

☐ 5. Title report showing underlying fee ownership of right-of-way to be abandoned.

☐ 6. Drawings:
   ☐ a. Thirty (30) sets of abandonment map at a scale sufficient to adequately show the details of the
   area to be abandoned.
   ☐ b. If larger than 8½" X 11", plans shall be folded to a size of approximately 8½" X 11". Plans will
   not be accepted for filing unless folded.
   ☐ c. If larger than 8½" X 11", six (6) copies reduced to 8½" X 11".
   ☐ d. Scale of 1":100' for large areas or 1":50' for small areas.
   ☐ e. One (1) set provided in electronic format on CD or DVD, AutoCAD or .jpg format

☐ 7. Photographs of the project site and surrounding properties where needed to illustrate development.

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

MAP REQUIREMENTS:

☐ 1. Scale, north point, and date.

☐ 2. Vicinity map.

☐ 3. Name and business address of person or firm who prepared the map.

☐ 4. Clearly depict the boundaries of the area to be abandoned.

☐ 5. Location of existing and structures and improvements in relation to area to be abandoned.

☐ 6. Names, existing widths and centerlines of all adjoining and contiguous streets, width of adjacent
streets from centerline to edge of property line, and distance of property to nearby street intersections
(if property is located mid-block).

☐ 7. Location and character of all existing and proposed street improvements, including curb and gutter,
and sidewalk.

☐ 8. Identify traffic improvements needed as a result of the proposed project, if any.

☐ 9. Location and character of all existing public utilities within and adjacent to area to be abandoned.
**Submittal Requirements for Revised Plans** (after City has accepted the application and deemed it complete)

Submittals of revised plans shall include the following:

1. All changes shall be designated by deltas or clouds on the revised plans.
2. Notes describing all changes made to the plan, keyed to the deltas or clouds.
3. The date that the revisions were made.

Failure to include the above requirements on revised plan will be grounds for rejecting revised plans.

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

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

GENERAL REQUIREMENTS:

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

☐ 2. Evidence of property ownership, e.g. deed, title insurance policy.


☐ 4. Legal Descriptions of the existing parcels and of the parcels as they will exist after the Adjustment is
   completed.

☐ 5. Eight (8) copies of drawing of the proposed lot-line adjustment on 8-1/2” x 11”.
   Show structures—existing proposed to be removed, parking spaces and driveways, utility easements
   and utility lines, access ways and parking agreements and their relationship, including dimensions, to
   property lines before and after. Identify the properties. All drawings to be to scale and accurate.
   Include north arrow. Include or attach vicinity map depicting location of subject properties.
   ☐ a. One (1) set provided in electronic format on CD or DVD, to include AutoCAD and .jpg formats.

☐ 6. Applicable filing fees (see adopted fee schedule) and Recording Fee.

Submittal Requirements for Revised Plans (after City has accepted the application and deemed it
complete)

Submittals of revised plans shall include the following:

☐ 1. All changes shall be designated by deltas or clouds on the revised plans.

☐ 2. Notes describing all changes made to the plan, keyed to the deltas or clouds.

☐ 3. The date that the revisions were made.

Failure to include the above requirements on revised plan will be grounds for rejecting revised plans.

FOR YOUR INFORMATION: Staff may deem additional submittal information necessary to adequately
analyze the project. Completion of the application does not presume approval of the application.

All entitlement decisions are final unless appealed within fifteen (15) days of the date on which the
decision is made. Appeals to staff decisions shall be in writing and filed with the Community and
Economic Development Department. The appeal must set forth the specific reasons for the appeal. All
applicable fees must accompany appeals. Building permits, certificates of occupancy, or licenses will not
be issued until the appeal period has elapsed. If the entitlement decision is appealed, building permits,
certificates of occupancy, or licenses will not be issued until the final decision has been made on the
appeal or the appeal is withdrawn.

Adopted 2/27/07
Second Story Dwelling Review

Submittal Requirements

GENERAL REQUIREMENTS:

□ 1. The Second-Story Dwelling Review Application must be typed or printed and filled in completely.
   □ a. If the applicant is not the property owner, the property owner shall designate the applicant as the authorized agent to act on his or her behalf and both shall sign this application.

□ 2. Two (2) sets of site plans and elevations of the proposed project (see attached requirements).
   □ a. Size: sheets not less than 18" X 24", nor greater than 32" X 42" in size.
   □ b. All plans shall be folded to a size of approximately 8½" X 11". Plans will not be accepted for filing unless folded.
   □ c. Other plans may be required depending on the complexity of the project.

□ 3. Applicable filing fees (see adopted fee schedule)

SITE PLAN REQUIREMENTS-SECOND STORY REVIEW

The site plan is a part of the application and becomes part of the official record. In the case of appeal, it will be reduced photographically and included in the agenda report. It is, therefore, necessary that the plan contain complete and clear graphic information relative to the application to assist the public, City staff, and Board of Zoning Adjustment (if appealed) in reviewing the proposal.

The site plan must be legible and its information organized so that it is readily understandable. Additional information may be necessary under the circumstances of a particular application. In general, however, the site plan should be prepared in accordance with the following requirements:

□ 1. A legend including at least the following information:
   □ a. Assessors parcel number
   □ b. Address
   □ c. Building and paved area coverage area and percent
   □ d. Landscaping area and percent

□ 2. Scale, north point, and date. (Plans shall be drawn to a scale sufficient to show required details).

□ 3. Vicinity map.

□ 4. Identification of all multi-story construction. Show all windows, balconies, and exterior stairways.

□ 5. Location of existing and proposed structures and improvements in relation to street, alley, or property lines.

□ 6. Property dimensions and lot size.

□ 7. Building dimensions.
8. Setbacks.
9. For projects involving redesign of existing development, the site plan(s) must clearly show both the existing and proposed development.
10. Location and nature of proposed landscaping, particularly as it relates to privacy issues.
11. Location and detail of proposed walls, fences, or other screening structures, including height and materials.
12. Location of existing residences on surrounding properties.
13. Where needed, provide sight line diagrams/analysis.

**ELEVATION AND FLOOR PLAN REQUIREMENTS**

1. Building elevations shall conform to the following requirements:
   a. Dimension height of all structures from the highest adjacent curb to the top of slab and to the roof peak on all elevations.
   b. Dimension height of all floors from the highest adjacent curb.
   c. Building elevations shall depict all sides of building and indicate colors and materials proposed. Provide detail including dimensions and type of windows/doors for all upper-story windows, exterior doors, and balconies.
   d. Dimension section drawings to show grade differential and structures/building heights.
2. Provide floor plans for each story. Detail all upper-story windows and balconies.

**Submittal Requirements for Revised Plans** (after City has accepted the application and deemed it complete)

Submittals of revised plans shall include the following:

1. All changes shall be designated by deltas or clouds on the revised plans.
2. Notes describing all changes made to the plan, keyed to the deltas or clouds.
3. The date that the revisions were made.

Failure to include the above requirements on revised plan will be grounds for rejecting revised plans.

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

All entitlement decisions are final unless appealed within fifteen (15) days of the date on which the decision is made. Appeals to staff decisions shall be in writing and filed with the Department of Community and Economic Development. The appeal must set forth the specific reasons for the appeal. All applicable fees must accompany appeals. Building permits, certificates of occupancy, or licenses will not be issued until the appeal period has elapsed. If the entitlement decision is appealed, building permits, certificates of occupancy, or licenses will not be issued until the final decision has been made on the appeal or the appeal is withdrawn.
GENERAL REQUIREMENTS:

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

☐ 2. Financial Interest Disclosure Form.

☐ 3. Environmental Information Form if required, as determined by the Planning Division per the California Environmental Quality Act. (some Parcel Maps do not require this form, please inquire).

☐ 4. Evidence of property ownership, e.g. deed, title insurance policy.

☐ 5. Maps:
   □ a. Thirty (30) sets of the subdivision or parcel map conforming to the attached requirements.
   □ b. Maps shall be not less than 18" X 24", nor greater than 32" X 42" in size.
   □ c. Scale of 1" = 100' for large areas, or a scale of 1" = 40' for small areas unless otherwise approved by the Planning Division.
   □ d. All maps shall be folded to a size of approximately 8½" X 11".
   □ e. Six (6) sets of maps reduced to 8½" X 11" and ten (10) sets reduced to 11" X 17".
   □ f. One (1) set provided in electronic format on CD or DVD, AutoCAD or .jpg formats.

☐ 6. Photographs of the project site and surrounding properties where needed to illustrate development.

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

NOTE: If a proposed map requires adoption of a GPA, a SP or SPA or a change in zoning/other zoning related approval before it can be deemed consistent with the applicable plans or zoning, then the map application will not be deemed complete until all GP, SP and/or zoning requirements have been approved and are in effect. Major map revisions/resubmittals which require recirculation to City staff or other agencies will be processed as a new application and will result in a new “deemed complete” date.

UTILITIES REQUIREMENTS:

The following requirements apply to major projects*, defined as a project with 50 or more dwelling units or the equivalent (see p.2). If you are not sure if this applies to your project, please consult with the Public Works Department-Current Facilities Planning, 209-571-5801. Please see Public Works-Current Facilities Planning for assistance with the following Water, Wastewater, and Storm Drainage requirements

Water:

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

☐ 2. For major projects, identify and demonstrate the adequacy of the anticipated water supply for the project.
**Wastewater:**

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

**Storm Drainage/Treatment:**

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

**TRAFFIC REQUIREMENTS:**

- 1. A Traffic Study is required, per City Council policy, for projects producing 100 or more peak-hour trips.
- 3. Submittal plan shall include bicycle facilities as required by the Non-Motorized Transportation Plan, where applicable.

**ADDITIONAL SUBMITTAL REQUIREMENTS:**

Additional information, such as any of the following items, may be required based on further review of the development application. The contents of these items are described in other handouts, State regulations, or the City's Ordinances:

- Noise Study
- Biological Assessment
- Parking Study
- Drainage Report
- Arborist Report (trees)
- Sight line diagrams/analysis (multi-story construction adjacent to residences)

* Major projects for utility purposes are defined as follows:
  1. 50 or more dwelling units.
  2. A proposed shopping center or business establishment employing more than 50 persons or having more than 20,000 square feet.
  3. A proposed commercial office building employing more than 50 persons or having more than 10,000 square feet of floor space.
  4. A proposed hotel or motel having more than 50 rooms.
  5. A proposed industrial, manufacturing, or processing plant or industrial park planned to house more than 50 persons, occupying more than 3 acres of land or having more than 30,000 square feet of floor area.
  6. A mixed-use project that includes one or more of the projects specified above.
  7. A project that would demand an amount of water equivalent to or greater than the amount of water required or wastewater generated by a 50 dwelling unit project.
TENTATIVE SUBDIVISION MAP/PARCEL MAP REQUIREMENTS:
Maps shall be clearly and legibly reproduced and shall include the following information:

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

☐ 2. Legend including:
   ☐ a. For Subdivision Maps (only): The tract name.
   ☐ b. Date, north point, scale and sufficient description to define location and boundaries of the proposed map.
   ☐ c. Name, address, phone and fax number and of recorded owner or owners.
   ☐ d. Name, address, phone and fax number and of the subdivider.
   ☐ e. Name, business address, phone and fax number and of the engineer who prepared the map.
   (Maps must be stamped and signed with a valid stamp.)
   ☐ f. Acreage of proposed tract to the nearest tenth (1/10th) of an acre.

Traffic requirements:

☐ 1. Sufficient elevations or contours to determine the general slope of the land and the high and low point thereof. Elevation data for proposed and existing street improvements sufficient to establish vertical alignment.

☐ 2. The locations, names, and widths of all existing and proposed roads, streets, highways, and right-of-ways in the proposed map, both public and private. All dedications shall be clearly identified and distinguished from existing rights of way. Public and private facilities shall be clearly distinguished.

☐ 3. The locations, names and existing width of all adjoining and contiguous highways, streets, and ways.

☐ 4. Names, existing widths and centerlines of all adjoining and contiguous streets, width of adjacent streets from centerline to edge of property line, and distance of property to nearby street intersections (if property is located mid-block).

☐ 5. Location and character of all existing and proposed street improvements.

☐ 6. Identify traffic improvements needed as a result of the proposed project.

Utility requirements:

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

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

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

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

☐ 5. Plans must address any on-site stormwater treatment and how it is proposed to be handled. On-site treatment is required for any map of 10 or more lots.

☐ 6. Location, size, and character of all existing and proposed private and public utilities above and below ground.

☐ 7. The widths, location and purposes of all existing and proposed easements.
General Requirements:

- Lot layout, lot and block numbers, and dimensions of each lot.
- Identify land uses on surrounding properties.
- City limit boundary lines in the general vicinity of the map.
- Bearings and distances to quarter-section bounds within the general vicinity of the map.
- For Subdivision Maps: Boundaries of any units within the subdivision if the subdivision is to be recorded in phases.
- The outline of any existing buildings to remain in place and their locations (with pertinent dimensions) in relation to existing or proposed street and lot lines. Structures and trees to be removed.
- Location, size and type of all existing trees on the property and proposed public property.
- Location of all areas adjacent to inundation or storm water overflow and the location, width and direction of flow of all watercourses. If any portion of the map is within the 500-year flood zone or any floodway, depict flood zone/floodway boundaries on map.
- Exception: A statement must be submitted on or accompanying the map providing justification and reasons for any exceptions to provisions of the City's subdivision regulations, zoning regulations, or Standard Specifications which are requested in conjunction with the proposed map. Exceptions may require additional processing procedures that may extend the processing time for the tentative map.

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

Normally, environmental review is not required for tentative parcel maps. However, it is required if any of the following conditions or circumstances exist:

- The parcel map is to create more than 4 parcels.
- The parcel map will not conform to the General Plan or zoning regulations.
- Variances or exceptions are required for approval.
- All services and access to the proposed parcels to City standards are not available.
- The parcel was involved in a division of a larger parcel within previous two years.
- The parcel has an average slope of greater than 20%.
- The parcel is wholly or partially within a riparian corridor as defined in the General Plan Master EIR.

If environmental review is required, an “Environmental Information Form” and the environmental processing fee must be submitted with the tentative map (see adopted fee schedule). A single check for the total fee for tentative parcel map processing and environmental review may be made payable to the City of Modesto.

Planning Commission action on tentative subdivision and parcel maps is final unless appealed to the City Council within 15 days.
Submittal Requirements for Revised Maps (after City has accepted the application and deemed it complete):

Submittals of revised Maps shall include the following:

☐ 1. All changes shall be designated by deltas or clouds on the revised map.
☐ 2. Notes describing all changes made to the map, keyed to the deltas or clouds.
☐ 3. The date that the revisions were made.

Failure to include the above requirements on revised map will be grounds for rejecting revised map.

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

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

Please note that for applications involving both discretionary approvals (such as rezonings and specific plan amendments) and quasi-judicial approvals (such as tentative subdivision or parcel maps), the quasi-judicial application cannot be deemed complete or scheduled for a public hearing until the discretionary application has been approved by the City Council and becomes effective (for actions requiring adoption of an ordinance, such as a rezoning, the action becomes effective 30 days after the second reading of the ordinance).
GENERAL REQUIREMENTS:

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

☐ 2. Completed Variance Questionnaire.

☐ 3. Financial Interest Disclosure Form.

☐ 4. Environmental Information Form if required as determined by the Planning Division per the California Environmental Quality Act. (not all Variances require this form, please inquire).

☐ 5. Evidence of property ownership, e.g. deed, title insurance policy.

☐ 6. Plans:
   ☐ a. Thirty (30) sets of site plans (see Site Plan Requirements).
   ☐ b. Two (2) sets of floor plans and building elevations. (See Elevation Requirements).
   ☐ c. Size: sheets not less than 18" X 24", nor greater than 32" X 42" in size.
   ☐ d. All plans shall be folded to a size of approximately 8½" X 11". Plans will not be accepted for filing unless folded.
   ☐ e. Six (6) sets of plans reduced to 8½" X 11" and ten (10) sets reduced to 11" X 17".
   ☐ f. One (1) set provided in electronic format on CD or DVD, AutoCAD or .jpg format.

☐ 7. Photographs of the project site and surrounding properties where needed to illustrate existing and proposed development.

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

SITE PLAN REQUIREMENTS—VARIANCE

The Modesto City Board of Zoning Adjustment requires that all applications for variances must be accompanied by site plans. The site plan is a part of the application and becomes part of the official record. It is usually reduced photographically and included in the agenda report. It is, therefore, necessary that the plan contain complete and clear graphic information relative to the application to assist the public, City staff, and Board of Zoning Adjustment in reviewing the proposal.

The site plan need not contain final construction details, but shall accurately show the location of existing and proposed on-site and off-site improvements and their relationship to streets and alley lines, property lines, and adjacent development where pertinent. The site plan must be legible and its information organized so that it is readily understandable. Additional information may be necessary under the circumstances of a particular application. In general, however, the site plan should be prepared in accordance with the following requirements:
I. Simpler applications (most single-family applications) will require the following information:

☐ 1. A legend including at least the following information:
   ☐ a. Assessor's parcel number
   ☐ b. Address
   ☐ c. Building and paved area coverage area and percent
   ☐ d. Landscaping area and percent

☐ 2. Scale, north point, and date. (Plans shall be drawn to a scale sufficient to show required details).

☐ 3. Vicinity map.

☐ 4. Depict variance location and nature.

☐ 5. Identification of all multi-story construction (height and number of stories).

☐ 6. Location of existing and proposed structures and improvements in relation to street, alley, or property lines.

☐ 7. Property dimensions and lot size.

☐ 8. Building square feet and dimensions.


☐ 10. For projects involving redesign of existing development, the site plan(s) must clearly show both the existing and proposed development.

☐ 11. Location and nature of proposed landscaping, and if landscaping is proposed to be used for storm drain treatment.

☐ 12. Location and detail nature of proposed walls, fences, or other screening structures.

☐ 13. For colored display plans, at least the following should be distinguished in color: buildings, landscaped areas, vehicular areas (parking and driveways).

☐ 14. Land uses and location of adjacent buildings on surrounding properties.

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

II. More complex applications may require the following information, please consult with a planner:

☐ 1. Area of parking lot, number of parking spaces.

☐ 2. Fire access turning radii.

☐ 3. Locations of all existing and proposed driveways on the project site and the location of all driveways on adjacent properties within 100' of the proposed project, and properties on the opposite side of all streets.

☐ 4. Layout of existing and proposed parking areas and driveways with pertinent dimensions including Driveway widths, location, and throat depth.

☐ 5. Size and location of trash enclosures, including provision for recyclables.

☐ 6. Names, existing widths and centerlines of all adjoining and contiguous streets, width of adjacent streets from centerline to edge of property line, and distance of property to nearby street intersections (if property is located mid-block).

☐ 7. Location and character of all existing and proposed street improvements, including curb and gutter, and sidewalk.
8. Identify traffic improvements needed as a result of the proposed project.

9. Existing and proposed street and alley lines, property lines, property dimensions and easements with pertinent dimensions. Indicate any grade differential between adjacent properties, alleys, or streets.

10. Existing traffic signals, traffic signs, and pavement markings adjacent to and 250’ on either side of the proposed development.

11. Sufficient elevations or contours to determine the general slope of the land and the high and low point thereof where storm drain facilities are proposed. Elevation data for proposed and existing street improvements sufficient to establish vertical alignment.

12. Location and size of existing and proposed infrastructure, including sewer, water and storm drain lines in adjacent streets.

13. City limit boundary lines in the general vicinity of the project.

14. Sight line diagrams/analysis (multi-story construction adjacent to residences)

**ELEVATION REQUIREMENTS-VARIANCE**

1. Building elevations shall conform to the following requirements:
   - a. Dimension height of all structures from the highest adjacent curb to the top of slab and to the roof peak on all elevations.
   - b. Building elevations shall depict all sides of building and indicate colors and materials proposed.

**Submittal Requirements for Revised Plans** (after City has accepted the application and deemed it complete)

Submittals of revised plans shall include the following:

- 1. All changes shall be designated by deltas or clouds on the revised plans.
- 2. Notes describing all changes made to the plan, keyed to the deltas or clouds.
- 3. The date that the revisions were made.

Failure to include the above requirements on revised plan will be grounds for rejecting revised plans.

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

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

Please note that for applications involving both discretionary approvals (such as rezonings and specific plan amendments) and quasi-judicial approvals (such as tentative subdivision or parcel maps), the quasi-judicial application cannot be scheduled for a public hearing until the discretionary application has been approved by the City Council and becomes effective (for actions requiring adoption of an ordinance, such as a rezoning, the action becomes effective 30 days after the second reading of the ordinance).
GENERAL REQUIREMENTS:

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

☐ 2. Financial Interest Disclosure Form.

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

☐ 4. Evidence of property ownership, e.g. deed, title insurance policy.

☐ 5. Plans:
   ☐ a. Thirty (30) sets of site plans (see Site Plan Requirements).
   ☐ b. Two (2) sets of floor plans and building elevations (see Elevation Requirements).
   ☐ c. Size: sheets not less than 18" X 24", nor greater than 32" X 42" in size.
   ☐ d. All plans shall be folded to a size of approximately 8½" X 11".
   ☐ e. Six (6) sets of plans reduced to 8½" X 11" and ten (10) sets reduced to 11” X 17”.
   ☐ f. One (1) set of plans colored to illustrate the design and development concept of the proposed project shall also be submitted.
   ☐ g. One (1) set provided in electronic format on CD or DVD, AutoCAD or .jpg formats.
   ☐ h. Other plans may be required depending on the complexity of the project.

☐ 6. Photographs of the project site and surrounding properties where needed to illustrate existing and proposed development.

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

UTILITIES REQUIREMENTS:

The following requirements apply to major projects*, defined as a project with 50 or more dwelling units or the equivalent (see p. 2). If you are not sure if this applies to your project, please consult with the Public Works Department-Current Facilities Planning, 209-571-5801. Please see Public Works-Current Facilities Planning for assistance with the following Water, Wastewater, and Storm Drainage requirements.

Water:

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

☐ 2. For major projects, identify and demonstrate the adequacy of the anticipated water supply for the project.

Wastewater:

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

TRAFFIC REQUIREMENTS:
1. A Traffic Study is required, per City Council policy for projects producing 100 or more peak-hour trips.
2. Narrative: Identify financing sources for traffic improvements implementation.
3. Submittal plan shall include bicycle facilities as required by the Non-Motorized Transportation Plan where applicable.

ADDITIONAL SUBMITTAL REQUIREMENTS:
Additional information, such as any of the following items, may be required based on further review of the development application. The contents of these items are described in other handouts, State regulations, or the City’s Ordinances:
- Noise Study
- Biological Assessment
- Parking Study
- Drainage Report
- Arborist Report (trees)
- Sight line diagrams/analysis (multi-story construction adjacent to residences)

* Major projects for utility purposes are defined as follows:
1. 50 or more dwelling units
2. A proposed shopping center or business establishment employing more than 50 persons or having more than 20,000 square feet
3. A proposed commercial office building employing more than 50 persons or having more than 10,000 square feet of floor space
4. A proposed hotel or motel having more than 50 rooms
5. A proposed industrial, manufacturing, or processing plant or industrial park planned to house more than 50 persons, occupying more than 3 acres of land or having more than 30,000 square feet of floor area
6. A mixed-use project that includes one or more of the projects specified above
7. A project that would demand an amount of water equivalent to or greater than the amount of water required or wastewater generated by a 50 dwelling unit project.

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

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

Please note that for applications involving both discretionary approvals (such as rezonings and specific plan amendments) and quasi-judicial approvals (such as tentative subdivision or parcel maps), the quasi-judicial application cannot be deemed complete or scheduled for a public hearing until the discretionary application has been approved by the City Council and becomes effective (for actions requiring adoption of an ordinance, such as a rezoning, the action becomes effective 30 days after the second reading of the ordinance).
SITE PLAN REQUIREMENTS

The site plan need not contain final construction details, but should accurately show the location of existing and proposed on-site and off-site improvements and their relationship to streets and alley lines, property lines, and adjacent development where pertinent. The site plan should be legible and its information organized so that it is readily understandable. Additional information may be necessary under the circumstances of a particular application. In general, however, the site plan is to be prepared in accordance with the following requirements:

Plans shall be drawn to a scale sufficient to show the following details:

☐ 1. A legend including at least the following information:
   ☐ a. Assessors parcel number
   ☐ b. Address (if known)
   ☐ c. Gross and net size of property
   ☐ d. Number of units (residential), square footage of buildings, (non-residential)
   ☐ e. Number of parking spaces (existing and proposed) and parking calculations showing comparison between parking required by Code and that provided
   ☐ f. Building and paved area coverage area and percent
   ☐ g. Landscaping area and percent
   ☐ h. Seats in the facility (where applicable)

☐ 2. Scale, north point, and date.

☐ 3. Key or vicinity map.

☐ 4. If the proposed project is part of a larger complex (such as a shopping center), plans shall be submitted showing the layout of buildings, driveways and parking areas for the entire complex, showing how the proposal relates to the complex as a whole.

☐ 5. Sufficient description/labeling to establish the nature of proposed development.

☐ 6. Identification of all multi-story construction (height and number of stories).

☐ 7. Location of existing and proposed structures and improvements in relation to street, alley, or property lines.

☐ 8. Label all important dimensions, including lot dimensions, setbacks, driveway widths and throat depth, parking space dimensions, etc. Label property lines.

☐ 9. For projects involving redesign of existing development, the site plan(s) must clearly show both the existing and proposed development.

☐ 10. Location and nature of proposed landscaping, and if landscaping is proposed to be used for storm drain treatment. Distinguish landscaped areas by shading or color.
   ☐ a. Identify plazas, sidewalks, and other hardscape elements
   ☐ b. Identify and depict any common amenities such as common areas, public open spaces, or recreation areas

☐ 11. Size and location of trash enclosures, including provision for recyclables.

☐ 12. Location and detail of proposed walls, fences, or screening, including height and materials.

☐ 13. Land uses and locations of adjacent buildings on surrounding properties.

☐ 14. City limit lines in the general vicinity of the project.
15. For colored display plans, at least the following should be distinguished in color: buildings, landscaped areas, vehicular areas (parking and driveways).

16. Where new signs are proposed, all free-standing signs shall be shown on the site plan, all wall signs shown on the building elevations, sign sizes and heights identified, and provide photographs of existing signs on the subject property.

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

18. Depict all above ground utilities (utility boxes, backflow preventers, etc.) and the way in which they are to be screened.

**Traffic requirements:**

1. Locations of all existing and proposed driveways on the project site and the location of all driveways on adjacent properties and properties on the opposite side of all streets.

2. Layout of existing and proposed parking areas and driveways with pertinent dimensions.

3. Streets information:
   a. Names, existing widths and centerlines of all adjoining and contiguous streets,
   b. width of adjacent streets from centerline to edge of property line
   c. distance of property to nearby street intersections (if property is located mid-block).

4. Identify traffic improvements needed as a result of the proposed project.

5. Existing and proposed street and alley lines, property lines, property dimensions and easements with pertinent dimensions. Indicate any grade differential between adjacent properties, alleys, or streets.

6. Location and nature of existing and proposed street improvements, including curb and gutter, and sidewalk, and bicycle improvements in accordance with the Non-Motorized Transportation Plan.

7. Existing traffic signals, traffic signs, and pavement markings adjacent to and 250’ on either side of the proposed development.

**Utility requirements:**

1. Location and size of existing and proposed infrastructure, including sewer, water and storm drain lines in adjacent streets.

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

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

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

5. Submittal plans should address the on-site stormwater treatment and how it is proposed to be handled.

6. Sufficient elevations or contours to determine the general slope of the land and the high and low point thereof where storm drain facilities are proposed. Elevation data for proposed and existing street improvements sufficient to establish vertical alignment.
Fire requirements:
☐ 1. Fire access turning radii
☐ 2. Depict emergency site access consistent with City of Modesto Standard Specifications
☐ 3. Provide dimensions sufficient to determine that all buildings have emergency access consistent with Standard Specifications

ELEVATION REQUIREMENTS

☐ 1. Building elevations shall conform to the following requirements:
   ☐ a. Dimension height of all structures from the highest adjacent curb to the top of slab and to the roof peak on all elevations.
   ☐ b. Building elevations shall depict all sides of building and indicate colors and materials proposed.
   ☐ c. Dimension section drawings to show grade differential and structures/building heights.
   ☐ d. Demonstrate the manner in which roof-mounted equipment is to be screened.

Submittal Requirements for Revised Plans (after City has accepted the application and deemed it complete)

Submittals of revised plans shall include the following:
☐ 1. All changes shall be designated by deltas or clouds on the revised plans.
☐ 2. Notes describing all changes made to the plan, keyed to the deltas or clouds.
☐ 3. The date that the revisions were made.

Failure to include the above requirements on revised plan will be grounds for rejecting revised plans.

Applicants are encouraged to consult the Zoning Regulations or with the Planning staff to determine the required yard areas, off-street parking, building separation or other requirements relative to a particular zone or use.

If an application is approved subject to revision of the original site plan, a new site plan containing such revisions may be required and must be reviewed and approved by the Community and Economic Development Director prior to issuance of a building permit. Precise landscaping, irrigation, or lighting plans may also be required as conditions of approval. Although it is not required that site plans be professionally prepared, it is usually more expedient for the applicant to utilize the services of an architect, engineer, or building designer in preparing the plans.
A RESOLUTION APPROVING A THREE-YEAR FUNDING COMMITMENT, BEGINNING FY 2007-2008, TO 2-1-1 STANISLAUS HELPLINE.

WHEREAS, the City has received a request from United Way of Stanislaus for funding support of the 2-1-1 Stanislaus HelpLine, a toll-free telephone number to confidentially access health and human services, and

WHEREAS, the local United Way Board will not allow the launch of the 2-1-1 telephone line unless three-year funding needs are met, and

WHEREAS, the Finance Committee reviewed this request at their regularly scheduled meeting of February 15, 2007, and recommended its approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the three-year funding commitment to 2-1-1 Stanislaus HelpLine, beginning in FY 2007-2008, in the annual amount of $24,694.

BE IT FURTHER RESOLVED that the Finance Department is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of March, 2007, by Councilmember Hawn, who
moved its adoption, which motion being duly seconded by Councilmember Dunbar, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen,

          Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

BY: ________________

Susana Alcala Wood, City Attorney
A RESOLUTION AUTHORIZING THE PURCHASE OF VIRGIN GRADE, GRANULAR ACTIVATED CARBON (GAC) FOR THE PUBLIC WORKS DEPARTMENT, WATER DIVISION, BY ACCESSING THE TERMS OF A COMPETITIVELY BID CONTRACT FROM THE CITY OF FRESNO, CONTRACT NO. 8836, TO CALGON CARBON CORPORATION, PITTSBURGH, PA, FOR A TERM OF ONE (1) YEAR, WITH TWO (2) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR A TOTAL ESTIMATED COST OF $327,500

WHEREAS, granular activated carbon units are pressure vessels filled with granular activated carbon (GAC), and

WHEREAS, the GAC is a filter used to remove and dissolve organics and chlorine from drinking water, and

WHEREAS, these vessels treat water down flow through a fixed bed of GAC, handling varying flows and on-off operating conditions, and

WHEREAS, the GAC has a life expectancy of approximately two (2) years while filtering contaminants out of the groundwater, and

WHEREAS, the City of Modesto currently has nineteen (19) water wells retrofitted with pressure vessels, and

WHEREAS, in an ongoing effort to improve the quality of the City’s drinking water, the Public Works Department, Water Division, periodically replaces the GAC in these vessels, as required, and

WHEREAS, a unit change-out requires the spent GAC to be removed from each vessel and replaced with new GAC, and

WHEREAS, once the spent GAC is removed the service contractor transports the spent GAC to a reactivation facility where it is re-furbished and processed for re-use, as non-virgin grade GAC, and
WHEREAS, there are approximately eight (8) water well unit change-outs performed annually, for a total of 352,000 lbs of GAC, and

WHEREAS, by accessing the terms or “piggybacking”, the City of Modesto has historically purchased GAC from a competitively bid City of Fresno contract, and

WHEREAS, City staff recommends the purchase of virgin grade, Granular Activated Carbon (GAC) for the Public Works Department, Water Division, by accessing the terms of a competitively bid contract from the City of Fresno, Contract No. 8836, to Calgon Carbon Corporation, Pittsburgh, PA, for a term of one (1) year, with two (2) one-year extension options at the sole discretion of the City, for a total estimated annual cost of $327,500, and

WHEREAS, Modesto Municipal Code, Section 8-3.203, generally requires all purchases, which meet or exceed $50,000.00 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, Section 8-3.204 (d), is available where the Purchasing Manager, in his discretion, determines that a process other than the usual formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality. Acting within his discretion, the Purchasing Manager invoked that exception for this purchase. The purchase of GAC, by accessing the terms of a competitively bid contract from the City of Fresno, Contract No. 8836, to Calgon Carbon Corporation, Pittsburgh, PA, conforms to code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the purchase of virgin grade, Granular Activated Carbon (GAC) for the Public Works Department, Water Division, by accessing the terms of a
competitively bid contract from the City of Fresno, Contract No. 8836, to Calgon Carbon Corporation, Pittsburgh, PA, for a term of one (1) year, with two (2) one-year extension options at the sole discretion of the City, for a total estimated annual cost of $327,500.

BE IT FURTHER RESOLVED that the Purchasing Manager will issue a purchase agreement for the purchase of virgin grade, Granular Activated Carbon (GAC) for the Public Works Department, Water Division, by accessing the terms of a competitively bid contract from the City of Fresno, Contract No. 8836, to Calgon Carbon Corporation, Pittsburgh, PA, for a term of one (1) year, with two (2) one-year extension options at the sole discretion of the City, for a total estimated annual cost of $327,500.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 2006/07 OPERATING BUDGET, ESTIMATING REVENUE OF $25,000 FROM ASSET FORFEITURES TO POLICE OPERATIONS FOR SPECIAL OPERATIONS TO COMBAT DRUG AND DRUG-RELATED CRIMES IN THE COMMUNITY.

WHEREAS, drug use, sales, and activity has continued to plague the city of Modesto, and

WHEREAS, experience reveals drug activity is also connected to property crimes, high technology crimes, and many other forms of criminal activity, and

WHEREAS, current budgeted operating funds do not provide for sustained special operations in order to reduce these types of criminal activity, and

WHEREAS, the Modesto Police Department would like to use this funding for special operations to combat drug and drug-related crimes in the community,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2006/07 Operating Budget is hereby amended as indicated below:

Appropriate:
To: 0100-190-1941-0429 $25,000 Investigations Fund

Revenue:
To: 0100-190-1941-7202 $25,000 Asset Forfeitures

Balance Sheet Account:
From: 8600-BS-3409 $25,000 Seized Forfeitures

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-158

A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO SOLICIT INFORMAL REQUEST FOR PROPOSALS (RFP) FOR PSYCHOLOGICAL SERVICES FOR THE POLICE DEPARTMENT FOR A FIVE (5) YEAR AGREEMENT, WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR A TOTAL ESTIMATED ANNUAL 2007/08 COST OF $60,000.

WHEREAS, since January 1, 1980, the City of Modesto has provided counseling and psychological services to Modesto Police Department full-time sworn police officers, community services officers, and reserves, and

WHEREAS, the Modesto Police Officers Association Memorandum of Understanding requires these services are provided to full-time sworn police personnel, and

WHEREAS, the Modesto Police Department would like to continue to provide these services, and

WHEREAS, this independent contractor services agreement will provide counseling/therapy 24-hours a day, participation in Modesto Police SWAT activations and hostage negotiations, consultation on cases with the Investigative Services Division and Administration, and provides crisis debriefing, and

WHEREAS funds will be included in the Police Department 2007/08 Operating Budget and available in the following account for psychological services:

01000190-1921-0235 $60,000 Psychological Services
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Police Department to solicit informal Request for Proposals (RFP) for Psychological Services for the Police Department for a five (5) year agreement, with three (3) one-year extension options at the sole discretion of the City, for a total estimated annual 2007/08 cost of $60,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
A RESOLUTION ACCEPTING THE WORK BY GEORGE REED, INC., FOR THE PROJECT TITLED “2500 SYLVAN AVENUE STREET IMPROVEMENTS PROJECT” AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER, AND AUTHORIZING PAYMENTS OF AMOUNTS TOTALING $417,310.32

WHEREAS, a report has been filed by the Public Works Director that the project titled “2500 Sylvan Avenue Street Improvements” has been completed by George Reed Inc., in accordance with the contract agreement dated October 4, 2005,

NOW, THEREFORE, BE IT RESOLVED by the Council that the project titled “2500 Sylvan Avenue Street Improvements” is hereby accepted as complete from said contractor, George Reed, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, and that payment of amounts totaling $417,310.32, is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-160

A RESOLUTION APPROVING A SECOND AMENDMENT TO AGREEMENT WITH WOOD RODGERS, INC., FOR CONSTRUCTION PERIOD AND ADDITIONAL DESIGN SERVICES IN THE AMOUNT OF $205,085, FOR ADDITIONAL WORK NOT INCLUDED IN THE ORIGINAL AGREEMENT AND FOR REIMBURSABLE EXPENSES FOR THE PROJECT TITLED “PELANDALE AVENUE 6-LANE WIDENING – DALE ROAD TO MCHENRY AVENUE”, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE SECOND AMENDMENT TO AGREEMENT. THIS SECOND AMENDMENT BRINGS THE TOTAL CONTRACT TOTAL TO $900,468

WHEREAS, the widening of Pelandale Avenue to full six-lane expressway status is scheduled to commence fiscal year 2006, and

WHEREAS, the roadway improvements will convert Pelandale Avenue to full Expressway status with three (3) new westbound lanes and two (2) new eastbound lanes from Dale Road to McHenry Avenue, and

WHEREAS, within the project limits of the Pelandale Avenue widening project, additional design and engineering analysis are necessary and associated with adjacent land development projects (specific plans) and/or project alternatives along Pelandale Avenue proposed by the City Planning Department, and

WHEREAS, the City plans to install a bus turnout west of Carver Road on the north side of Pelandale Avenue, within the City’s 135 ft. Pelandale right-of-way, and

WHEREAS, the City plans to install an at-grade bicycle/pedestrian path along the north side of Pelandale near Prescott Avenue that will include a connection with the bike path at the MID canal and the future path along the south side of Pelandale Avenue, and
WHEREAS, the City plans to construct a detention basin to handle storm water runoff and to modify the proposed drainage system plans to accommodate roadway drainage in the ultimate 6-lane roadway configuration, and

WHEREAS, the City plans to evaluate various alternatives for "single" or "dual-use" drainage basins on City owned property west of the MID Canal No. 6 at the Virginia Corridor intersection with Pelandale Avenue, and

WHEREAS, the revised drainage system design will accommodate both interim and ultimate storm water interception and disposal and allow elimination of roadside ditches where necessary, and

WHEREAS, the various alternatives will include configuration of a detention basin to accommodate predicted storm water volumes, including appropriate landscaping, parking for up to 10 vehicles, and a connection to the proposed cul-de-sac on the eastern side of the canal at Pelandale/McHenry Subdivision, and

WHEREAS, the City plans to install the ultimate irrigation piping system as part of the construction plans for the Pelandale widening project, and

WHEREAS, modification of the design of the roadway cross-sections and grading plans for the roadsides and median will be necessary to accommodate the ultimate landscape irrigation piping design, and

WHEREAS, within the currently agreed construction limits, the City plans to provide street lighting with 200W fixtures on alternating sides of the street every 150 ft. on 28 ft. poles with 15 ft. mast arms, 4 ft. from the back of curb, and

WHEREAS, the original contract did not provide for Post Design Services - Preparation of Construction Contract Addenda; Pre-Construction Services - Assistance
During Advertising; or Construction Support Services - preparation of As-built Drawings and Change Order Drawing Revisions, and

WHEREAS, the City has evaluated the cost and time benefit of providing the aforementioned extra work, and

WHEREAS, the construction of the aforementioned extra work prior to final pavement installation on Pelandale Avenue will avoid future traffic disruption, eliminate the need to remove and restore sections of newly constructed asphalt pavement, and will offer the most effective cost and time alternative for the project, and

WHEREAS, a Second Amendment to the current Consultant design contract for the Pelandale Avenue 6-Lane Widening – Dale Road to McHenry Avenue Project is necessary in order to facilitate the aforementioned design and construction of the required extra work, and

WHEREAS, the roadway improvements will convert Pelandale Avenue to full Expressway status with three (3) new westbound lanes and two (2) new eastbound lanes from Dale Road to McHenry Avenue,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to Agreement between the City of Modesto and Wood Rodgers, Inc., for construction period and additional design services in the amount of $205,085, for additional work not included in the Original Agreement and for reimbursable expenses for the project titled “Pelandale Avenue 6-Lane Widening – Dale Road to McHenry Avenue.”

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Second Amendment to Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-161

A RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL AND CONTRACT FOR THE FURNISHING AND INSTALLATION OF AN AUTOMATIC VEHICLE LOCATION (AVL) SYSTEM FOR THE MODESTO AREA EXPRESS (MAX) TRANSIT SYSTEM TO AVAIL TECHNOLOGIES, INC., STATE COLLEGE, PA, IN THE APPROXIMATE AMOUNT OF $948,000.

WHEREAS, a major goal for public transit is to make travel safer and more efficient, while increasing passenger satisfaction, and

WHEREAS, Automatic Vehicle Location (AVL) systems cost-effectively assist transit systems in operating more safely and efficiently while also increasing overall passenger satisfaction, and

WHEREAS, an AVL system uses global positioning (GPS) technology to provide real time communication of exact bus location to the central bus dispatcher, and

WHEREAS, said real time information provides management with a tool to enable them to provide immediate response in the most effective manner to a wide variety of situations that affect both safety and performance, and

WHEREAS, on February 26, 2002, Council approved an agreement with URS Corporation to assist the Transit Division in preparing a Request for Proposal (RFP) for the furnishing and installation of an Automatic Vehicle Location system, and

WHEREAS, on July 5, 2005, Council approved Resolution No. 2005-348, authorizing the Purchasing Manager to formally solicit proposals for the furnishing and installation of an Automatic Vehicle Location (AVL) system, and

WHEREAS, the Purchasing Division solicited Request for Proposal No. 0506-01, for the furnishing and installation of an AVL system, to forty-eight (48) prospective proposers, posted the proposal on the City’s web site, and formally advertised as required by law, and
WHEREAS, of the forty-eight (48) companies solicited, three (3) companies chose to respond with responsive and responsible proposals, and

WHEREAS, the proposals were evaluated by an evaluation committee and oral interviews were conducted, and

WHEREAS, based on being ranked highest in total evaluation criteria, the evaluation committee recommended award of proposal and contract to Avail Technologies Inc. of State College, PA,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards Proposal No. 0506-01 and contract for the furnishing and installation of an Automatic Vehicle Location system, to Avail Technologies, Inc., of State College, PA in the approximate amount of $948,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-162

A RESOLUTION ACCEPTING THE CFD-FUNDED STORM DRAIN SYSTEM IMPROVEMENTS AND ALL PUBLIC IMPROVEMENTS FOR UNIT 1 EXCLUDING WATER BOOSTER PUMPING STATION, WATER WELL, WATER TANK, YARD PIPING AND MISCELLANEOUS, WELL HEAD TREATMENT, PARK IMPROVEMENTS, AND STREET LANDSCAPE AND IRRIGATION RELATED TO THE GALAS BROTHERS SUBDIVISION UNIT 1 LOCATED IN THE FAIRVIEW VILLAGE SPECIFIC PLAN AREA AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION AND AUTHORIZING TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, Del Valle Homes, a California corporation ("DEVELOPER"), is the developer of the Galas Subdivision, also known as the Rancho Encantado Subdivision ("DEVELOPMENT"), and

WHEREAS, as a condition of DEVELOPMENT, DEVELOPER was to construct a CFD-funded Storm Drain System ("CFD-FUNDED IMPROVEMENTS") and all Public Improvements ("IMPROVEMENTS") located within the DEVELOPMENT, and

WHEREAS, the Construction Administration Office, in a memorandum to staff, indicates that said CFD-FUNDED IMPROVEMENTS, which is only one of several facilities included in the Acquisition and Shortfall Agreement ("AGREEMENT") between the City of Modesto Community Facilities District No. 2003-1 (Fairview Village), a District created pursuant to the provision of the California Government Code Section 53311.5 et. seq. ("DISTRICT") and the DEVELOPER, has been completed to the satisfaction of the Public Works Department, and

WHEREAS, the Construction Administration Office, in a memorandum to staff, indicates that said IMPROVEMENTS have been completed to the satisfaction of the Public Works Department, and
WHEREAS, DEVELOPER has filed several warranty bonds to guarantee the IMPROVEMENTS and CFD-FUNDED IMPROVEMENTS in the DEVELOPMENT, and

WHEREAS, the Construction Administration Office has indicated that it would be in order for the City Council to accept said CFD-FUNDED IMPROVEMENTS and IMPROVEMENTS in said development as complete, and authorize the City Clerk to record a Notice of Completion,

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

1. The CFD-funded Storm Drain System, which includes basin landscaping, a concrete maintenance road into the basin, fencing around the basin, a storm drain pump station and a force main to existing storm drain system/outfall per the AGREEMENT, are hereby accepted and the City Clerk is hereby authorized to record a Notice of Completion for said improvements.

2. The improvements in the GALAS BROTHERS SUBDIVISION UNIT 1 are hereby accepted, excluding Water Booster Pumping Station, Water Well, Water Tank, Yard Piping and Miscellaneous, Well Head Treatment, Park Improvements, and Street Landscape and Irrigation and the City Clerk is hereby authorized to record a Notice of Completion for the improvements.

3. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $4,225,689 upon recordation of the Notice of Completion and receipt of a replacement security, in a form acceptable to the City Attorney, for those improvements which have not been accepted.
4. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $4,225,689 sixty (60) days after the recordation of the Notice of Completion and receipt of a replacement security, in a form acceptable to the City Attorney, for those improvements which have not been accepted, provided no claim is made thereon.

5. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $422,568 one year and one day after the effective date of this resolution and receipt of a replacement security, in a form acceptable to the City Attorney, for those improvements which have not been accepted, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

APPROVED AS TO FORM:

By 

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION ESTABLISHING SUBSTANDARD AND DANGEROUS BUILDING CODE FEES.

WHEREAS, Section 9-8.05.01 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish a fee which shall be imposed on the owner of any property for which a notice and order is issued to recover the cost of inspections and enforcement by the City of Modesto associated with a dangerous building, and

WHEREAS, Section 9-8.07.01 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish an appeal fee to be paid at the time a written appeal notice is filed to recover the costs incurred in the appeal including, but not limited to, staff time to process and handle the appeal, preparation and service of notices and staff appearance at the appeal hearing associated with a dangerous building, and

WHEREAS, Section 9-8.05.01 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish a fee at the conclusion of any matter in which a notice and order has been issued to recover the cost of closing the file, removing or placing liens on the property, at title report, and other costs associated with a dangerous building, and

WHEREAS, Section 9-9.1204 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish a fee which shall be imposed on the owner of any property for which a notice and order is issued to recover the cost of inspections and enforcement by the City of Modesto, associated with a substandard building, and

WHEREAS, Section 9-9.1204 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish a fee at the conclusion of any matter in which a notice
and order has been issued to recover the cost of closing the file, removing or placing liens on the property, a title report, and other costs associated with the matter, and

WHEREAS, Section 9-9.1305 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish an appeal fee to be paid at the time a written appeal notice is filed to recover the costs incurred in the appeal including, but not limited to, staff time to process and handle the appeal, preparation and service of notices and staff appearance at the appeal hearing, associated with a substandard building, and

WHEREAS, the Fees Committee Task Force reviewed the proposed fees on December 18, 2006, at which time it was approved and recommended for submittal to the Finance Committee, and

WHEREAS, the Finance Committee reviewed the proposed fees on January 29, 2007, at which time it was approved and recommended for submittal to the City Council, and

WHEREAS, by an agenda report to the City Council from the Police chief and the Community and Economic Development Director, dated February 27, 2007, City staff recommended establishing substandard and dangerous building code fee, and

WHEREAS, said matter was set for public hearing of the City Council to be held at 5:30 p.m. on March 6, 2007, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held,

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

SECTION 1. FEES. Fees for substandard and dangerous buildings are hereby established as follows:
(a) Substandard Building

<table>
<thead>
<tr>
<th></th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice and Order Fee</td>
<td>$950.00</td>
</tr>
<tr>
<td>Appeal Fee</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Closing Fee</td>
<td>$125.00</td>
</tr>
</tbody>
</table>

(b) Dangerous Building

<table>
<thead>
<tr>
<th></th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice and Order Fee</td>
<td>$950.00</td>
</tr>
<tr>
<td>Appeal Fee</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Closing Fee</td>
<td>$125.00</td>
</tr>
</tbody>
</table>

SECTION 2. EFFECTIVE DATE. The fees relating to substandard buildings will become effective upon the adoption of this resolution. The fees relating to dangerous buildings will not become effective unless and until Ordinance No. 3436-C.S. authorizing the establishment of said fees becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2007, by Councilmember Olsen, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING AN AGREEMENT WITH COMCATE, INC. TO UTILIZE ITS CUSTOMER RELATIONSHIP MANAGEMENT SYSTEM CALLED EFEEDBACK MANAGER TO IMPROVE COMMUNITY ACCESS TO CITY GOVERNMENT IN THE AMOUNT OF $86,000 OVER A FIVE YEAR PERIOD AND AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT

WHEREAS, the City of Modesto desires to improve the community's access to city government, and

WHEREAS, it is recommended that the City of Modesto implement a web-based software application through which members of the community and City employees can communicate to the City Council and other designated managers within the City through the Internet, and

WHEREAS, the requested application enables the City to manage requests for information or service, recommendations for change, complaints or general concerns regarding the City of Modesto, and

WHEREAS, the goal of this software application is to allow more public access to city government, and

WHEREAS, a sole source agreement with Comcate, Inc., is requested as they provide the only stand-alone application that meets governmental requirements for Brown Act compliance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Comcate, Inc., in the amount of $86,000 over a five-year period is hereby approved.
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 13th day of March, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Olsen, Mayor Ridenour

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 2006-2007 ANNUAL OPERATING BUDGET TO APPROPRIATE $22,100 FROM 0100-800-8000-8003 GENERAL FUND RESERVE TO 7130-070-0744-5452 TECHNOLOGY AND EQUIPMENT REPLACEMENT TO FULLY FUND AN AGREEMENT WITH COMCATE, INC., TO UTILIZE ITS CUSTOMER RELATIONSHIP MANAGEMENT SYSTEM CALLED EFEEDBACK MANAGER.

WHEREAS, the City of Modesto has determined it is desirable to utilized the Customer Relationship Management software called eFeedback Manager, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2006-2007 Annual Operating Budget to fund an agreement with Comcate, Inc. to utilize its Customer Relationship Management System called eFeedback Manager as indicated below:

<table>
<thead>
<tr>
<th>Account</th>
<th>Adjustment</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0100-800-8000-8003</td>
<td>($22,100.00)</td>
<td>General Fund Reserve</td>
</tr>
<tr>
<td>7130-070-0744-5452</td>
<td>$22,100.00</td>
<td>Technology &amp; Equipment Replacement</td>
</tr>
</tbody>
</table>

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 13th day of March, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Olsen, Mayor Ridenour

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

By Susana Acala Wood, City Attorney

APPROVED AS TO SUFFICIENCY:

By M. Wayne Padilla, Director of Finance
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-166

A RESOLUTION APPROVING A JOINT EXERCISE OF POWERS AGREEMENT BY AND BETWEEN THE INDUSTRIAL FIRE DISTRICT, THE CITY OF MODESTO, AND THE CITY OF CERES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Modesto and the City of Ceres entered into a fifteen year contract in 1993 with the Industrial Fire District (District) to provide fire and life safety services to the residents and properties of the District, and

WHEREAS, the revenue collected by the District has been divided equally between the City of Modesto and the City of Ceres, with 4 percent being retained by the District for administrative costs and insurance, and

WHEREAS, the response areas for Modesto and Ceres were determined by the general plan spheres of influence, and

WHEREAS, the current agreement expires in August 2008, and it is critical to establish a new, long-term agreement prior to this date, and

WHEREAS, the City of Modesto desires to enter into a Joint Exercise of Powers Agreement with the Industrial Fire District, the City of Modesto, and the City of Ceres, which will increase the City of Modesto’s designated revenue, and

WHEREAS, by participating in the Joint Powers Agency, the City of Modesto will acquire Fire Station #10, which will increase the City’s property assets, and

WHEREAS, the Safety and Communities Committee approved this request at the November 6, 2006, meeting for recommendation to the full Council,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Joint Exercise of Powers Agreement between the Industrial Fire District, the City of Modesto, and the City of Ceres.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the Joint Exercise of Powers Agreement between the Industrial Fire District, the City of Modesto, and the City of Ceres and the Industrial Fire District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Olsen, Mayor Ridenour

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
A RESOLUTION AWARDING THE BID FOR PERSONAL PROTECTIVE EQUIPMENT (GROUPS 1, 3C, 3D, 5, 6B, 7 AND 8) TO L N CURTIS FOR AN ESTIMATED ANNUAL AMOUNT OF $73,000.00.

WHEREAS, personal protective equipment is paramount to the well being of line personnel, and
WHEREAS, the equipment includes turnout pants and jackets, structure boots, hoods, helmets, gloves, etc., and
WHEREAS, the City provides personal protective equipment to line personnel at the time of hire, and
WHEREAS, that equipment is then replaced when it no longer meets standards for said equipment, and
WHEREAS, on December 12, 2006, Council approved, by Resolution No. 2006-769, the formal solicitation of bids for personal protective equipment, and
WHEREAS, bids were solicited from twenty-two (22) companies, and
WHEREAS, the bid specification was also posted on the City’s web site and formally advertised by the City Clerk’s office, and
WHEREAS, five (5) companies responded with valid bids, and
WHEREAS, a cost analysis was performed on the bids received, and
WHEREAS, it is recommended that the bids be awarded by grouping, and
WHEREAS, L N CURTIS submitted the lowest responsive and responsible bid for Groups 1, 3C, 3D, 5, 6B, 7 and 8 of the Personal Protective Equipment bid for an estimated annual amount of $73,000.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the award to L N CURTIS, Groups 1, 3C, 3D, 5, 6B, 7 and 8 of the personal protective equipment bid, for an estimated annual amount of $73,000.00 is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Olsen, Mayor Ridenour

ATTEST:  
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By:  
SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AWARDING THE BID FOR PERSONAL PROTECTIVE EQUIPMENT (GROUP 4) TO TOTAL FIRE FOR AN ESTIMATED ANNUAL AMOUNT OF $5,000.00.

WHEREAS, personal protective equipment is paramount to the well being of line personnel, and

WHEREAS, the equipment includes turnout pants and jackets, structure boots, hoods, helmets, gloves, etc., and

WHEREAS, the City provides personal protective equipment to line personnel at the time of hire, and

WHEREAS, that equipment is then replaced when it no longer meets standards for said equipment, and

WHEREAS, on December 12, 2006, Council approved, by Resolution No. 2006-769, the formal solicitation of bids for personal protective equipment, and

WHEREAS, bids were solicited from twenty-two (22) companies, and

WHEREAS, the bid specification was also posted on the City’s web site and formally advertised by the City Clerk’s office, and

WHEREAS, five (5) companies responded with valid bids, and

WHEREAS, a cost analysis was performed on the bids received, and

WHEREAS, it is recommended that the bids be awarded by grouping, and

WHEREAS, Total Fire submitted the lowest responsive and responsible bid for Group 4 of the Personal Protective Equipment bid for an estimated annual amount of $5,000.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the award to Total Fire, Group 4 of the personal protective equipment bid, for an estimated annual amount of $5,000.00 is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Olsen, Mayor Ridenour

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-169

A RESOLUTION AWARDING THE BID FOR PERSONAL PROTECTIVE EQUIPMENT (GROUPS 2 AND 3A) TO CASCADE FIRE FOR AN ESTIMATED ANNUAL AMOUNT OF $10,000.00.

WHEREAS, personal protective equipment is paramount to the well being of line personnel, and
WHEREAS, the equipment includes turnout pants and jackets, structure boots, hoods, helmets, gloves, etc., and
WHEREAS, the City provides personal protective equipment to line personnel at the time of hire, and
WHEREAS, that equipment is then replaced when it no longer meets standards for said equipment, and
WHEREAS, on December 12, 2006, Council approved, by Resolution No. 2006-769, the formal solicitation of bids for personal protective equipment, and
WHEREAS, bids were solicited from twenty-two (22) companies, and
WHEREAS, the bid specification was also posted on the City’s web site and formally advertised by the City Clerk’s office, and
WHEREAS, five (5) companies responded with valid bids, and
WHEREAS, a cost analysis was performed on the bids received, and
WHEREAS, it is recommended that the bids be awarded by grouping, and
WHEREAS, Cascade Fire submitted the lowest responsive and responsible bid for Groups 2 and 3a of the Personal Protective Equipment bid for an estimated annual amount of $10,000.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the award to Cascade Fire, Groups 2 and 3a of the personal protective equipment bid, for an estimated annual amount of $10,000.00 is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Olsen, Mayor Ridenour

ATTEST: 

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-170

A RESOLUTION AWARDING THE BID FOR PERSONAL PROTECTIVE EQUIPMENT (GROUP 3B) TO NORTHERN GLOVE FOR AN ESTIMATED ANNUAL AMOUNT OF $500.00.

WHEREAS, personal protective equipment is paramount to the well being of line personnel, and

WHEREAS, the equipment includes turnout pants and jackets, structure boots, hoods, helmets, gloves, etc., and

WHEREAS, the City provides personal protective equipment to line personnel at the time of hire, and

WHEREAS, that equipment is then replaced when it no longer meets standards for said equipment, and

WHEREAS, on December 12, 2006, Council approved, by Resolution No. 2006-769, the formal solicitation of bids for personal protective equipment, and

WHEREAS, bids were solicited from twenty-two (22) companies, and

WHEREAS, the bid specification was also posted on the City’s web site and formally advertised by the City Clerk’s office, and

WHEREAS, five (5) companies responded with valid bids, and

WHEREAS, a cost analysis was performed on the bids received, and

WHEREAS, it is recommended that the bids be awarded by grouping, and

WHEREAS, Northern Glove submitted the lowest responsive and responsible bid for Group 3b of the Personal Protective Equipment bid for an estimated annual amount of $500.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the award to Northern Glove, Group 3b of the personal protective equipment bid, for an estimated annual amount of $500.00 is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant

NOES: Councilmembers: None

ABSENT: Councilmembers: Olsen, Mayor Ridenour

ATTEST: 

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney