MODESTO CITY COUNCIL
RESOLUTION NO. 2009-283

A RESOLUTION APPROVING AN ANNUAL RETAIL ADVERTISING CONTRACT WITH THE MODESTO BEE (MCCLATCHY NEWSPAPER GROUP); AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

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

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

WHEREAS, in May 2002, Council directed staff to consolidate the procurement of advertising through a central source in order to obtain the best contractual pricing available for the City, and

WHEREAS, Council has also requested that the annual retail advertising contracts be put in place to coincide with the fiscal year calendar, and

WHEREAS, the City’s Purchasing Manager annually meets with the Modesto Bee and based on advertising volume commitments over the prior year identifies two (2) retail contract options which would best meet the City’s retail advertising needs, and

WHEREAS, both retail contracts will expire on June 30, 2009, and

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

WHEREAS, the Modesto Bee has agreed to renew both retail advertising contracts for another year based on the fiscal year calendar, and
WHEREAS, based on lean economic times and the uncertainty of grant funding for advertising purposes, the City will not be able to sign a commitment rate contract which will result in the City paying the higher non-profit rate for its retail advertising needs, and

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

WHEREAS, the Purchasing Manager has determined that a process other than the formal bid procedure will result in a procurement of advertising for the City at the lowest cost commensurate with the desired quality, as provided for in Modesto Municipal Code Section 8-3.204(d), and

WHEREAS, once signed, the advertising contract shall be implemented and tracked by the City’s Purchasing Manager, and with the City’s Public Information Technician assisting departments with their advertising needs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an annual retail advertising contract with the Modesto Bee (McClatchy Newspaper Group), to coincide with the fiscal year calendar, consisting of one contract for a retail “no-commitment” non-profit rate of $51.68 per column inch.

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 7th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-284

RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR
THE PURCHASE OF CHEMICAL FEED METERING PUMPS FOR THE
PUBLIC WORKS DEPARTMENT, WATER DIVISION, TO PREFERRED PUMP
& EQUIPMENT, FRESNO, CA, AND AUTHORIZING THE PURCHASING
MANAGER TO ISSUE A PURCHASE AGREEMENT FOR A TWO (2) YEAR
PERIOD, WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE
DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF
$103,878

WHEREAS, on October 14, 2008, the City Council, by Resolution No. 2008-580,
authorized the Purchasing Manager to issue formal Request for Bids for the purchase of
chemical feed metering pumps for the Public Works Department, Water Division, for a
two (2) year agreement with three (3) one-year extension options at the sole discretion of
the City, and

WHEREAS, on February 11, 2009, the Purchasing Division issued Request for
Bid (RFB) No. 0809-14 Chemical Feed Metering Pumps to twelve (12) companies, four
(4) of which were local companies, posted the bid on the City’s website and formally
advertised as required by law, and

WHEREAS, on March 17, 2009. RFB’s were formally opened in the City Clerk’s
Office. Of the twelve (12) prospective bidders, four (4) companies chose to respond, and

WHEREAS, the City received one responsive and responsible bid, and

WHEREAS, based on providing a responsive and responsible bid, City staff
recommends the award of bid and contract for the purchase of chemical feed metering
pumps for the Public Works Department, Water Division, to Preferred Pump &
Equipment, Fresno, CA, 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. The award of bid and contract for the purchase of chemical feed metering pumps for the Public Works Department, Water Division, to Preferred Pump & Equipment, Fresno, CA, conforms to the Modesto Municipal Code, and

WHEREAS, sufficient funds will be budgeted in Fiscal Year 2009-10 in Appropriation Unit: 6100-480-5013-0312,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for the purchase of chemical feed metering pumps for the Public Works Department, Water Division, to Preferred Pump & Equipment, Fresno, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for a two (2) year period, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of $103,878.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH FINAL CUT MEDIA FOR A PERIOD OF FIVE YEARS FOR THE MANAGEMENT OF THE EDUCATION AND GOVERNMENT (EG) TELEVISION MASTER CONTROL ROOM IN THE SUM OF $167,000 IN YEARS ONE THROUGH THREE, $183,700 IN YEAR FOUR, AND $202,070 IN YEAR FIVE

WHEREAS, Final Cut Media will provide management of the daily operations of the Education and Government (EG) television control room facility, including scheduling of multi-media programming, and

WHEREAS, Final Cut Media will provide production and management of the Education and Government programming as stated in Exhibit “A” and Exhibit “B” included in the Agreement, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Final Cut Media for a period of five years for the management of the Education and Government (EG) television master control room.

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 7th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
EXHIBIT “A”  
SCOPÉ OF SERVICES  
FOR  
MANAGEMENT SERVICES OF  
EDUCATION & GOVERNMENT PROGRAMMING

Final Cut Media shall provide the following services for the City:

A. Management of the Education, and Government television master control room facility. Scheduling of all programming on the Education and Government channels, plus web casting via the Internet.

B. Consultant reports solely to the Director of the Information Technology Department (IT) or to designated IT staff regarding the management of the Education and Government Channels and master control facility.

C. Production and Broadcasting Services – Consultant will provide camera crew to produce, broadcast and/or video tape the following meetings originating from the basement chambers of Tenth Street Place, Modesto Centre Plaza, Modesto Police Department, Stanislaus County Office of Education and/or any I-NET sites:

   a. All regularly or specially scheduled Modesto City Council Meetings  
   b. All regularly or specially scheduled Modesto City Council Committee Meetings (upon request)  
   c. All regularly or specially scheduled Modesto City Planning Commission Meetings  
   d. Specially scheduled City of Modesto Department and/or Citizen Advisory Committee Meetings (upon request).  
   e. All regularly or specially scheduled Stanislaus County Board of Supervisors Meetings  
   f. All regularly or specially scheduled Stanislaus County Board of Supervisors Committee Meetings (upon Request).  
   g. All regularly or specially scheduled Stanislaus County Planning Commission Meetings.  
   h. Specially scheduled Stanislaus County Department Meetings.  
   i. Regularly scheduled “Making the Grade” programs of the Stanislaus County Office of Education.  
   j. Specially scheduled Stanislaus County Office of Education meetings.  
   k. Government Youth Commission Meetings.  
   l. Yearly City and County Budget Meetings.

D. The City’s I-NET has the capability of live broadcasting at all the listed sites in exhibit “B. Consultant may be asked to broadcast at any of the listed sites in exhibit “B”. 
E. Tape Duplication – Consultant staff will duplicate tapes of all Modesto City Council and Stanislaus County Board of Supervisors, meetings, providing copies of said meetings to the City of Modesto Clerk’s Office and the Stanislaus County Clerk of the Board’s Office and storing master copies of all meetings in the Master Control Room library. Master copies shall not be discarded or destroyed without the prior written consent from the City Clerk or Clerk of the Board.

F. Create Video bulletin boards that appear between taped or live programming. Information will be submitted to Consultant at least (5) five days prior to the requested start date.

G. Any new programming airing on the Government and Education must be pre-approved by IT staff.

H. Consultant will provide ongoing recommendations to IT staff for the effective management of the Master Control Room facility. All final decisions pertaining to the Master Control Room facility shall be made by IT staff, unless upon emergency and staff is unavailable for direction.

I. Consultant will work with IT staff and contracted broadcast engineers to ensure the proper maintenance and installation of new equipment at the Master Control Room location of 1100 H Street, basement floor, Modesto, California.

J. Consultant agrees that any commercial use of equipment is prohibited. Consultant may not rent City-owned equipment to other parties. Consultant also may not profit from programs produced with City equipment and facilities. Any questions regarding commercial use should be directed to the IT staff.

K. Additional production or equipment setup that is not listed on the scope of work shall pay consultant a fee of $75.00 per hour.

L. Consultant shall provide staff possessing a qualified skill-level and working knowledge of operating and maintaining broadcast equipment for the transmission of Education and Government programming.

M. Consultant agrees to maintain the Regular Hours of Operation as:

   a. Monday through Friday 10 am – 7 pm for Master Control Room Operation
   b. Monday through Saturday as needed for Education & Government programming
   c. Saturday and Sunday – Open only for Master Control Room Operation
   d. On-Call – 24 hours per day and 365 days per year to oversee the use of the facility and provide technical management as needed
# INET SITES, CITY OF MODESTO AND SCHOOLS (Exhibit "B")

<table>
<thead>
<tr>
<th>Site</th>
<th>Address</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Office</td>
<td>600 10th Street</td>
<td></td>
</tr>
<tr>
<td>New Command Center</td>
<td>Sutter and Chicago</td>
<td>Moved from 401 D Paradise (March 2004)</td>
</tr>
<tr>
<td>northeast Area Command (C W Center)</td>
<td>3705 Oakdale Road</td>
<td></td>
</tr>
<tr>
<td>northwest Area CMD</td>
<td>3401 Dale Road</td>
<td></td>
</tr>
<tr>
<td>Property Evidence Bldg</td>
<td>1124 F Street</td>
<td></td>
</tr>
<tr>
<td>Police Dept. Evidence</td>
<td>11th and G Streets</td>
<td></td>
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</tbody>
</table>

## Fire

<table>
<thead>
<tr>
<th>Site</th>
<th>Address</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Administration</td>
<td>600 11th Street</td>
<td></td>
</tr>
<tr>
<td>Station 1</td>
<td>610 11th Street</td>
<td></td>
</tr>
<tr>
<td>Station 2</td>
<td>629 2nd Street</td>
<td></td>
</tr>
<tr>
<td>Station 3</td>
<td>637 El Vista Ave</td>
<td></td>
</tr>
<tr>
<td>Station 4</td>
<td>1505 Blue Gum Ave</td>
<td></td>
</tr>
<tr>
<td>Station 5</td>
<td>200 W. Briggsmore Ave</td>
<td></td>
</tr>
<tr>
<td>Station 6</td>
<td>2700 Standiford Ave</td>
<td></td>
</tr>
<tr>
<td>Station 7</td>
<td>1800 Mable Ave</td>
<td></td>
</tr>
<tr>
<td>Station 8</td>
<td>737 Airport Ave</td>
<td></td>
</tr>
<tr>
<td>Station 9</td>
<td>4025 Fara Buindo Drive</td>
<td></td>
</tr>
<tr>
<td>Station 10</td>
<td>148 Imperial Ave</td>
<td></td>
</tr>
<tr>
<td>Fire Prevention</td>
<td>1010 10th Street</td>
<td></td>
</tr>
<tr>
<td>Station 11 (Proposed)</td>
<td>Carver and Pelandale</td>
<td></td>
</tr>
<tr>
<td>Station 2A (Proposed)</td>
<td>Sutter and Chicago</td>
<td></td>
</tr>
<tr>
<td>Training Center</td>
<td>1220 Fire Science Lane</td>
<td></td>
</tr>
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</table>

## Other City Facilities

<table>
<thead>
<tr>
<th>Site</th>
<th>Address</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation Center</td>
<td>720 Coldwell Ave.</td>
<td></td>
</tr>
<tr>
<td>Senior Opportunity Services</td>
<td>416 Downey Ave.</td>
<td></td>
</tr>
<tr>
<td>King Kennedy Memorial</td>
<td>601 Martin Luther King</td>
<td></td>
</tr>
<tr>
<td>Modesto Centre Plaza</td>
<td>1000 L Street</td>
<td></td>
</tr>
<tr>
<td>Roy Scout Clubhouse</td>
<td>400 Enslen Ave</td>
<td></td>
</tr>
<tr>
<td>senior Citizens Center</td>
<td>211 Bodem Street</td>
<td></td>
</tr>
<tr>
<td>Henry Mansion</td>
<td>906 15th Street</td>
<td></td>
</tr>
<tr>
<td>American Legion Hall</td>
<td>1021 S. Santa Cruz Ave</td>
<td></td>
</tr>
<tr>
<td>Maddux Youth Center</td>
<td>615 Sierra Drive</td>
<td></td>
</tr>
<tr>
<td>Graceda Park/Mancini Bowl</td>
<td>410 Needham (Needham and Sycamore)</td>
<td></td>
</tr>
<tr>
<td>John Thurman Field</td>
<td>601 Neece Drive</td>
<td>Added (May 2003)</td>
</tr>
<tr>
<td>Modesto Municipal Golf Course</td>
<td>400 Toullumne Boulevard</td>
<td>Added (March 2004)</td>
</tr>
<tr>
<td>Corporation Yard</td>
<td>501 N. Jefferson Street</td>
<td></td>
</tr>
<tr>
<td>Portable Bldg</td>
<td>115 Elm Street</td>
<td></td>
</tr>
<tr>
<td>Transportation Center</td>
<td>9th Street &amp; J Street</td>
<td></td>
</tr>
<tr>
<td>Airport Terminal</td>
<td>617 Airport Way</td>
<td></td>
</tr>
<tr>
<td>Airport General Aviation</td>
<td>700 Tioga Drive</td>
<td></td>
</tr>
<tr>
<td>Sanitation Plant</td>
<td>1221 Sutter Ave</td>
<td></td>
</tr>
<tr>
<td>Amtrak Station</td>
<td>1700 Held Drive</td>
<td></td>
</tr>
<tr>
<td>Intersection of Hatch and Morgan</td>
<td>Hatch and Morgan</td>
<td></td>
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</table>

## Modesto City Schools

### Administration Offices

<table>
<thead>
<tr>
<th>Site</th>
<th>Address</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>District Office</td>
<td>426 Locust St</td>
<td></td>
</tr>
<tr>
<td>Technology Center</td>
<td>Reno Ave, Building A</td>
<td></td>
</tr>
<tr>
<td>Corporation Yard</td>
<td>1300 Woodland Ave</td>
<td></td>
</tr>
</tbody>
</table>

### K-6 Schools

<table>
<thead>
<tr>
<th>Site</th>
<th>Address</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson</td>
<td>500 Locust St</td>
<td>C6</td>
</tr>
<tr>
<td>Beard</td>
<td>915 Bowen Ave</td>
<td>C7</td>
</tr>
<tr>
<td>Bret Harte</td>
<td>909 Bret Harte Place</td>
<td>C8</td>
</tr>
<tr>
<td>Burbank</td>
<td>1135 Paradise Rd</td>
<td>C9</td>
</tr>
<tr>
<td>Vista/Mitchell Rd Corridor</td>
<td>450 El Vista Ave</td>
<td>C10</td>
</tr>
<tr>
<td>Coldwell</td>
<td>515 Coldwell Ave</td>
<td>C11</td>
</tr>
<tr>
<td>Mertt</td>
<td>1530 Mt. Vernon Drive</td>
<td>C12</td>
</tr>
<tr>
<td>Fairview</td>
<td>1937 West Whitmore Ave</td>
<td>C13</td>
</tr>
<tr>
<td>Franklin</td>
<td>120 S. Emerald Ave.</td>
<td>C14</td>
</tr>
<tr>
<td>Fremont</td>
<td>1220 S. Orangeburg Ave.</td>
<td>C15</td>
</tr>
<tr>
<td>Kirchien</td>
<td>1900 Kirchen Dr</td>
<td>C16</td>
</tr>
<tr>
<td>Lakewood</td>
<td>2920 Middlebrook Pl</td>
<td></td>
</tr>
</tbody>
</table>
## INET SITES, CITY OF MODESTO AND SCHOOLS (Exhibit "B")

<table>
<thead>
<tr>
<th>Site</th>
<th>Address</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marshall</td>
<td>515 Sutter Ave</td>
<td>C17</td>
</tr>
<tr>
<td>Garrison</td>
<td>1812 Teresa St</td>
<td>C18</td>
</tr>
<tr>
<td>Martone</td>
<td>1413 Pourst Rd</td>
<td>C19</td>
</tr>
<tr>
<td>John Muir</td>
<td>1215 Lucerne</td>
<td>C20</td>
</tr>
<tr>
<td>Robertson Rd.</td>
<td>1821 Robertson Rd</td>
<td>C22</td>
</tr>
<tr>
<td>Rose Ave</td>
<td>1120 Rose Ave</td>
<td>C23</td>
</tr>
<tr>
<td>Shackelford</td>
<td>100 School Ave.</td>
<td>C24</td>
</tr>
<tr>
<td>Sonoma</td>
<td>1325 Sonoma Ave.</td>
<td>C25</td>
</tr>
<tr>
<td>Toulumne</td>
<td>707 Herndon Rd</td>
<td>Out of Comcast Service Area. Will not be built</td>
</tr>
<tr>
<td>Wilson</td>
<td>201 Wilson Ave</td>
<td>C27</td>
</tr>
<tr>
<td>Wright</td>
<td>1602 Monterey</td>
<td>C28</td>
</tr>
</tbody>
</table>

### 7-8 Schools

<table>
<thead>
<tr>
<th>School</th>
<th>Address</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hanshaw</td>
<td>1725 Las Vegas St</td>
<td>C29</td>
</tr>
<tr>
<td>La Loma</td>
<td>1800 Encina Ave</td>
<td>C30</td>
</tr>
<tr>
<td>Mark Twain</td>
<td>707 Emerald Ave</td>
<td>C31</td>
</tr>
<tr>
<td>Roosevelt</td>
<td>1330 College</td>
<td>C32</td>
</tr>
<tr>
<td>Proposed</td>
<td>Village One Area</td>
<td>Future School</td>
</tr>
</tbody>
</table>

### High Schools

<table>
<thead>
<tr>
<th>School</th>
<th>Address</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beyer</td>
<td>1717 Sylvan Ave.</td>
<td>C34</td>
</tr>
<tr>
<td>Davis</td>
<td>1200 Rumble Rd.</td>
<td>C35</td>
</tr>
<tr>
<td>Downey</td>
<td>1000 Coffee Rd</td>
<td>C36</td>
</tr>
<tr>
<td>Johansen</td>
<td>641 Norseman Dr</td>
<td>C37</td>
</tr>
<tr>
<td>Modesto High</td>
<td>18 H Street</td>
<td>C38</td>
</tr>
<tr>
<td>Elliot</td>
<td>1440 Sunrise</td>
<td>C39</td>
</tr>
<tr>
<td>James Enoch High School</td>
<td>3201 Sylvan Ave</td>
<td>Out of Comcast Service Area. Will not be built</td>
</tr>
<tr>
<td>Joe Gregori High School</td>
<td>5518 Stoddard Road</td>
<td>C40 Proposed</td>
</tr>
<tr>
<td>Future School</td>
<td>Near Carver and Pelendale</td>
<td>Future School Added 5/28/04</td>
</tr>
</tbody>
</table>

### Sylvan Union School District

<table>
<thead>
<tr>
<th>School</th>
<th>Address</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freedom Elementary School</td>
<td>2101 Fine Avenue</td>
<td>F1</td>
</tr>
<tr>
<td>Elementary School (Sylvan)</td>
<td>NW Corner of Kodiak Dr &amp; Fine</td>
<td>F2</td>
</tr>
<tr>
<td>Middle School (Sylvan)</td>
<td>NW Corner of Merle Ave &amp; Fine Ave</td>
<td>F3</td>
</tr>
<tr>
<td>Elementary School #10 (Sylvan)</td>
<td>SE Corner of Hillglen Avenue (NW of Ustach Middle School)</td>
<td></td>
</tr>
<tr>
<td>Sylvan District Office</td>
<td>605 Sylvan Ave</td>
<td>F4</td>
</tr>
<tr>
<td>Coleman Brown Elementary School</td>
<td>2024 Vera Cruz Dr</td>
<td>F5</td>
</tr>
<tr>
<td>Orchard Elementary School (Sylvan)</td>
<td>1800 Wisdom Way</td>
<td>F6</td>
</tr>
<tr>
<td>Sherwood Elementary School (Sylvan)</td>
<td>819 Rumble Way</td>
<td>F7</td>
</tr>
<tr>
<td>Somerset Elementary School (Sylvan)</td>
<td>1037 Floyd Ave</td>
<td>F8</td>
</tr>
<tr>
<td>Standford Elementary School (Sylvan)</td>
<td>605 Tokay Ave</td>
<td>F9</td>
</tr>
<tr>
<td>Stockard Coffee Elementary School (Sylvan)</td>
<td>3900 Northview Dr</td>
<td>F10</td>
</tr>
<tr>
<td>Sylvan Elementary School (Sylvan)</td>
<td>2808 Coffee Rd</td>
<td>F11</td>
</tr>
<tr>
<td>Elizabeth Ustach Middle School (Sylvan)</td>
<td>2701 Kodiak Dr</td>
<td>F12</td>
</tr>
<tr>
<td>Woodrow Elementary School</td>
<td>800 Woodrow Ave</td>
<td>F13</td>
</tr>
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### Stanislaus County Office of Education (Besides 1100 H Street)

<table>
<thead>
<tr>
<th>Office</th>
<th>Address</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCOE Building</td>
<td>1100 H Street</td>
<td></td>
</tr>
<tr>
<td>SCOE Media Services</td>
<td>917 Oakdale Rd.</td>
<td>I1</td>
</tr>
<tr>
<td>SCOE Child Development Programs</td>
<td>1324 Celeste Dr</td>
<td>I2</td>
</tr>
<tr>
<td>SCOE Charter School</td>
<td>715 13th St</td>
<td>I3</td>
</tr>
<tr>
<td>Juvenile Hall/Probation/N.H. Evaluation</td>
<td>2209 Blue Gum Ave</td>
<td></td>
</tr>
<tr>
<td>SCOE Valley Business High School</td>
<td>109 Campus Way</td>
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</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-286

A RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH REDFLEX TRAFFIC SYSTEM, INC., FOR A SEVEN-YEAR AGREEMENT, WITH OPTION FOR A ONE TWO-YEAR RENEWAL; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on June 8, 2004, the City Council, by Resolution No. 2004-301, approved implementing the automated red light enforcement program and approved a five-year base contract with Redflex Traffic Systems, Inc., of Culver City, California, for the installation of red light photo enforcement equipment and all related maintenance services at up to ten (10) City designated intersections under a phased implementation plan, and

WHEREAS, the City currently has four intersections installed with red light camera systems, and

WHEREAS, on April 6, 2009, the Safety & Communities Committee approved adding four additional intersections for installation:

Northbound Carpenter Rd & Blue Gum Avenue
Eastbound Coffee Rd and Briggsmore Avenue
Eastbound Tully Rd and Briggsmore Avenue
Southbound Tully Rd and Briggsmore Avenue

WHEREAS, the remaining two intersections recommended for installation of red light photo enforcement technologies are at McHenry (S/R 108) at Briggsmore Avenue and McHenry (S/R 108) at Sylvan Avenue), and

WHEREAS, both of these intersections are part of a state route requiring CalTrans approval before installation, and
WHEREAS, cost neutrality is assured to the City of Modesto, which means the City of Modesto will never pay Redflex more than actual cash received from the County through collection of red light citations, and

WHEREAS, the City of Modesto agrees to pay Redflex Traffic Systems, Inc. within thirty (30) days after the invoice is received, and

WHEREAS, a monthly late fee of 1.5% is payable for payments 60 days past due, and

WHEREAS, in the event the contract ends or is terminated, all subsequent receipts from automated red light violations for a period of 12 months from the date of termination will be paid to Redflex, and

WHEREAS, each year the pricing will increase by the Consumer Price Index (“CPI”), as published by the Bureau of Labor Statistics for the United States Department of Labor, and

WHEREAS, the term of this Amendment will for be for a seven-year “Initial Term,” and

WHEREAS, the Safety and Communities Committee reviewed this item at its June 1, 2009 meeting, and referred to full Council for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to Agreement with Redflex Traffic System, Inc., for a seven-year agreement, with the option for a one two-year renewal.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-287

RESOLUTION APPROVING AN AGREEMENT WITH LARRY WALKER ASSOCIATES FOR STORMWATER MANAGEMENT PLAN WORK IN AN AMOUNT NOT TO EXCEED $300,000

WHEREAS, the City’s current National Pollutant Discharge Elimination System (NPDES) permit for Stormwater was issued by the Regional Water Quality Control Board (Board) in June 2008, and

WHEREAS, as part of the NPDES permit, the City is required to perform special studies identified in the Stormwater Management Plan (SWMP), which need to be completed by 2013, with several phases due by 2011, and

WHEREAS, failure to complete these special studies could result in Board enforcement actions for non-compliance, and

WHEREAS, since 2001 Larry Walker Associates (LWA) has assisted the City with its Stormwater program and permit compliance, and

WHEREAS, in October 2005, the City Council, by Resolution 2005-534, approved an agreement with LWA for assistance in the development and implementation of a Stormwater Management Program, and

WHEREAS, LWA worked on the City’s 2008 Draft SWMP, which Council accepted on December 2, 2008, by Resolution 2008-656, and

WHEREAS, the draft SWMP is currently being reviewed by the Board, and the draft will be released for public comment before final Board approval, and

WHEREAS, LWA has demonstrated that they are the leading consulting firm specializing in the development of Wastewater and Stormwater permitting programs for California agencies, and
WHEREAS, in order to maintain the continuity of the current SWMP, staff requests retention of LW A to continue to perform the work required under this program.

and

WHEREAS, funds are available in Account 6280-480-5314-0235 in the amount of $300,000 to fund this agreement, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement with Larry Walker Associates in an amount not to exceed $300,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is 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 7th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SIGNATURE)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney

07/07/2009/PW/GI/DeJesus/Item 18  2  2009-287
RESOLUTION AMENDING THE FY 2009-10 OPERATING BUDGET TO APPROPRIATE $131,000 FROM STORM DRAIN FUND RESERVES TO ACCOUNT NO. 6280-480-5314-0235 FOR STORMWATER MANAGEMENT PLAN WORK

WHEREAS, the City’s current National Pollutant Discharge Elimination System (NPDES) permit for Stormwater was issued by the Regional Water Quality Control Board (Board) in June 2008. As part of the NPDES permit, the City is required to perform special studies, and

WHEREAS, these special studies identified in the Stormwater Management Plan (SWMP) need to be completed by 2013, with several phases due by 2011, and

WHEREAS, failure to complete these special studies could result in Board enforcement actions for non-compliance, and

WHEREAS, funds are available in Storm Drain Fund Reserves (6280-800-8003-8003) to fund the $131,000 balance necessary for Stormwater Management Plan work,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY 2009-10 Operating Budget to appropriate $131,000 from Storm Drain Fund Reserves to Account No. 6280-480-5314-0235 for Storm Drain Management Plan work

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE
DOWNSTREAM IMPROVEMENTS YOSEMITE BOULEVARD (S.R. 132)
WATER LINE INSTALLATION: DRY CREEK TO SO. SANTA ROSA
PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH
MID CAL PIPELINE & UTILITIES, INC. IN THE AMOUNT OF $206,724 FOR
THE DOWNSTREAM IMPROVEMENTS YOSEMITE BOULEVARD (S.R. 132)
WATER LINE INSTALLATION: DRY CREEK TO SO. SANTA ROSA
PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,
TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Downstream
Improvements Yosemite Boulevard (S.R. 132) Water Line Installation: Dry Creek to So.
Santa Rosa project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Downstream Improvements Yosemite
Boulevard (S.R. 132) Water Line Installation: Dry Creek to So. Santa Rosa project were
opened at 11:00 a.m. on June 9, 2009, and later tabulated by the Director of Public Works
for the consideration of the Council, and

WHEREAS, the Director of Public Works has recommended that the bid of
$206,724 received from Mid Cal Pipeline & Utilities, Inc. be accepted as the lowest
responsible bid and the contract be awarded to Mid Cal Pipeline & Utilities, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the plans and specifications for the Downstream Improvements
Yosemite Boulevard (S.R. 132) Water Line Installation: Dry Creek to So. Santa Rosa
project, accepts the bid of Mid Cal Pipeline & Utilities, Inc. in the amount of $206,724,
and awards Mid Cal Pipeline & Utilities, Inc. the contract for the Downstream
Improvements Yosemite Boulevard (S.R. 132) Water Line Installation: Dry Creek to So.
Santa Rosa project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract with Mid Cal Pipeline & Utilities, Inc. in the amount of $206,724, for the Downstream Improvements Yosemite Boulevard (S.R. 132) Water Line Installation: Dry Creek to So. Santa Rosa project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-290

A RESOLUTION ACCEPTING THE WORK BY COLLINS ELECTRIC COMPANY, INC. FOR THE PROJECT TITLED “MODIFICATION OF TRAFFIC SIGNALS AT THREE LOCATIONS: 12TH/J STREET, LA LOMA/BURENY AND BRIGGSMORE/CARVER” AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $353,624

WHEREAS, a report has been filed by the Director of Public Works that the project titled “Modification of Traffic Signals at Three Locations; 12th/J Street, La Loma/Burney and Briggsmore/Carver” has been completed by Collins Electric Company, Inc. in accordance with the contract agreement dated September 23, 2008,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “Modification of Traffic Signals at Three Locations; 12th/J Street, La Loma/Burney and Briggsmore/Carver” is hereby accepted as complete from said contractor Collins Electric Company, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, and that payment of amounts totaling $353,624 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 7th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION NO. 2009-291

A RESOLUTION APPROVING THE PROSPECTIVE BIDDER PREQUALIFICATION APPEALS PANEL, FOR PUBLIC WORKS’ PROJECTS, CONSISTING OF NICHOLAS PINHEY, DIRECTOR OF PUBLIC WORKS, RICHARD ULM, DEPUTY DIRECTOR OF PUBLIC WORKS, AND MARK AVERELL, PURCHASING MANAGER

WHEREAS, the 2009/2010 Capital Improvement Program involves many Public Works’ projects that are large and require special construction methods, resources, and experience, and

WHEREAS, many projects are located in a busy corridor with numerous roadways, railroad, utility, and canal crossings, high pressure gas and water lines, high tension electrical, and other difficult interferences, and

WHEREAS, because of the unique nature and size of these projects, City staff recommends prequalifying contractors for the proposed work based on prior experience with projects of similar size and complexity, and

WHEREAS, the City will evaluate the prospective bidders’ qualifications and place the qualified bidders on the bidder’s list included in the project bid documents, and

WHEREAS, contractors who receive ratings below that necessary to pre-qualify, may file an appeal with the City within seven calendar days of receiving notification, and

WHEREAS, a hearing must be held by an appeals panel within ten calendar days of such appeal being filed, and

WHEREAS, the City Council has the authority to name the appeals panel, consisting of at least three persons, and
WHEREAS, staff recommends Nicholas Pinhey, Director of Public Works, Richard Ulm, Deputy Director of Public Works, and Mark Averell, Purchasing Manager to serve in this capacity, upon Council approval, and

WHEREAS, in addition to the persons listed above, the Mayor may appoint a Councilmember to observe any appeal hearings.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Prospective Bidder Prequalification Appeals Panel, for Public Works’ projects, consisting of Nicholas Pinhey, Director of Public Works, Richard Ulm, Deputy Director of Public Works, and Mark Averell, Purchasing Manager.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-292

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE
FORMAL REQUEST FOR BIDS (RFB) FOR THE FURNISHING OF WATER
STORAGE TANK INSPECTION SERVICES AND REPAIRS FOR A PERIOD OF
TWO YEARS, WITH THREE ONE-YEAR EXTENSION OPTIONS AT THE
SOLE DISCRETION OF THE CITY, FOR A TOTAL ANNUAL ESTIMATED
COST IS $25,000

WHEREAS, the City of Modesto operates eight (8) steel potable water storage
tanks, and

WHEREAS, per industry standards, an aggressive maintenance program is
necessary to maintain the integrity and longevity for all water storage tanks, and

WHEREAS, these types of programs are important for protection of the facilities
from corrosion and prevention of contamination of the treated water by the products of
corrosion and sediment, and

WHEREAS, inspection services and repairs are required to maintain the integrity
and longevity of these steel tanks, and

WHEREAS, the City currently has an agreement with an outside contractor that
provides inspection services and repairs which will expire on September 27, 2009, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all
purchases, which meet or exceed $50,000 for material, equipment or contractual services
to be formally bid, and

WHEREAS, the issuance of a formal RFB for the water storage tank inspection
services and repairs conforms to the Modesto Municipal Code.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City
of Modesto as follows:
SECTION 1. The City Clerk is hereby authorized to call for public formal bids for the water storage tank inspection services and repairs, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the sealed bids are opened they shall be tabulated and analyzed by the Purchasing Division and a report submitted to Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SIGNATURE)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-293

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH WEST YOST ASSOCIATES, INC. FOR FINAL DESIGN AND DESIGN SUPPORT DURING CONSTRUCTION SERVICES FOR THE PROJECT TITLED, “DOWNSTREAM IMPROVEMENTS TIER 1 – NORTH TANK” IN THE NOT-TO-EXCEED AMOUNT OF $487,110, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT

WHEREAS, the City of Modesto and the Modesto Irrigation District (MID) is nearing completion to expand the Modesto Regional Water Treatment Plant (MRWTP) from its existing capacity of 30 million gallons per day (mgd) to 60 mgd, and

WHEREAS, downstream improvements consisting of water storage tanks, booster pumping stations, pressure and/or flow control valves, and pipelines are needed to fully integrate the Phase Two Expansion of the MRWTP with the City’s water system, and

WHEREAS, this item was discussed at the Economic Development Committee meeting on March 8, 2004, where a favorable recommendation was given to be forwarded to the Council for consideration, and

WHEREAS, the Economic Development Committee also directed staff to proceed with negotiations with West Yost Associates, Inc. (West Yost) for design services for the critical (Tier 1) Downstream Improvements, and

WHEREAS, City staff determined that Design Services for the City Water System Tier 1 Downstream Improvements to accommodate the MRWTP Phase Two Expansion would be prepared in two stages, namely Preliminary Engineering and Final Design, and

WHEREAS, on December 14, 2004, by Resolution 2004-671, Council approved a professional services agreement with West Yost for $710,200 to complete Preliminary
Engineering Services for the City Water System Tier 1 Downstream Improvements to accommodate the MRWTP Phase Two Expansion, and

WHEREAS, on November 22, 2005, by Resolution No. 2005-579, Council approved a professional services agreement with West Yost for $1,262,000 to complete the Final Design for the City Water System Tier 1 Downstream Improvements to accommodate the MRWTP Phase Two Expansion, and

WHEREAS, on April 7, 2009, by Resolution No. 2009-154, Council approved a Purchase Agreement, for a 6.3-acre parcel in fee and 2.33 acre portion for a temporary construction easement of a parcel located near the northeast corner of the Tully Road/Bangs Avenue intersection (APN 046-012-0(2), in the amount of $997,117, and an Agreement to Grant Revocable Conditional License of Egress, for the Downstream Water System Improvements, Tier I-North Tank Project, and

WHEREAS, the City now needs to complete the design of the North Tank and Booster Pump Station, and

WHEREAS, West Yost submitted a revised scope of services and fee proposal to complete the North Tank project design documents.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to Agreement with West Yost Associates, Inc. for final design and design support during construction services for the project titled, “Downstream Improvements Tier I – North Tank” in the not-to-exceed amount of $487,110.

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 7th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: 
SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-294

A RESOLUTION AMENDING THE FISCAL YEAR 2009-2010 CAPITAL IMPROVEMENT PROGRAM BUDGET IN ORDER TO FULLY FUND THE AMENDMENT TO AGREEMENT FOR THE FINAL DESIGN OF THE MODESTO REGIONAL WATER TREATMENT PLANT PHASE TWO EXPANSION – TIER ONE DOWNSTREAM IMPROVEMENTS PROJECT

WHEREAS, a budget adjustment in the amount of $426,940 is necessary to fully fund the Amendment to Agreement with West Yost Associates for final design and design support during construction for Modesto Regional Water Treatment Plant Phase Two Expansion – Tier One Downstream Improvements project, and

WHEREAS, the Fiscal Year 2009-2010 Capital Improvement Program budget must be amended as shown in Exhibit A, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2009-2010 Capital Improvement Program budget as shown in Exhibit A.

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
Exhibit A

FUND:
Water Fund - CIP

EXPENDITURES: Increase/(Decrease)

Downstream Improvements Tier 1-No Tank  6180-430-W363-6030  ($426,940)

Downstream Improvements Tier 1-No Tank  6180-430-W363-6010  $426,940
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-295

A RESOLUTION APPROVING THE SUBMITTAL OF THE FUNCTIONAL CLASSIFICATION CHANGE FOR VARIOUS STREETS THROUGHOUT THE CITY OF MODESTO TO THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION

WHEREAS, incorporated cities are responsible for initiating requests for changes to the functional classifications of streets under their jurisdiction, and

WHEREAS, the City of Modesto receives State and Federal road improvement and maintenance funding based on street designations, and

WHEREAS, said Functional Classification Change, as presented in Exhibit “A,” has been reviewed and examined by the City Council of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submittal of a Functional Classification Change for various streets in the City of Modesto to the State of California, Department of Transportation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Lopez, 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: Keating, Lopez, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn, Marsh

(Seal)

APPROVED AS TO FORM:

By: Susan ALCALA WOOD, City Attorney
## Functional Classification Change Request Form

### Change/ New/ Old District

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<th>Change/New/Old District</th>
<th>Road</th>
<th>From</th>
<th>To</th>
<th>(From) Class</th>
<th>(To) Class</th>
<th>Length (mi)</th>
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<td><strong>STA</strong></td>
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**Functional Classification Codes**

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MODESTO CITY COUNCIL
RESOLUTION NO. 2009-296

A RESOLUTION ACCEPTING THE PROJECT DESIGN REPORT, DATED MAY 2008, FOR THE CARPENTER ROAD BRIDGE SEISMIC RETROFIT CONTRACT NO. BRLSZA-5059(064) PROJECT AS COMPLETE

WHEREAS, the existing Carpenter Road Bridge was studied, under the direction of the State of California, Department of Transportation (Caltrans), through the Local Agency Seismic Retrofit Program, and

WHEREAS, the study determined that the bridge structure was seismically deficient and in need of retrofit, and

WHEREAS, on October 10, 2000, by Resolution No. 2000-519, Council approved an agreement with Dokken Engineering, and

WHEREAS, on November 6, 2002, by Resolution No. 2002-538, Council approved an amendment to agreement with Dokken Engineering in the amount of $11,414.00, to include environmental documentation work to be performed by LSA Associates, a sub-consultant to Dokken Engineering, and

WHEREAS, the Project Design Report (PDR) titled, “Seismic Retrofit of Carpenter Road Bridge Over Tuolumne River Bridge No. 38C-0050 PN: BRLSZA-5059(064)” was prepared under the original agreement with Dokken Engineering, and

WHEREAS, the PDR summarizes existing facilities, details proposed project elements, presents preliminary engineering drawings, and provides estimated cost and schedule projections for project implementation, and

WHEREAS, the PDR has been successfully completed and will serve as the basis for the final design of the Carpenter Road Bridge Seismic Retrofit Contract No. BRLSZA-5059(064) project.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby accepts the Project Design Report, dated May 2008, for the Carpenter Road
Bridge Seismic Retrofit Contract No. BRLSZA-5059(064) project as complete.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 7th day of July, 2009, by Councilmember Hawn, who
moved its adoption, which motion being duly seconded by Councilmember Lopez, was
upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(Seal)

APPROVED AS TO FORM:

By: [Signature]
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-297

A RESOLUTION APPROVING AN AGREEMENT WITH DOKKEN ENGINEERING FOR FINAL DESIGN SERVICES FOR CARPENTER ROAD BRIDGE SEISMIC RETROFIT CONTRACT NO. BRLSZA-5059(064) IN AN AMOUNT NOT TO EXCEED $275,250.56 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $27,525.00 FOR ADDITIONAL SERVICES (IF NEEDED) FOR A MAXIMUM TOTAL AMOUNT OF $302,775.56, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the existing Carpenter Road Bridge was studied, under the direction of the State of California, Department of Transportation (Caltrans), through the Local Agency Seismic Retrofit Program, and

WHEREAS, the study determined that the bridge structure was seismically deficient and in need of retrofit, and

WHEREAS, on October 10, 2000, by Resolution No. 2000-519, Council approved an agreement with Dokken Engineering, and

WHEREAS, on November 6, 2002, by Resolution No. 2002-538, Council approved an amendment to agreement with Dokken Engineering in the amount of $11,414.00, to include environmental documentation work to be performed by LSA Associates, a sub-consultant to Dokken Engineering, and

WHEREAS, although the original agreement with Dokken Engineering included environmental documentation, preparation of a Project Design Report (PDR), topographic survey and mapping, right-of-way plats and descriptions, and roadway approach, the environmental documentation was required to be completed first before other design work could begin, and

WHEREAS, the funds available under time and materials were not sufficient to continue the design after preparation of the environmental document and the PDR, and
WHEREAS, the PDR titled “Seismic Retrofit of Carpenter Road Bridge Over Tuolumne River Bridge No. 38C-0050 PN: BRLSZA-5059(064),” summarizes existing facilities, establishes project design criteria and method of design, identifies critical project elements and provides an estimated project cost of $12.5 million for the project, and

WHEREAS, Dokken Engineering successfully completed the Project Design Report, and

WHEREAS, this Design Agreement will allow for the final design, development of biddable documents, and assistance during the bid period for the project, and

WHEREAS, City staff recommends approving an Agreement with Dokken Engineering as the City does not have the staffing level or subject matter expertise to complete the Final Design Services for Carpenter Road Bridge Seismic Retrofit Contract No. BRLSZA-5059(064) project, and current workload levels do not provide for timely in-house solutions/responses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Dokken Engineering for final design services for Carpenter Road Bridge Seismic Retrofit Contract No. BRLSZA-5059(064) project in an amount not to exceed $275,250.56 for the identified scope of services, plus $27,525.00 for additional services (if needed) for a maximum total amount of $302,775.56.

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 7th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-298


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

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

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

WHEREAS, on November 23, 2004, Council adopted Resolution No. 2004-627 rescinding all previous water fee resolutions, establishing a single rate base, and establishing fees for the provision of water and all fees associated with water operations and management, and
WHEREAS, on April 26, 2005, Council adopted Resolution No. 2005-204 amending Sections 3 and 14 of Resolution No. 2004-267 to clarify that water connection charges are actual hookup fees and are not land based, and

WHEREAS, on October 4, 2005, Council adopted Resolution No. 2005-492 amending and restating Resolution No. 2005-282 to add section 10A clarifying policy issues on water connection fees and amending Section 14, footnote 1 to clarify inflation adjustment for connection charges,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby freezes the annual inflationary adjustment for the Wastewater Capacity Charge and the Water Connection Charge for Fiscal Year 2009/2010, and authorizes the Director of Public Works to administratively apply an annual inflationary adjustment effective July 1, 2010, not to exceed the percent change in the Engineering News Record Construction Cost Index for the San Francisco region using April 2008 as the base year for the calculation.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-299

A RESOLUTION AMENDING AND RESTATING RESOLUTION NO. 2005-492
CLARIFYING POLICY ISSUES ON WATER CONNECTION FEES AND
CLARIFYING THE APPLICATION OF THE INFLATOR INDEX FOR FIXED
AND VOLUME BASED CHARGES FOR WATER

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

WHEREAS, MMC Section 11-6.02 authorizes the Council, by resolution, to
establish charges for deposits for utility services, and MMC Section 11-6.08 authorizes
the Council, by resolution, to establish charges for use of fire hydrants, and

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

WHEREAS, on April 26, 2005, the City Council adopted Resolution No.
2005-204 amending Sections 3 and 14 of Resolution No. 2004-267 to clarify that water
connection charges are actual hookup fees and are not land based, and

WHEREAS, on October 4, 2005, the City Council adopted Resolution No. 2005-
492 amending and restating Resolution No. 2005-282 to add section 10A clarifying
policy issues on water connection fees and amending Section 14, footnote 1 to clarify inflation adjustment for connection charges, and

WHEREAS, Resolution No. 2005-492 is reaffirmed in every other respect and repeated in its entirety herein for the sake of administrative convenience, and

WHEREAS, the City Council amended water connection fees on May 24, 2005, and

WHEREAS, the water connection fees were implemented on July 25, 2005, and

WHEREAS, due to the amendment and the substantial increase in fees, several questions have arisen which are at a policy level, and

WHEREAS, staff feels that it is best to memorialize direction from the Council in the form of a resolution so that confusion is minimized and developers can better plan for what fees will be required, and

WHEREAS, the method of administration of the inflation adjustment for connection fees would be improved by specifying the period on which the inflation adjustment is based, and

WHEREAS, most of the policy issues deal with transitional commercial properties, the City Council does amend and restate Resolution 2005-282 to add Section 10A, below,

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

DEFINITIONS:
A. Connection Charge - A one-time prorata charge to be paid by or on behalf of a prospective ratepayer for facilities existing in, or planned to be added to the City water system, minus deficiencies (previously known as Water System Fee).

B. City Water System - The City’s physical assets dedicated to the provision of water to the public for human consumption, including assets for the collection, treatment, pumping, storage and distribution of water under the control of the City’s operator.

C. Connection - The attachment of pipe facilities to the City water System for one or more water service uses.

D. Costs of Service - All costs appropriately borne by the entire rate base, calculated on a consumption basis to the extent practicable, and consisting of a fixed component, and a variable component including the distribution of estimated costs of service obligations allocated to the System by the City Council on a System-wide basis. Such costs shall exclude all capacity charges, and include all deficiency charges.

E. Deficiencies - Water facilities required by law or recommended by generally recognized authority as being necessary to the provision of a modern, safe, adequate, water system of the City’s size, with prudent reserves of quantity, pressure and transmission infrastructure to meet reasonably foreseeable contingencies that are absent from the City water System at any particular point in time.


G. Standard Billing Cycle - A standard period of time, usually consisting of one 28-35 day month commencing from date of initiation of water service, and continuing until water service termination. The Finance Director, or designee, shall have
the authority to, from time to time, redefine the standard billing cycle to better fit the
needs and requirements of the City.

II. Water Acquisition Costs - All direct and indirect costs to the City for
water purchase, treatment and transmission to a connection with the System.

SECTION 1. WATER CHARGES BASED SOLELY ON COST OF SERVICES
TO THE RATEPAYER. In accordance with law, the charge for all water delivered by
the System shall be based solely on the cost of service to the ratepayer. Costs of service,
in turn, shall consist of two components: fixed costs, such as those for billing, meter
reading where applicable, and other general overhead, and variable costs, such as
proportionate costs of the acquisition and transmission of water, removal of deficiencies,
higher operating and maintenance costs apportioned to ratepayers with service demands
requiring larger meters, and the costs of the commitment of the System to high-quality
maintenance, and the provision of clean water at adequate pressure under all
circumstances under the System’s control, or as mandated by agencies outside the City as
elaborated more fully below.

The City Council has evaluated the costs of service, including the costs of
correcting existing deficiency in its water System and of growth, and of underwriting
certain commitments to its rate base on a System-wide basis. The City’s water utility is
regional in nature, and its revenue requirements, or cash needs, have been attributed to the
System as a whole. In certain cases, costs of only the engineering characteristics of the
System may vary with a ratepayer’s location. Nevertheless the Council believes the cost
of service exceeds asset costs, because the Council has committed to intangible service
elements in addition to fixed asset costs.
These are:

1. To provide high-quality maintenance at cost.
2. To plan for and provide adequate future supplies of water for the metropolitan area.
3. To act promptly to assure a clean water supply in light of the likelihood that unpredictable and possibly dramatic changes in the regulatory climate will occur.
4. To provide clean water at adequate pressures under all reasonable circumstances.

The Council is advised that some, or perhaps many, of the assets planned to insure its promises will be located geographically apart from existing System components because different areas of a large regional System will have differing physical asset requirements through time. Thus, the primary benefit of the System to any individual ratepayer will be in the fulfillment of the Council’s commitments, in contrast to the ratepayer’s proximity to any specific existing or planned physical asset. In sum, the principal service of the System is and shall be the keeping of its commitments, not the geographical distribution of its physical components, or their physical effects on the water commodity those assets provide.

SECTION 2. COST OF DELIVERED WATER BASED ON QUANTITY USED IN BILLING CYCLE. It is the policy of the City of Modesto that all charges for water delivered by the System shall be determined by the quantity of water used in a standard billing cycle as determined from metered water usage for metered services, and estimated usage of unmetered (flat-rate) services, where services are metered and said meters are read for billing purposes. All estimated flat rate services will be a metered rate as services are converted and/or as funds become available.
SECTION 3. PAYMENT OF CONNECTION CHARGES. In the case of new subdivisions or parcel maps the fee shall be collected upon the issuance of the building permit.

SECTION 4. DEFICIENCY CHARGES. System modernization and improvement, as opposed strictly to expansion, benefits all of the rate base. Accordingly, the cost of removing deficiencies shall be borne by the entire rate base as a component of the variable cost per 100 cubic feet of delivered water.

SECTION 5. ALLOCATION OF WATER ACQUISITION AND TRANSMISSION COSTS. Water acquisition and transmission costs for the System are appropriately apportioned between existing deficiencies and growth requirements. Accordingly, an engineering determination has been made in the West Yost Justification and Cost Allocation for Proposed Water System Improvements Study, accepted by Council on September 14, 2004, that 74.2% of the City’s water acquisition costs be included in deficiency charges, and that the remaining 25.8% be attributed to growth, and apportioned to and collected in connection charges.

SECTION 6. DETERMINATION OF FIXED AND VOLUME BASED CHARGES FOR DELIVERY OF WATER TO RATEPAYERS. The charge for all water delivered through a metered service where the meters are read for billing purposes, as practical, and as determined by the Finance Director, or designee, with the concurrence of the Public Works Director after December 31, 2004, set forth in the Water Utility Cost of Service Rate Study prepared by Foresight Consulting, accepted by Council on September 14, 2004, shall be:
## Proposed Monthly Metered Water Rates (by meter size)

<table>
<thead>
<tr>
<th></th>
<th>Year 1 1-Jan-05</th>
<th>Year 2 1-Jul-05</th>
<th>Year 3 1-Jul-06</th>
<th>Year 4 1-Jul-07</th>
<th>Year 5 1-Jul-08</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volume-based Rate ($/hcf)</td>
<td>$0.84</td>
<td>$1.01</td>
<td>$1.16</td>
<td>$1.22</td>
<td>$1.28</td>
</tr>
<tr>
<td>Fixed Monthly Meter Charge (in addition to volume-based charges)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5/8&quot;-3/4&quot; meter</td>
<td>$9.01</td>
<td>$10.82</td>
<td>$12.44</td>
<td>$13.06</td>
<td>$13.71</td>
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<tr>
<td>1&quot; meter</td>
<td>$12.78</td>
<td>$15.34</td>
<td>$17.64</td>
<td>$18.52</td>
<td>$19.45</td>
</tr>
<tr>
<td>1-1/2&quot; meter</td>
<td>$22.13</td>
<td>$26.55</td>
<td>$30.53</td>
<td>$32.06</td>
<td>$33.66</td>
</tr>
<tr>
<td>2&quot; meter</td>
<td>$33.38</td>
<td>$40.06</td>
<td>$46.06</td>
<td>$48.37</td>
<td>$50.79</td>
</tr>
<tr>
<td>3&quot; meter</td>
<td>$63.43</td>
<td>$76.12</td>
<td>$87.53</td>
<td>$91.91</td>
<td>$96.51</td>
</tr>
<tr>
<td>4&quot; meter</td>
<td>$97.19</td>
<td>$116.63</td>
<td>$134.13</td>
<td>$140.83</td>
<td>$147.88</td>
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<tr>
<td>6&quot; meter</td>
<td>$190.95</td>
<td>$229.14</td>
<td>$263.51</td>
<td>$276.68</td>
<td>$290.51</td>
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<tr>
<td>8&quot; meter</td>
<td>$303.49</td>
<td>$364.19</td>
<td>$418.82</td>
<td>$439.76</td>
<td>$461.75</td>
</tr>
<tr>
<td>10&quot; meter</td>
<td>$434.84</td>
<td>$521.80</td>
<td>$600.07</td>
<td>$630.08</td>
<td>$661.58</td>
</tr>
<tr>
<td>12&quot; meter</td>
<td>$809.95</td>
<td>$971.95</td>
<td>$1,117.74</td>
<td>$1,173.62</td>
<td>$1,232.31</td>
</tr>
</tbody>
</table>

hcf = Hundred cubic feet

The above listed fixed meter charges shall be charged to all ratepayers in every billing cycle. This fixed cost will be charged whether or not any water is actually used by a ratepayer in a given billing cycle until such time as water service is terminated by the customer.

The proposed rate increase(s) are based on currently available information. The actual bills are rounded and may be slightly different than listed above.

**SECTION 7. CHARGES FOR UNMETERED WATER SERVICES.** The charge for all water delivered from an unmetered service after December 31, 2004, has been
cost-estimated as closely as possible to average metered rates as follows: Until such time as the subject residential property is billed at a metered rate:

<table>
<thead>
<tr>
<th>Proposed Monthly SFR Flat Water Rates*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Year 1</td>
</tr>
<tr>
<td>1 Jan-05</td>
</tr>
<tr>
<td>Year 2</td>
</tr>
<tr>
<td>1-Jul-05</td>
</tr>
<tr>
<td>Year 3</td>
</tr>
<tr>
<td>1-Jul-06</td>
</tr>
<tr>
<td>Year 4</td>
</tr>
<tr>
<td>1-Jul-07</td>
</tr>
<tr>
<td>Year 5</td>
</tr>
<tr>
<td>1-Jul-08</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>0-5,000 sq. ft. lot</td>
</tr>
<tr>
<td>$24.47</td>
</tr>
<tr>
<td>$29.36</td>
</tr>
<tr>
<td>$33.77</td>
</tr>
<tr>
<td>$35.45</td>
</tr>
<tr>
<td>$37.23</td>
</tr>
<tr>
<td>5,001-7,000 sq. ft. lot</td>
</tr>
<tr>
<td>$27.81</td>
</tr>
<tr>
<td>$33.37</td>
</tr>
<tr>
<td>$38.38</td>
</tr>
<tr>
<td>$40.30</td>
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<tr>
<td>$42.31</td>
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<tr>
<td>7,001-11,000 sq. ft. lot</td>
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<tr>
<td>$33.00</td>
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<td>$39.60</td>
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<td>$45.54</td>
</tr>
<tr>
<td>$47.82</td>
</tr>
<tr>
<td>$50.21</td>
</tr>
<tr>
<td>11,001-17,000 sq. ft. lot</td>
</tr>
<tr>
<td>$35.03</td>
</tr>
<tr>
<td>$42.04</td>
</tr>
<tr>
<td>$48.34</td>
</tr>
<tr>
<td>$50.76</td>
</tr>
<tr>
<td>$53.30</td>
</tr>
<tr>
<td>Over 17,000 sq. ft. lot</td>
</tr>
<tr>
<td>$41.19</td>
</tr>
<tr>
<td>$49.42</td>
</tr>
<tr>
<td>$56.84</td>
</tr>
<tr>
<td>$59.68</td>
</tr>
<tr>
<td>$62.66</td>
</tr>
</tbody>
</table>

SFR = Single Family Residential

* If a SFR property has a water meter that is read, then the appropriate Metered Water Rate will be used.

The proposed rate increase(s) are based on currently available information. The actual bills are rounded and may be slightly different than listed above.

When water service is turned on or off anytime between the beginning and end of a billing cycle, the amount charged to an unmetered (flat-rate) service shall be pro-rated.

SECTION 8. RESCISSION OF ALL PREVIOUS RESOLUTIONS RELATING TO WATER DELIVERY OR WATER OPERATIONS AND MANAGEMENT.
resolutions of the City Council setting any rates or fees whatsoever for the delivery of water, or for costs associated with operation or management of the water System, are hereby rescinded; except that water rates established by the rescinded resolutions shall remain in effect until the rates established in this resolution take effect on January 1, 2005. This resolution shall be the sole basis for determining any water fee to be charged to a ratepayer or potential ratepayer, or paid on behalf of a potential ratepayer by the City on and after January 1, 2005.

SECTION 9. COST OF METERS AND INSTALLATION. The cost of meters and of meter installation and repair for existing ratepayers when this resolution is enacted has been included in the fixed cost assigned to the rate base for water consumption, since metering has been determined to benefit the rate base as a whole.

SECTION 10. CONNECTION FEES. The law requires that charges attributable purely to growth (new connections) be borne solely by those new connections. Accordingly, the planned infrastructure cost for deficiencies in the existing System, and for costs associated with new growth have been apportioned as follows: 74.2% attributable to existing deficiencies and 25.8% attributable to new growth. These percentages have been applied to anticipated capital costs on a going forward basis for the five-year period following the date of this resolution. Combined with the growth-induced component of water acquisition costs and the apportioned cost of buying-into the existing system, this will result in the establishment of connection charges.

SECTION 10A. CLARIFYING POLICY ISSUES ON WATER CONNECTION FEES
The City Council amended water connection fees on May 24, 2005 and, the water connection fees were implemented on July 25, 2005. Due to the amendment, and due to the substantial increase in fees, several questions have arisen which are at a policy level. Staff feels that it is best to memorialize direction from the Council in the form of a resolution so that confusion is minimized and developers can better plan for what fees will be required. Because most of the policy issues deal with transitional commercial properties, the City Council does amend and restate Resolution 2005-492 as follows:

1. Property is changing use but staying with same sized water service on the same parcel (no change in meter size). No additional connection fees are required if a property has an existing service on a parcel and is not changing the size of the service. The location of the service may change on the parcel and fees would be assessed for establishing a new connection to the main line, if needed, and the cost of the meter and installation.

   Example: Property has a 1-inch service and is an office complex. Property changes to a retail complex with also a 1-inch service. No charge is made under the new connection fees, except for any fees related to a change in the location of the service.

2. Property is changing use and requiring an upgrade to the service (larger meter required). The water connection fees for the new service will be at the new rate for that sized service, less the amount (credit) that may have been paid in some way, with the credit based on the current connection fee for the existing or previous service. No credit will be allowed for previous services that have not been active for a continuous period of more than ten years. A service shall be considered active during any period where there is an open account for water service that is in good standing.

   Example: Property has a 1-inch service and the new use requires a 2-inch service. A fee for the 2-inch service based on the connection fee schedule in effect at the time it is assessed, less the current connection fee for a 1” service.

   Example 2: Property has a 1-inch service and wants to add an additional 1-inch service: the connection fee for the additional 1-inch service will be based on the current connection fee for a 1” service.

3. Property is a parcel split or a parcel reduction and fees were assessed originally only for one part of the parcel, due to partial development. Remainder is now in for development. The new or remaining portion of the
parcel pays for the new connection fees necessary to serve the remaining portion of the parcel.
Example: A parcel has paid for a water connection based on the square footage basis but only for the portion that was developed at that time. The remaining portion has had no fees paid for water connection. This would be treated as a new service at whatever the current schedule is for the specific service, with no credit given.

4. Property has paid for a water connection fee based on the $.05 per square foot or other manner for the entire parcel. Development of a previously undeveloped portion of parcel is proposed or an additional service is requested. A new connection fee will be assessed less the amount of a credit for any existing or previous service based on the current connection fee for that size service. No credit will be allowed for previous services that have not been active for a continuous period of more than ten years. A service shall be consider active during any period where there is an open account for water service that is in good standing.
Example: A parcel has partially developed but has paid the $.05 square foot or other fee for the entire parcel. Additional development occurs. A credit is given for a previous or current service at the current connection fee amount. No credit will be allowed for a previous service that has not been active for a continuous period of more than ten years.

5. Property is NOT changing use but requests a new service for the sole purpose of separating domestic and landscape water use in order to avoid payment of sewer charges for exterior water use. No connection fee will be assessed for the additional service. However, should the property use change in the future such that the additional service is needed for the changed use, the connection fee in place at the time shall be paid for the additional service.
Example: A professional office complex with a large landscaped area is served with one water service. An additional service is requested to serve landscape water only. No connection fee is charged at that time. At a later date additional office space is proposed on the site displacing some of the landscaped area. The new office space is proposed to be served off the landscape water service. Connection fees for the landscape water service would be required to be paid at that time based on the most current rates.

6. Payment of fees over time for larger projects. This would be applicable to projects where the water connection fees exceed $100,000 and where there is a single owner. This may be one parcel or a group of contiguous parcels. Fifty (50%) of the fees would be due at the time of the building permit issuance for not more than 50% of total permits to be issued. The remaining 50% plus interest would be due prior to issuance of the remaining permits.
The developer must execute an agreement with the City and provide adequate security to protect the City's interests in the form of a letter of credit, cash, or cash equivalent.

SECTION 11. WATER DISCOUNT FOR LOW INCOME SENIOR CITIZENS AND LOW INCOME DISABLED. The law prohibits all such cross-category subsidies requiring one ratepayer to subsidize the costs of another. Accordingly, the City Council may from time to time, by separate resolution, enact subsidies for certain categories of ratepayers, as the City Council may see fit, provided that the source(s) of funds to implement such subsidies are source(s) separate from the water enterprise fund.

SECTION 12. INFLATOR INDEX AND REASSESSMENT OF COST OF SERVICE. The costs of service set forth above shall be re-examined every two years by engineers, consultants, and professionals competent in the field. Such engineers, consultants and professionals shall provide a report to the City updating both fixed and volume based costs as appropriate and as recommended to the Council by the Finance Director and the Public Works Director. After June 30, 2009, the Finance Director, or designee, with the concurrence of the Public Works Director, shall have the authority, on an annual basis, to raise either fixed or variable costs, or both, as appropriate, by an amount not to exceed the percentage increase in the Consumer Price Index, Urban Wage Earners and Clerical Workers Series (CPI-W) for the San Francisco CMSA, as reported for December of the year preceding the year in question compared to the previous December as prepared by the California Department of Finance Demographics Research Unit.

SECTION 13. WATER CHARGES FOR WATER USED DURING BUILDING CONSTRUCTION.
(a) The water service charge furnished to single-family residences, duplexes, and triplexes that are under construction will be a flat rate charge based on the formula below. This charge will be assessed and paid at the time of building permit issuance.

120 Day Residential Construction Water Rate:
Current Flat Rate for Smallest Lot Area + Current City Utility Tax x 4 months

(b) The water service charge specified in the first paragraph provides for water service for 120 days. Subsequent to that time, the water service fee shall be collected on a regular monthly billing based on the full size of the lot unless the owners request the water to be turned off at the end of 120 days.

(c) In the event construction ceases before the building is completed, the water to the building site will be turned off unless the property owner has made arrangements for regular service.

(d) In the event a structure is occupied before final inspection of the structure, or water is used for other than normally required for construction, the water service charge will be made at the established rate for regular service.

(e) Charges for water services during the construction of apartments, commercial buildings, and industrial buildings will be at the regular metered water service charge.

SECTION 14. Fixed fees for all System operations and management services have been calculated and are hereby imposed as follows:

<table>
<thead>
<tr>
<th>USER FEES</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deposit</td>
<td>Not to exceed 3 times the estimated average bill or 2 times the normal monthly bill.</td>
</tr>
<tr>
<td>Disconnect</td>
<td>$10.00</td>
</tr>
<tr>
<td>Reconnect</td>
<td>$10.00</td>
</tr>
<tr>
<td>Late Payment Penalty</td>
<td>$4.35</td>
</tr>
<tr>
<td>Service Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Returned Check</td>
<td>$10.00</td>
</tr>
<tr>
<td>Collection Agency</td>
<td>$16.50</td>
</tr>
<tr>
<td>Water Disconnection Notice (final notice mailed or door hangers)</td>
<td>$10.00</td>
</tr>
<tr>
<td>Unauthorized Reconnect (illegal on)</td>
<td>$25.00</td>
</tr>
<tr>
<td>Lock Breakage/Lock Replacement</td>
<td>$75.00</td>
</tr>
<tr>
<td>Disconnect Waterline at Main for Non-payment (line cut)</td>
<td>$375.00</td>
</tr>
</tbody>
</table>

### DEVELOPMENT FEES

<table>
<thead>
<tr>
<th>Description</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connection Charge <em>1</em>3</td>
<td></td>
</tr>
<tr>
<td>5/8&quot; Service *2</td>
<td>$1,960.00</td>
</tr>
<tr>
<td>1&quot; Service</td>
<td>$4,900.00</td>
</tr>
<tr>
<td>1.5&quot; Service</td>
<td>$9,800.00</td>
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<tr>
<td>2&quot; Service</td>
<td>$15,680.00</td>
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<tr>
<td>10&quot; Service</td>
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<tr>
<td>12&quot; Service</td>
<td>$421,400.00</td>
</tr>
<tr>
<td>Water Main Installation Charge</td>
<td>$18.00 per lineal foot of lot frontage</td>
</tr>
<tr>
<td>Water Service Installation Charge</td>
<td></td>
</tr>
<tr>
<td>1&quot; Service</td>
<td>$1,108.00</td>
</tr>
<tr>
<td>1-1/2&quot; Service</td>
<td>$1,130.00</td>
</tr>
<tr>
<td>2&quot; Service</td>
<td>$1,156.00</td>
</tr>
<tr>
<td>4&quot; Service</td>
<td>$2,131.00</td>
</tr>
<tr>
<td>6&quot; Service</td>
<td>$2,131.00</td>
</tr>
<tr>
<td>8&quot; Service</td>
<td>$2,347.00</td>
</tr>
<tr>
<td>10&quot; Service or larger</td>
<td>At Cost</td>
</tr>
<tr>
<td>Water Meter Fee</td>
<td></td>
</tr>
<tr>
<td>1&quot; Meter/New Service - pedestrian lid</td>
<td>$115.00</td>
</tr>
<tr>
<td>1&quot; Meter/New Service - traffic lid</td>
<td>$176.00</td>
</tr>
<tr>
<td>1&quot; Meter/Retrofit Service - pedestrian lid</td>
<td>$520.00</td>
</tr>
<tr>
<td>1&quot; Meter/Retrofit /Service - traffic lid</td>
<td>$600.00</td>
</tr>
<tr>
<td>1-1/2&quot; Meter with pedestrian lid</td>
<td>$484.00</td>
</tr>
<tr>
<td>1-1/2&quot; Meter with traffic lid</td>
<td>$545.00</td>
</tr>
<tr>
<td>Service Description</td>
<td>Cost</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>2&quot; Meter with pedestrian lid</td>
<td>$520.00</td>
</tr>
<tr>
<td>2&quot; Meter with traffic lid</td>
<td>$582.00</td>
</tr>
<tr>
<td>4&quot; Meter</td>
<td>$1,820.00</td>
</tr>
<tr>
<td>6&quot; Meter</td>
<td>$2,400.00</td>
</tr>
<tr>
<td>8&quot; Meter</td>
<td>$3,350.00</td>
</tr>
<tr>
<td>10&quot; Meter or larger</td>
<td>At Cost</td>
</tr>
<tr>
<td>Pavement</td>
<td>$439.00 for each trench</td>
</tr>
<tr>
<td>Parcel Reduction</td>
<td>$37.00</td>
</tr>
<tr>
<td>Water Connection for Main extension</td>
<td>$2,820.00</td>
</tr>
<tr>
<td>Reimbursement Agreement Preparation</td>
<td>$175.00</td>
</tr>
<tr>
<td>Outside City Limits Agreement</td>
<td>$35.00</td>
</tr>
<tr>
<td>Fire Hydrant Installation (each)</td>
<td>$2,635.00</td>
</tr>
<tr>
<td>Fire Hydrant Line from Main per Lineal Foot</td>
<td>$3.00</td>
</tr>
<tr>
<td>Pavement Replacement</td>
<td>$439.00</td>
</tr>
<tr>
<td>Fire Main Test</td>
<td>$90.00</td>
</tr>
<tr>
<td>Deposit to Install Meter on Fire Hydrant for Construction Water</td>
<td>$500.00</td>
</tr>
<tr>
<td>Fire Hydrant Meter Use Deposit</td>
<td>$500.00</td>
</tr>
<tr>
<td>Fire Service Installation Inspection/Test</td>
<td>$90.00</td>
</tr>
<tr>
<td>Install 4&quot; Single Check Valve</td>
<td>$390.00</td>
</tr>
<tr>
<td>Install 6&quot; Single Check Valve</td>
<td>$479.00</td>
</tr>
<tr>
<td>Install 8&quot; Single Check Valve</td>
<td>$688.00</td>
</tr>
<tr>
<td>Voluntary Installation of Fire Sprinklers, Apartments</td>
<td>8.3% of normal charge</td>
</tr>
<tr>
<td>Voluntary Installation of Fire Sprinklers, SFD, Duplexes, Townhouses</td>
<td>$50.00</td>
</tr>
</tbody>
</table>

*1 Connection charges effective 7/25/05. These charges will be reviewed and updated annually after fiscal year 2005-06 for inflation adjustments based on the engineering construction cost-index beginning July 1, 2006. The inflation adjustment for connection charges shall be equivalent to the change in the Engineering News Record Construction Cost Index for San Francisco through the month of April of each year as compared to the Engineering News Record Construction Cost Index for San Francisco through the month.
of April of the previous year. The Public Works Director is hereby authorized to make the above inflation adjustment administratively.

*2 Single family residences qualify for the 5/8” connection fee only under the following conditions:

- Single story, single family residences on a lot of 4,000 square feet or less.
- Two-story single family residences on a lot of 4,000 square feet or less, provided the request for such a service is accompanied by a report from a licensed professional engineer (and approved by the Public Works Director) that certifies that the 5/8” service is adequate to meet the needs of the proposed dwelling.
- A 5/8” “service” shall not be allowed for single family dwellings of greater than 2 stories on lots less than 4,000 square feet.

*3 Service upgrades shall be subject to the connection charge set forth in this resolution, less the amount of the connection charge set forth in this resolution for the size of the initial installation.

All Development fees shall be due and may only be paid at the time a building permit is issued. Development fees shall be calculated and collected based on the proportionate area of the parcel for which the building permit is being issued and/or the parcel is being developed and only for those connections required for actual issuance of the building permit. No other Development fees for the remainder of the parcel may be paid until further building permits are issued. For purposes of this paragraph the Public Works Director, or designee, shall determine the proportionate area of the parcel being developed. The decision of the Public Works Director in this regard shall be final.

SECTION 15. For purposes of supporting an exemption from CEQA pursuant to Section 15273(4) of the CEQA Guidelines, the City Council finds with respect to the water rates and connection charges set forth above, that they are for the following purposes:

(a) Meeting operating expenses;
(b) Purchasing or leasing supplies, equipment, or materials;
(c) Meeting financial reserve needs and requirements; and
(d) Obtaining funds for capital projects necessary to maintain service within existing service areas.

SECTION 16. This resolution shall become effective on and after July 7, 2009.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-300

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6

WHEREAS, the City of Modesto has by Resolution No. 2009-216, adopted on May 26, 2009, declared its intent to levy charges or assessments for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6 under the provisions of the "Landscaping and Lighting Act of 1972", and

WHEREAS, the proposed annual assessment for Fiscal Year 2009-10 is $26.00 per residential parcel, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by allocated cost reports prepared by City Engineering, and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996, and

WHEREAS, the City of Modesto has further determined the charges are in compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders the levy and collection of $26.00 annual assessment per residential parcel within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 for the 2009-10 Fiscal Year, and that a certified copy of this
resolution shall be delivered to the Auditor–Controller of the County of Stanislaus for placement of such charges on the 2009-10 County Tax Roll.

BE IT FURTHER RESOLVED that the diagram of said assessment district and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, 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: Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2009-301  

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 & 2

WHEREAS, the City of Modesto has by Resolution No. 2009-217, adopted on May 26, 2009, declared its intent to levy charges or assessments for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units No. 1 & 2, under the provisions of the "Landscaping and Lighting Act of 1972", and

WHEREAS, the cost for Fiscal Year 2009-10 is $129.50 per acre for commercial property and $25.53 for each residential property, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by allocated cost reports prepared by City Engineering, and

WHEREAS, in June 2000, the City successfully completed a Proposition 218 Ballot Vote which added a cost of living increase based on the Building Cost Index (BCI). This year’s assessment was adjusted by the approved “inflator”, BCI for the San Francisco Bay Area, as reported in the Engineer News Record in the second week of March of this year. The BCI from the March 2, 2009 issue of the Engineer News Record was 4,766.71, which is a 4.3% increase over the prior year, and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996, and
WHEREAS the City of Modesto has further determined that the charges are in compliance with all laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders the levy and collection of $129.50 per acre for commercial property and $25.53 for each residential property within Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2 for the 2009-10 fiscal year, and that a certified copy of this resolution shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2009-10 County Tax Roll.

BE IT FURTHER RESOLVED that the diagram of said assessment district and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, 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: Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-302


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

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

WHEREAS, in order to satisfy the requirements of Measure A and Measure M the City Council of the City of Modesto desires to submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November, 3, 2009, an advisory measure relating to the provisions of sewer service to a certain area of the City,

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

That pursuant to California Elections Code Section 9603, the Council of the City of Modesto proposes to, and hereby does, on its own motion, submit to the qualified electors of the City of Modesto at a regular election to be held on November 4, 2003, an advisory measure relating to the provision of sewer service to certain areas of the city as set forth below, and hereby designates the form of the ballot measure for use at said special election as follows:

MEASURE A

Shall the City provide sewer service to the following area of the Modesto General Plan, provided the area is first annexed to the City?

The unincorporated area designated “Kiernan Avenue Corridor CPDs, including Kiernan / Carver North CPD and portions of Kiernan / Carver and Salida CPDs.” Generally bordered north by General Plan boundary and future Pirrone centerline; east by Tully and McHenry centerlines; south by Bangs centerline; west by American and Stoddard centerlines.

SECTION 2. FORM OF BALLOT.

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

MEASURE A City of Modesto Sewer Service Extension Advisory Measure.

<table>
<thead>
<tr>
<th>Shall the City provide sewer service to the following area of the Modesto General Plan provided the area is first annexed to the City?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

The unincorporated area designated “Kiernan Avenue Corridor CPDs, including Kiernan / Carver North CPD and portions of Kiernan / Carver and Salida CPDs.” Generally bordered north by General Plan boundary and future Pirrone centerline; east by Tully and McHenry centerlines; south by Bangs centerline; west by American and Stoddard centerlines.
SECTION 3. CONDUCT OF ELECTION.

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

SECTION 4. CITY CLERK CERTIFICATION.

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Elections Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Keating, 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, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O’Bryant

ATTEST:  

(SEAL)

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION AN ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO THE UNINCORPORATED AREA REFERRED TO AS THE “COLLEGE WEST COMPREHENSIVE PLANNING DISTRICT” AS DESCRIBED IN THE MODESTO URBAN AREA GENERAL PLAN, PROVIDED THE AREA IS FIRST ANNEXED TO THE CITY. THE AREA IS BORDERED ON THE EAST BY THE UNION PACIFIC RAILROAD AND THE CENTERLINE OF POUST ROAD EXTENDED NORTH, ON THE SOUTH BY THE CENTERLINE OF SHOEMAKE AVENUE AND EXISTING RESIDENTIAL PROPERTIES THAT FRONT TO MOZART DRIVE, AND ON THE WEST BY THE CENTERLINE OF MORSE ROAD EXTENDED NORTH.

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

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

WHEREAS, in order to satisfy the requirements of Measure A and Measure M the City Council of the City of Modesto desires to submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 3, 2009, an advisory measure relating to the provisions of sewer service to a certain area of the City.

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

That pursuant to California Elections Code Section 9603, the Council of the City of Modesto proposes to, and hereby does, on its own motion, submit to the qualified electors of the City of Modesto at a regular election to be held on November 3, 2009, an advisory measure relating to the provision of sewer service to certain areas of the city as set forth below, and hereby designates the form of the ballot measure for use at said special election as follows:

MEASURE B.

Shall the City provide sewer service to the following area of the Modesto General Plan, provided the area is first annexed to the City?

The unincorporated area designated “College West Comprehensive Planning District” in Modesto Urban Area General Plan. Generally bordered on east by Union Pacific Railroad and Poust Road centerline/extended north; south by Shoemake Avenue centerline and existing residential properties that front Mozart Drive; west by Morse road centerline/extended north.

SECTION 2. FORM OF BALLOT.

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

MEASURE B. City of Modesto Sewer Service Extension Advisory Measure.

Shall the City provide sewer service to the following area of the Modesto General Plan, provided the area is first annexed to the City?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

The unincorporated area designated “College West Comprehensive Planning District” in Modesto Urban Area General Plan. Generally bordered on east by Union Pacific Railroad and Poust Road centerline/extended north; south by Shoemake Avenue centerline and existing residential properties that front Mozart Drive; west by Morse road centerline/extended north.

SECTION 3. CONDUCT OF ELECTION.
The advisory election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, the advisory election shall be held as provided for in the City Charter, and in all particulars not provided for therein, the advisory election shall be held as provided by law for the holding of advisory elections and regular municipal elections in the city of Modesto and otherwise in accordance with the Elections Code of the State of California.

SECTION 4. CITY CLERK CERTIFICATION.

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Elections Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Keating, 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, Lopez, Marsh, Olsen, Mayor Ridenour

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: O'Bryant

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-304

A RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE
VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION AN ADVISORY
MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO THE
UNINCORPORATED AREA REFERRED TO AS THE “130-ACRE REGIONAL
COMMERCIAL PORTION OF THE HETCH-HETCHY COMPREHENSIVE
PLANNING DISTRICT AS DESCRIBED IN THE MODESTO URBAN AREA
GENERAL PLAN, PROVIDED THE AREA IS FIRST ANNEXED TO THE CITY.
THE AREA IS BORDERED ON THE NORTH BY THE CENTERLINE OF
CLARIBEL ROAD, ON THE EAST BY AN IMAGINARY LINE 0.25 MILES
(APPROXIMATELY 1,250 FEET) EAST OF THE CENTERLINE OF MCHENRY
AVENUE, ON THE SOUTH BY THE CENTERLINE OF CLARATINA AVENUE,
AND ON THE WEST BY THE CENTERLINE OF MCHENRY AVENUE

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

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

WHEREAS, in order to satisfy the requirements of Measure A and Measure M
the City Council of the City of Modesto desires to submit to the qualified electors of the
City of Modesto, at the regular municipal election to be held on November, 3, 2009, an
advisory measure relating to the provisions of sewer service to a certain area of the City.

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

That pursuant to California Elections Code Section 9603, the Council of the City of Modesto proposes to, and hereby does, on its own motion, submit to the qualified electors of the City of Modesto at a regular election to be held on November 3, 2009, an advisory measure relating to the provision of sewer service to certain areas of the city as set forth below, and hereby designates the form of the ballot measure for use at said special election as follows:

MEASURE C

Shall the City provide sewer service to the following area of the Modesto General Plan, provided the area is first annexed to the City?

The unincorporated area designated as “130-acre Regional Commercial portion of the Hetch-Hetchy Comprehensive Planning District”. Generally, area is bordered on north by Claribel Road centerline; east by imaginary line 0.25 miles east of centerline of McHenry Avenue; south by Claratina Avenue centerline; west by McHenry Avenue centerline.

SECTION 2. FORM OF BALLOT.

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

MEASURE C City of Modesto Sewer Service Extension Advisory Measure.

<table>
<thead>
<tr>
<th>Shall the City provide sewer service to the following area of the Modesto General Plan provided the area is first annexed to the City?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
The unincorporated area designated as “130-acre Regional Commercial portion of the Hetch-Hetchy Comprehensive Planning District”. Generally, area is bordered on north by Claribel Road centerline; east by imaginary line 0.25 miles east of centerline of McHenry Avenue; south by Claratina Avenue centerline; west by McHenry Avenue centerline.

SECTION 3. CONDUCT OF ELECTION.

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

SECTION 4. CITY CLERK CERTIFICATION.

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Elections Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Keating, 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, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O’Bryant

(Seal)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
A RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION AN ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO THE UNINCORPORATED AREA REFERRED TO AS THE "NORTHWEST PORTION OF THE ROSELLE/CLARIBEL COMPREHENSIVE PLANNING DISTRICT" AS DESCRIBED IN THE MODESTO URBAN AREA GENERAL PLAN, PROVIDED THE AREA IS FIRST ANNEXED TO THE CITY. THE AREA IS BORDERED ON THE NORTH BY THE CENTERLINE OF CLARIBEL ROAD, ON THE EAST BY ROSELLE AVENUE, ON THE SOUTH BY CLARATINA AVENUE, AND ON THE WEST BY OAKDALE ROAD.

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

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

WHEREAS, in order to satisfy the requirements of Measure A and Measure M the City Council of the City of Modesto desires to submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November, 3, 2009, an advisory measure relating to the provisions of sewer service to a certain area of the City,

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

That pursuant to California Elections Code Section 9603, the Council of the City of Modesto proposes to, and hereby does, on its own motion, submit to the qualified electors of the City of Modesto at a regular election to be held on November 3, 2009, an advisory measure relating to the provision of sewer service to certain areas of the city as set forth below, and hereby designates the form of the ballot measure for use at said special election as follows:

MEASURE D

Shall the City provide sewer service to the following area of the Modesto General Plan, provided the area is first annexed to the City?

The unincorporated area designated "Northwest portion of the Roselle/Claribel Comprehensive Planning District" in the Modesto Urban Area General Plan. Generally, the area is bordered on north by centerline of Claribel Road, on east by Roselle Avenue, on south by Claratina Avenue, and west by Oakdale Road.

SECTION 2. FORM OF BALLOT.

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

MEASURE D  City of Modesto Sewer Service Extension Advisory Measure.

Shall the City provide sewer service to the following area of the Modesto General Plan provided the area is first annexed to the City?  Yes □ No □

The unincorporated area designated "Northwest portion of the Roselle/Claribel Comprehensive Planning District" in the Modesto Urban Area General Plan. Generally, the area is bordered on north by centerline of Claribel Road, on east by Roselle Avenue, on south by Claratina Avenue, and west by Oakdale Road.
SECTION 3. CONDUCT OF ELECTION.

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

SECTION 4. CITY CLERK CERTIFICATION.

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Elections Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Keating, 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, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O'Bryant

ATTEST: ________________________________

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-306

A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO A CERTAIN AREA OF THE MODESTO URBAN AREA GENERAL PLAN, COMMONLY REFERRED TO AS THE “KIERNAN AVENUE CORRIDOR COMPREHENSIVE PLANNING DISTRICT, INCLUDING THE KIERNAN/CARVER NORTH CPD, A PORTION OF THE KIERNAN/CARVER CPD AND A PORTION OF THE SALIDA CPD”

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 3, 2009, an advisory measure concerning the unincorporated area designated as the “Kiernan Avenue Corridor Comprehensive Planning Districts, including the Kiernan/Carver North CPD, a portion of the Kiernan/Carver CPD and a portion of the Salida CPD,” the unincorporated area is generally bordered on the north by the City General Plan boundary and the centerline of the future extension of Pirrone Road within the Salida CPD, on the east by the centerlines of Tully Road and McHenry Avenue, on the south by the centerlines of Kiernan and Bangs Avenues, and on the west by the centerlines of American Avenue and Stoddard Road in the Modesto Urban Area General Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said measure and to change such arguments until and including the date and time after which no argument may be filed with the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Keating, 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, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O’Bryant

(Seal)

APPROVED AS TO FORM:

By: __________________________
    SUSANA ALCALA WOOD, City Attorney

ATTEST: _______________________
    STEPHANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-307

A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO A CERTAIN AREA OF THE MODESTO URBAN AREA GENERAL PLAN, COMMONLY REFERRED TO AS THE “COLLEGE WEST COMPREHENSIVE PLANNING DISTRICT”

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 3, 2009, an advisory measure concerning the unincorporated area referred to as the “College West Comprehensive Planning District,” and generally bordered on the east by the Union Pacific Railroad and the centerline of Poust Road extended north, on the south by the centerline of Shoemake Avenue and existing residential properties that front to Mozart Drive, and on the west by the centerline of Morse Road extended north in the Modesto Urban Area General Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said measure and to change such arguments until and including the date and time after which no argument may be filed with the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Keating, 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, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O'Bryant

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-308

A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO A CERTAIN AREA OF THE MODESTO URBAN AREA GENERAL PLAN, COMMONLY REFERRED TO AS THE "130-ACRE REGIONAL COMMERCIAL PORTION OF THE HETCH-HETCHY COMPREHENSIVE PLANNING DISTRICT"

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 3, 2009, an advisory measure concerning the unincorporated area designated as the "130-acre Regional Commercial portion of the Hetch-Hetchy Comprehensive Planning District," and generally located, the unincorporated area is, bordered on the north by the centerline of Claribel Road, on the east by an imaginary line 0.25 miles (approximately 1,250 feet) east of the centerline of McHenry Avenue, on the south by the centerline of Claratina Avenue, and on the west by the centerline of McHenry Avenue in the Modesto Urban Area General Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said measure and to change such arguments until and including the date and time after which no argument may be filed with the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Keating, 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, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O’Bryant

ATTEST: ____________________________

(SOAL)

APPROVED AS TO FORM:

By: ____________________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-309

A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO A CERTAIN AREA OF THE MODESTO URBAN AREA GENERAL PLAN, COMMONLY REFERRED TO AS THE “NORTHWEST PORTION OF THE ROSELLE/CLARIBEL COMPREHENSIVE PLANNING DISTRICT”

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 3, 2009, an advisory measure concerning the unincorporated area designated as the “Northwest portion of the Roselle/Claribel Comprehensive Planning District,” and generally located, the unincorporated area is, bordered on the north by the centerline of Claribel Road, on the east by the centerline of Roselle Avenue, on the south by the centerline of Claratina Avenue, and on the west by the centerline of Oakdale Road in the Modesto Urban Area General Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said measure and to change such arguments until and including the date and time after which no argument may be filed with the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Keating, 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, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O’Bryant

ATTEST: (SEAL)

APPROVED AS TO FORM:

By: (SEAL)

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-310


WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 3, 2009, an advisory measure concerning the unincorporated area designated as the “Kiernan Avenue Corridor Comprehensive Planning Districts, including the Kiernan/Carver North CPD, a portion of the Kiernan/Carver CPD and a portion of the Salida CPD” in the Modesto Urban Area General Plan to the City Attorney for the purpose of preparing an impartial analysis of said measure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an Impartial Analysis of the measure showing the effect of the measure on existing law on the operation of the measure.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 7th day of July, 2009, by Councilmember Keating, 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, Lopez, Marsh, Olsen,
        Mayor Ridenour

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  O'Bryant

(SEAL)

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-311

A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THE ADVISORY MEASURE CONSIDERING THE EXTENSION OF SEWER SERVICE TO A CERTAIN AREA OF THE MODESTO URBAN AREA GENERAL PLAN, COMMONLY REFERRED TO AS THE “COLLEGE WEST COMPREHENSIVE PLANNING DISTRICT” AS DESCRIBED IN THE MODESTO URBAN AREA GENERAL PLAN, AND GENERALLY LOCATED, THE UNINCORPORATED AREA IS BORDERED ON THE EAST BY THE UNION PACIFIC RAILROAD AND THE CENTERLINE OF POUST ROAD EXTENDED NORTH, ON THE SOUTH BY THE CENTERLINE OF SHOEMAKE AVENUE AND EXISTING RESIDENTIAL PROPERTIES THAT FRONT TO MOZART DRIVE, AND ON THE WEST BY THE CENTERLINE OF MORSE ROAD EXTENDED NORTH TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 3, 2009, an advisory measure concerning the unincorporated area designated as the “College West Comprehensive Planning District” in the Modesto Urban Area General Plan to the City Attorney for the purpose of preparing an impartial analysis of said measure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an Impartial Analysis of the measure showing the effect of the measure on existing law on the operation of the measure.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Keating, 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, Lopez, Marsh, Olsen, Mayor Ridenour

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: O’Bryant

(Seal)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-312

A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THE ADVISORY MEASURE CONSIDERING THE EXTENSION OF SEWER SERVICE TO A CERTAIN AREA OF THE MODESTO URBAN AREA GENERAL PLAN, COMMONLY REFERRED TO AS THE “130-ACRE REGIONAL COMMERCIAL PORTION OF THE HETCH-HETCHY COMPREHENSIVE PLANNING DISTRICT” AS DESCRIBED IN THE MODESTO URBAN AREA GENERAL PLAN AND GENERALLY LOCATED, THE UNINCORPORATED AREA IS, BORDERED ON THE NORTH BY THE CENTERLINE OF CLARIBEL ROAD, ON THE EAST BY AN IMAGINARY LINE 0.25 MILES (APPROXIMATELY 1,250 FEET) EAST OF THE CENTERLINE OF MCHENRY AVENUE, ON THE SOUTH BY THE CENTERLINE OF CLARATINA AVENUE, AND ON THE WEST BY THE CENTERLINE OF MCHENRY AVENUE TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE.

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 3, 2009, an advisory measure concerning the unincorporated area designated as the “130-acre Regional Commercial portion of the Hetch-Hetchy Comprehensive Planning District” in the Modesto Urban Area General Plan to the City Attorney for the purpose of preparing an impartial analysis of said measure,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an Impartial Analysis of the measure showing the effect of the measure on existing law on the operation of the measure.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Keating, 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, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O’Bryant

APPROVED AS TO FORM:

By: ______________________________
SUSANA ALCALA WOOD, City Attorney

ATTEST: __________________________
STEPHANIE LOPEZ, City Clerk

(SEAL)

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 3, 2009, an advisory measure concerning the unincorporated area designated as the “Northwest portion of the Roselle/Claribel Comprehensive Planning District” in the Modesto Urban Area General Plan to the City Attorney for the purpose of preparing an impartial analysis of said measure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an Impartial Analysis of the measure showing the effect of the measure on existing law on the operation of the measure.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, by Councilmember Keating, 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, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O’Bryant

ATTEST:  

(SEAL)

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-314


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

WHEREAS, the Modesto Urban Area General Plan, Community Growth Strategy, calls for review of growth trends in the Modesto Urban Area on a periodic basis, and

WHEREAS, the last Urban Growth Policy Review was approved by the City Council on July 1, 2003, and

WHEREAS, the 2009 Urban Growth Review contains a recommendation that a Measure M ballot measure be prepared for the Kiernan Avenue corridor CPDs, the College West CPD, a portion of the Hetch-Hetchy CPD (“North McHenry Regional Commercial corridor”), and a portion of the Roselle / Claribel CPD (“Tivoli North”), 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 and Economic Development Department by Environmental Assessment Initial Study EA/C&ED No. 2009-15 (“Initial Study”) reviewed the 2009 Urban Growth Policy Review 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 June 17, 2009, the City caused to be published a 20-day notice of the City’s intent to make a finding that the proposed project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on July 7, 2009, 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 2009 Urban Growth Policy Review, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

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

2. That the project will have no new significant effects on the environment not identified or examined in the Master EIR, and no new or additional mitigation measures are required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

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

5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & 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 7th day of July, 2009, by Councilmember Keating, 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, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
EXHIBIT A

Initial Study

EA/C&ED No. 2009-15
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist
C&ED No. 2009-15

For the proposed:

2009 Urban Growth Policy Review
UGR-09-001

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

July 7, 2009
City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City’s Master Environmental Impact Report (MEIR). This Initial Study Environmental Checklist (Initial Study) is used in determining whether 2009 Urban Growth Policy Review Measure “M” Ballot Measures, UGR-09-001, is within the scope of the project analyzed in the Modesto Urban Area General Plan MEIR (SCH#2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a Finding of Conformance.

A subsequent project is within the scope of the MEIR when:

1. It will have no additional significant effects on the environment that were not addressed as significant effects in the MEIR; and
2. No new or additional mitigation measures or alternatives are required.

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

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

II. PROJECT DESCRIPTION

A. Title: 2009 Urban Growth Policy Review Measure “M” Ballot Measures

B. Address or Location: City of Modesto

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

D. City Contact Person: Brad Wall, AICP, Principal Planner
Department: Community and Economic Development
Phone Number: (209) 577-5273
E-mail address: bwall@modestogov.com

E. Current General Plan Designation(s): Various, as shown on the Modesto Urban Area General Plan Land Use Diagram

F. 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 2009 Urban Area Growth Policy Review Measure “M” advisory vote ballot measure(s) described below could be placed on the November 2009 municipal election ballot measure for extension of sewer service. The project implements the General Plan Growth Policy for selection of areas for future development or annexation. The measures, described below, are based on the 2009 Urban Area Growth Policy Review process where property owners have expressed written interest in future development (The Council may select any combination).
The City Council may select (approve) ballot measures that can proceed with development proposals. Implementation of the ballot measure would be a Subsequent Project to the General Plan Master EIR (MEIR) as described in Chapter II, of the MEIR. Implementing "devices" would include: Comprehensive Planning District (CPD) (page II-7 MEIR) Specific Plans (page II-8 MEIR) and Annexations (page II-6 MEIR). The MEIR requires a Focused EIR to be prepared for any CPD proposed for development.

The proposed ballot measure would include the following planning areas located in the Planned Urbanizing Area of the City’s General Plan:

1. The Kiernan Avenue Corridor consists of three different CPDs along the north and south sides of Kiernan Avenue between Stoddard Road and McHenry Avenue totaling approximately 1,150 acres. The first area is the portion of the Kiernan / Carver CPD that does not yet have a completed Measure M advisory vote, including approximately 500 acres designated by the Modesto Urban Area General Plan as Village Residential. The second area is the entire Kiernan / Carver North CPD, consisting of approximately 460 acres designated as Village Residential and 30 acres designated as Regional Commercial. The third area is approximately 160 acres of the Salida CPD designated for Business Park development (see attached Exhibit A).

2. The Tivoli North area includes approximately 480 acres designated Village Residential located within the Roselle-Claribel CPD, east of Oakdale Road, and north of the Tivoli Specific Plan area (see attached Exhibit B).

3. The College West CPD is located along the west side of State Highway 99, generally between the Standiford Avenue and Briggsmore Avenue interchanges, and consists of approximately 230 acres designated Business Park (see attached Exhibit C).

4. The North McHenry Regional Commercial area includes properties that front along McHenry Avenue between Claribel Road on the north and Claratina Avenue is the south. This westernmost portion of the Hetch-Hetchy CPD is designated Regional Commercial by the City’s General Plan (see attached Exhibit D).

Following the vote(s) on November 3, 2009, for the ballot measures described above, further separate Council actions will be needed prior to annexation and development of these planning areas. Detailed impacts of any future development would be identified through a Focused EIR, prepared pursuant to CEQA Section 21158, upon submittal of a development application or other formal subsequent project proposal. Similarly, the environmental analyses for any future changes to the General Plan that are intended to promote economic development are not included within this document because the scope of any such changes to the General Plan are unknown at this time.

G. 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 MEIR 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 MEIR.

   B. All applicable policies, regulations, and mitigation measures identified in the MEIR 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 MEIR were reviewed (section 5 below) and it was determined that the MEIR 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 MEIR. 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 MEIR.

   B. All applicable policies, regulations, and mitigation measures identified in the MEIR 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 MEIR. 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 MEIR. 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 MEIR.

   B. All applicable policies, regulations, and mitigation measures identified in the MEIR 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 MEIR. New or additional mitigation measures or alternatives are required as a result.

Original signed copy on file with CEDD

Project Manager
Principal Planner
June 16, 2009

City of Modesto
2009 Urban Growth Policy Review

Initial Study EA No. 2009-15
July 7, 2009
4. Within the Scope Analysis of this Document:
The MEIR permits projects to be found within the scope of the MEIR if certain criteria are met. If
the following statements are found to be true for all 21 impact categories included in this Initial
Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the
MEIR. Any “No” response must be discussed.

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

(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. ☒ ☐

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

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

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

(6) Development within the project will comply with all appropriate mitigation measures
contained and enumerated in the General Plan MEIR. ☒ ☐

5. Currency of the Master EIR Document

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

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

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

(a) No substantial changes have occurred with respect to the circumstances under which
the MEIR was certified. ☒ ☐

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

(c) Policies remain in place that requires site-specific mitigation, and avoidance or other
mitigation of impacts as a prerequisite to future development. ☒ ☐
IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect on the environment that was not examined in the Final MEIR (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 MEIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the findings specified in Section III.1, above after completion of the Initial Study fulfills the City’s obligation in that situation. All environmental effects cited reflect 2025 conditions resulting from the Urban Area General Plan, as identified in the MEIR.

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

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

Cumulative Impacts

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

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

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

b. Master EIR and/or New Mitigation Measures Applied to the Project
Traffic and Circulation mitigation measures that are pertinent to this project are found on MEIR pages V-1-15 through V-1-24. 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 V, Mitigation Measures Applied to Project.

Discussion:
No new or additional mitigation measures or alternatives are required.

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:

1. The project exceeds the MEIR’s traffic generation assumptions for this site and City Engineering and Transportation staff has determined that the project would have additional project-specific effects that are not avoided or reduced by the MEIR’s program of mitigation measures.

2. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment).

3. Result in inadequate emergency access.

4. Result in inadequate parking capacity.

Discussion:
The proposal to place the subject planning areas on the ballot for an advisory Measure M vote would not cause any additional significant increase in traffic and circulation impacts beyond those previously identified in the MEIR. The ballot measures do not propose any changes to the circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect the roadway or intersection capacity of the City’s circulation system beyond what was identified in the MEIR. All potential adverse impacts related to traffic and circulation were analyzed by, and mitigation is provided in, the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages V-1-1 through V-1-36) are, therefore, still valid.
Based on this discussion:

1. The project will have no effect on traffic and transportation issues.
2. The project will have no effect on traffic hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses.
3. The project will have no effect the adequacy of emergency access.
4. The project will have no effect on parking capacity.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

Cumulative Impacts

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

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

Air Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-2-14 through V-2-13 of the 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 V, Mitigation Measures Applied to Project:

Discussion:
No new or additional mitigation measures or alternatives are required.

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 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. [YES ☑] [NO ☐]

2. The project does not incorporate the best management practices for PM10 reduction established by the SJVUAPCD. [YES ☑] [NO ☐]

3. The project does not comply with the air quality policies of the Modesto Urban Area General Plan. [YES ☑] [NO ☐]

4. The project would expose sensitive receptors to substantial pollutant concentrations. [YES ☑] [NO ☐]

5. The proposed project would create objectionable odors affecting a substantial number of people. [YES ☑] [NO ☐]

Discussion:
The proposal to place the subject planning areas on the ballot for an advisory Measure M vote would not cause any additional degradation of air quality beyond that previously identified in the MEIR. All potential adverse impacts related to air quality were analyzed by, and mitigation provided in, the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages V-2-1 through V-2-26) are, therefore, still valid.

Based on this discussion:
(1) The project will have no effect on emissions thresholds.

(2) The project will have no effect on PM10 reduction provisions established by the SJVUAPD.

(3) The project will have no effect on air quality practices of the General Plan Policies.

(4) The project will have no effect on air pollution levels.

(5) The project will not create objectionable odors.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR
The MEIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations / policies:

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of the Urban Area General Plan will exceed the City’s noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).
Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

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

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

Cumulative Impacts

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

b. Master EIR and/or New Mitigation Measures Applied to the Project
Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-12 through V-3-16 of the 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 V, Mitigation Applied to Project:

Discussion:
No new or additional mitigation measures or alternatives are required.

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 significant unless:

(1) The project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance. YES NO □ ☒

(2) The project will exceed the noise policies of or otherwise be inconsistent with the Modesto Urban Area General Plan. □ ☒

(3) The project will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? □ ☒

(4) 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. □ ☒

Discussion:
The proposal to place the subject planning areas on the ballot for a Measure M advisory vote would not cause additional generation of noise beyond that previously identified in the MEIR. All potential adverse impacts related to noise were analyzed by, and mitigation provided in, the MEIR. Therefore, the project will not create additional significant effects and Mitigation Measures listed in the MEIR for Generation of Noise (pages V-3-1 through V-3-22) are still valid.
Based on this discussion:
(1) The project will have no effect on noise levels.
(2) The project will have no effect on the noise policies of the General Plan.
(3) The project will not result in permanent increase in noise levels.
(4) The project will not result in temporary or periodic increase in ambient noise levels.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR
The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigations / policies:

Direct Impacts

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

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

Cumulative Impacts

Effect: Growth within Modesto’s planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project
Agricultural Land mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on page V-4-8 of the 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 V, Mitigation Applied to Project:

Discussion:
No new or additional mitigation measures or alternatives are required.

c. Project-Specific Effects
Section V-4.B of the MEIR provides analysis of Agricultural Lands impact 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:
(1) The project is inconsistent with the Modesto Urban Area General Plan. YES NO ☐ ☒

(2) The project will directly result in the development of land outside the March 2003 planning area boundaries. ☐ ☒

(3) The project will Conflict with existing zoning for agricultural use, or a Williamson Act contract. ☐ ☒

(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. ☐ ☒

Discussion:
The proposal to place the subject planning areas on the ballot for a Measure M advisory vote would not cause additional loss of productive agricultural land beyond that previously identified in the MEIR. All potential adverse impacts related to the loss of productive agricultural land were analyzed by, and mitigation provided in, the MEIR. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages V-4-1 through V-4-13) are still valid.

Based on this discussion:
(1) The project will have no effect on the General Plan land use policies as it relates to agricultural lands.

(2) The project will have no effect on the development of land outside the March 2003 planning area boundaries.

(3) The project will have no effect on land zoned for agriculture or land under Williamson Act contract.

(4) The project will have no effect on the conversion of farmland to non-agricultural uses.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

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

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

Cumulative Impacts
Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users’ withdrawals, may result in overdrafting both subbasins.
Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

b. Master EIR and/or New Mitigation Measures Applied to the Project
Water Supply mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-5-8 through V-5-10 of the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:
No new or additional mitigation measures or alternatives are required.

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 significant unless:

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

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

Discussion:
The proposal to place the subject planning areas on the ballot for a Measure M advisory vote would not cause additional increased demand for water supplies, beyond those previously identified in the MEIR. All potential adverse impacts related to increased demand for water supplies were analyzed by, and mitigation provided in, the MEIR. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages V-5-1 through V-5-16) are still valid.

Based on this discussion:
(1) The project will have no effect on the Modesto Urban Area General Plan water supply policies.

(2) The project will have no effect on the water supply.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR
The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations / policies:
**Direct Impacts**

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

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

**Cumulative Impacts**

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

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

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

**Discussion:**

No new or additional mitigation measures or alternatives are required.

**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 significant unless:

1. The project is inconsistent with the Modesto Urban Area General Plan.  
   - YES  
   - NO

2. The project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments.
   - NO

**Discussion:**

The proposal to place the subject planning areas on the ballot for a Measure M advisory vote would not cause additional increased demand for sanitary services beyond that previously identified in the MEIR. All potential adverse impacts related to increased demand for sanitary sewer services were analyzed by, and mitigation has been provided in, the MEIR. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages V-6-1 through V-6-12) are still valid.
Based on this discussion:
(1) The project will have no effect on the Modesto Urban Area General Plan sanitary sewer services policies.

(2) The project will have no effect on sanitary sewer capacity.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

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

Direct Impacts

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

Cumulative Impacts

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

b. Master EIR and/or New Mitigation Measures Applied to the Project
Wildlife and Plant Habitat mitigation measure pertinent to the project being analyzed in this Initial Study are found on pages V-7-21 through V-7-24. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:
No new or additional mitigation measures or alternatives are required.

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 significant unless:

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

(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.

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

Discussion:
The proposal to place the subject planning areas on the ballot for a Measure M advisory vote would not cause additional disturbance of wildlife and plant habitat areas beyond that previously identified in the MEIR. All potential adverse impacts related to loss of sensitive wildlife and plant habitat were analyzed by, and mitigation has been provided in, the MEIR. Therefore, the Existing Conditions, Impact Analysis, and Mitigation Measures listed in the MEIR for Sensitive Wildlife and Plant Habitat, (pages V-7-1 through V-7-31) are, therefore, still valid.

Based on the discussion above:
(1) The project will have no effect on the Modesto Urban Area General Plan wildlife and plant habitat policies.

(2) The project will have no effect on special status species.

(3) The project will have no effect on local policies or ordinances protecting biological resources.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR
The Master EIR discloses the following residual significant and unavoidable impacts on archaeological/historical sites expected after application of mitigations / policies:

Direct Impacts

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

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

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

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

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

b. Master EIR and/or New Mitigation Measures Applied to the Project
Archaeological or Historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 and V-8-19 of the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:
No new or additional mitigation measures or alternatives are required.
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 significant unless:

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:
The proposal to place the subject planning areas on the ballot for a Measure M advisory vote would not cause additional disturbance of archaeological and historic sites beyond that previously identified in the MEIR. The ballot measures do not propose any changes to the General Plan boundary or area analyzed by the MEIR. All potential adverse impacts related to disturbance of archaeological and historic sites were analyzed by, and mitigation has been provided in, the MEIR. Therefore, the Existing conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages V-8-1 through V-8-25) are still valid.

Based on the discussion above:
1. The project will have no effect on the Modesto Urban Area General Plan archaeological and historical sites policies.
2. The project will have no effect on a cultural resource listed under the California Register of Historical Resources, or listed by the City of Modesto as a Designated Landmark Preservation Site.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR
The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigations/policies:

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

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

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

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

Discussion:
No new or additional mitigation measures or alternatives are required.

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 significant unless:

1. The project is inconsistent with the Modesto Urban Area General Plan. YES NO
2. The project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite. YES NO
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. YES NO

Discussion:
The proposal to place the subject planning areas on the ballot for a Measure M advisory vote would not generate any additional demand for storm drainage facilities beyond that previously identified in the MEIR. All potential adverse impacts related to increased demand for storm drainage facilities were analyzed by, and mitigation provided in, the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages V-9-1 through V-9-13) are, therefore, still valid.

Based on the discussion above:
1. The project will have no effect on the Modesto Urban Area General Plan storm drainage facilities policies.
2. The project will have no effect on the amount of surface runoff.
3. The project will have no effect on the amount of water runoff.
10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR
The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigations / policies:

Direct Impacts

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

Cumulative Impacts

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

b. Master EIR and/or New Mitigation Measures Applied to the Project
Flooding and Water Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-9 of the MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:
No new or additional mitigation measures or alternatives are required.

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:

(1) The project is inconsistent with the Modesto Urban Area General Plan. YES NO

(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:
The proposal to place the subject planning areas on the ballot for a Measure M advisory vote would not change the size or configuration of drainage, flood control or water quality facilities, not already identified in the MEIR. Therefore, the project will not create any new significant drainage, flooding or water quality impacts that were not previously identified in the MEIR. All potential adverse impacts related to drainage, flooding and water quality were analyzed by, and mitigation provided in, the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages V-10-1 through V-10-15) are, therefore, still valid.
Based on the discussion above:

1. The project will have no effect on the Modesto Urban Area General Plan flooding and water quality policies.

2. The project will have no effect on the Federal Clean Water Act and the Porter Cologne Act requirements.

3. The project will have no effect on the Guidance Manual for New Development Storm Water Quality Control Measures.

4. The project will have no effect on storm water drainage systems or polluted runoff.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

Parks and Open Space Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-11-3 through V-11-8 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 Applied to Project:

Discussion:
No new or additional mitigation measures or alternatives are required.

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 significant unless:

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

Discussion:
The proposal to place the subject planning areas on the ballot for a Measure M advisory vote would not generate any additional population beyond that identified in the MEIR that would use parks or open space facilities. All potential adverse impacts related to increased demand for
Parks and Open Space were analyzed by, and mitigation is provided in, the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages V-11-1 through V-11-13) are, therefore, still valid.

Based on the discussion above:
(1) The project will have no effect on with the Modesto Urban Area General Plan parks and recreation facilities and services policies.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR
The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigations / policies:

Direct Impacts

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

Cumulative Impacts

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

b. Master EIR and/or New Mitigation Measures Applied to the Project
The MEIR 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-12-5 through V-12-7 of the 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 V, Mitigation Applied to Project:

Discussion:
No new or additional mitigation measures or alternatives are required.

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 significant unless:
(1) The project is inconsistent with the Modesto Urban Area General Plan. ☒ NO

(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. ☐ ☒

Discussion:

The proposal to place the subject planning areas on the ballot for a Measure M advisory vote would not generate any additional population, which would increase the demand for school facilities, beyond that previously identified in the MEIR. All potential adverse impacts related to increased demand for schools were analyzed by, and mitigation is provided in, the MEIR. Thus, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Schools (pages V-12-1 through V-12-11) are still valid.

Based on the discussion above:

(1) The project will have no effect on the City of Modesto Urban Area General Plan school policies.

(2) The project will have no effect on school funding provisions.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

Police Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-13-3 and V-13-5 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 new or additional mitigation measures or alternatives are required.
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 significant unless:

(1) The project is inconsistent with the Modesto Urban Area General Plan. YES NO

(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.

Discussion:
The proposal to place the subject planning areas on the ballot for a Measure M advisory vote would not generate any additional population beyond that previously identified in the MEIR. Similarly, the ballot measures do not propose any changes to the gross acreage or General Plan area analyzed by the MEIR. All potential adverse impacts related to increased demand for police services were analyzed by, and mitigation is provided in, the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages V-13-1 through V-13-8) are, therefore, still valid.

Based on the discussion above:
(1) The project will have no effect on the Modesto Urban Area General Plan policies related to police services.

(2) The project will not result in the need for construction of new or significantly altered facilities in order to maintain acceptable service ratios, response times or other performance objectives.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR
The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigations / policies:

Direct Impacts

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

Cumulative Impacts

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

b. Master EIR and/or New Mitigation Measures Applied to the Project
The MEIR 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-14-4 through V-14-6 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 Measures Applied to Project:

Discussion:
No new or additional mitigation measures or alternatives are required.

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:

(1) The project is inconsistent with the Modesto Urban Area General Plan. [ ] YES [x] NO

(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. [ ] YES [x] NO

Discussion:
The proposal to place the subject planning areas on the ballot for a Measure M advisory vote would not generate any additional population beyond that previously identified in the MEIR. Similarly, the ballot measures do not propose any changes to the gross acreage or General Plan area analyzed by the MEIR. All potential adverse impacts related to increased demand for Fire services were analyzed by, and mitigation is provided in, the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages V-14-1 through IV-14-11) are, therefore, still valid.

Based on the discussion above:
(1) The project will have no effect on the Modesto Urban Area General Plan fire services policies.

(2) The project will not result in the need for construction of new or significantly altered facilities in order to maintain acceptable service ratios, response times or other performance objectives.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR
The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigations/policies:

Direct Impacts

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

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

b. Master EIR and/or New Mitigation Measures Applied to the Project
Solid Waste Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-15-4 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 new or additional mitigation measures or alternatives are required.

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 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:
The proposal to place the subject planning areas on the ballot for a Measure M advisory vote would not generate any additional population beyond that identified in the MEIR. Similarly, the ballot measures do not propose any changes to the gross acreage or General Plan area analyzed by the MEIR. All potential adverse impacts related to generation of solid waste and related services were analyzed by, and mitigation is provided in, the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages V-15-1 through V-15-10) are, therefore, still valid.

Based on the discussion above:
(1) The project will have no effect on the Modesto Urban Area General Plan solid waste policies.

(2) The project will have no effect on the solid waste disposal capacity.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR
The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigations/policies:
Direct Impacts

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

Cumulative Impacts

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

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

The MEIR 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 new or additional mitigation measures or alternatives are required.

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:

1. The project is inconsistent with the Modesto Urban Area General Plan.
2. The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
3. The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.
4. The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.

Discussion:
The proposal to place the subject planning areas on the ballot for a Measure M advisory vote would not generate any additional population or development beyond that identified in the MEIR that would result in increased generation of hazardous materials. All potential adverse impacts related to generation of hazardous materials were analyzed by, and mitigation is provided in, the MEIR. The Existing Conditions, Impacts analysis and Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages V-16-1 through V-16-16) are, therefore, still valid.
Based on the discussion above:

1. The project will have no effect on the Modesto Urban Area General Plan hazardous materials policies.

2. The project will have no effect on hazardous emissions or hazardous materials issues.

3. The project will have no effect on sites included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

4. The project will have no effect on the issue of a development located on a contaminated site.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

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

Direct Impacts

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

Cumulative Impacts

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

b. Master EIR and/or New Mitigation Measures Applied to the Project
The MEIR 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-17-9 and V-17-10 of the MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:
No new or additional mitigation measures or alternatives are required.

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 significant unless:
(1) The project is inconsistent with the Modesto Urban Area General Plan. □ YES □ NO

(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. □ YES □ NO

Discussion:
The proposal to place the subject planning areas on the ballot for a Measure M advisory vote would not generate any additional population or development beyond that identified in the MEIR that would result in increased exposure to landslides and seismic activity. All potential adverse impacts related to exposure to landslides and seismic activity were analyzed by, and mitigation is provided in, the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Landslide and Seismic Activity (pages V-17-1 through V-17-16) are, therefore, still valid.

Based on the discussion above:
(1) The project will have no effect on the Modesto Urban Area General Plan geology, soils, and mineral resources polices.

(2) The project will have no effect on the issue of development 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 discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigations/policies:

Direct Impacts

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

Cumulative Impacts

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

b. Master EIR and/or New Mitigation Measures Applied to the Project
The following energy mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See pages V-18-3 to V-18-7 of the 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 V, Mitigation Applied to Project:

Discussion:
No new or additional mitigation measures or alternatives are required.
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 significant unless:

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

Discussion:
The proposal to place the subject planning areas on the ballot for a Measure M advisory vote would not generate any additional population or development beyond that previously identified in the MEIR that would result in increased demand for energy. All potential adverse impacts related to increased demand for energy were analyzed by, and mitigation is provided in, the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages V-18-1 through V-18-12) are, therefore, still valid. Mitigation Measures applicable to traffic and air quality would also help to mitigate energy impacts. The project will have no effect on the Modesto Urban Area General Plan energy policies.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR
The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations/policies:

Direct Impacts

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

Cumulative Impacts

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

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

Discussion:
No new or additional mitigation measures or alternatives are required.
c. Project-Specific Effects

Section V-19.B of the MEIR discloses impacts of implementing the Urban Area General Plan on visual resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the MEIR.

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

1. The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.
2. The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.
3. The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.

Discussion:
The proposal to place the subject planning areas on the ballot for a Measure M advisory vote would not generate any impacts related to visual resources beyond those previously identified in the MEIR. All potential adverse impacts related to visual resources were analyzed by, and mitigation is provided in, the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Visual Resources (pages V-19-1 through V-19-9) are, therefore, still valid.

Based on the discussion above:
1. The project will have no effect on policies relating to visual resources in the Urban Area General Plan.
2. The project will have no effect on the views from riverside areas or parks. The proposed ordinance allows telecom facilities on parks but encourages the facilities to be camouflaged or located on existing structures with an easier review process to minimize the visual impacts.
3. The project will have no effect on the view of any riverside areas or parks from public roadways or nearby properties. See item 2 above.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

b. Master EIR and/or New Mitigation Measures Applied to the Project
The following land use and planning mitigation measures pertinent to the proposed project are found on pages V-20-9 through V-20-15 in the MEIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:
No new or additional mitigation measures or alternatives are required.

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

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

1. The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.  
2. The proposed project would physically divide an established community in a way not assumed in the Urban Area General Plan.  
3. The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.  
4. The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.

Discussion:
The proposal to place the subject planning areas on the ballot would not generate any additional population or development beyond that previously identified in the MEIR that would result in increased land use and planning impacts. Similarly, the ballot measures do not propose any changes to the gross acreage or General Plan area analyzed by the MEIR. All potential adverse impacts related to increased land use and planning impacts were analyzed by, and mitigation is provided in, the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Land Use and Planning (pages V-20-1 through V-20-22) are, therefore, still valid.

Based on the discussion above:
1. The project will have no effect on the Modesto Urban Area General Plan land use policies.
2. The project will not divide an established community.
The project will have no effect on any land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.

The project will have no effect on any habitat conservation plan or natural community conservation plan.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR
The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations/policies:

Direct Impacts

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

Cumulative Impacts

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

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

Discussion:
No new or additional mitigation measures or alternatives are required.

c. Project-Specific Effects
Section V-21.B of the MEIR discloses impacts of implementing the Urban Area General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the MEIR.

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

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

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

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

YES  NO
Discussion:

The proposal to place the subject planning areas on the ballot for a Measure M advisory vote would not generate any additional population or development beyond that identified in the MEIR that would result in increased climate change impacts. Similarly, the ballot measures do not propose any changes to the gross acreage or General Plan area analyzed by the MEIR. All potential adverse impacts related to increased climate change impacts were analyzed by, and mitigation is provided in, the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Land Use and Planning (pages V-21-1 through V-21-11) are, therefore, still valid.

Based on the discussion above:

(1) The project will have no effect on the policies relating to climate change in the Urban Area General Plan.

(2) The project will have no effect in the average automobile trip lengths or CO₂ emissions.

(3) The project will have no effect on the Sustainable Communities Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.

V. MITIGATION MEASURES APPLIED TO THE PROJECT

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

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 MEIR appropriate to the project shall be incorporated into the project. The following adopted General Plan Policies and MEIR Mitigation Measures 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 (see mitigation measures listed below).

Traffic and Circulation: None

Degradation of Air Quality: None

Generation of Noise: None

Effects on Agricultural Lands: None

Increased Demand for Long-Term Water Supplies: None

Increased Demand for Sanitary Sewer Services: None

Loss of Sensitive Wildlife and Plant Habitat: None
Disturbance of Archaeological/Historic Sites: None

Increased Demand for Storm Drainage: None

Flooding and Water Quality: None

Increased Demand for Parks and Open Space: None

Increased Demand for Schools: None

Increased Demand for Police Services: None

Increased Demand for Fire Services: None

Generation of Solid Waste: None

Generation of Hazardous Materials: None

Geology, Soils, and Mineral Resources: None

Energy: None

Effects on Visual Resources: None

Land Use and Planning: None

Climate Change: None

B. New or Additional Mitigation Measures or Alternatives Required

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

None
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-315

A RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION AN ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO THE UNINCORPORATED AREA REFERRED TO AS THE “830-ACRE VILLAGE RESIDENTIAL PORTION OF THE HETCH HETCHY COMPREHENSIVE PLANNING DISTRICT” AS DESCRIBED IN THE MODESTO URBAN AREA GENERAL PLAN, PROVIDED THE AREA IS FIRST ANNEXED TO THE CITY. THE AREA IS GENERALLY BORDERED ON THE NORTH BY THE CENTERLINE OF CLARIBEL ROAD, ON THE EAST BY THE CENTERLINE OF OAKDALE ROAD, ON THE SOUTH BY THE CENTERLINE OF CLARATINA AVENUE, AND ON THE WEST BY AN IMAGINARY LINE 0.25 MILES (APPROXIMATELY 1,250 FEET) EAST OF THE CENTERLINE OF MCHENRY AVENUE.

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

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

WHEREAS, in order to satisfy the requirements of Measure A and Measure M the City Council of the City of Modesto desires to submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 3, 2009, an advisory measure relating to the provisions of sewer service to a certain area of the City.

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

That pursuant to California Elections Code Section 9603, the Council of the City of Modesto proposes to, and hereby does, on its own motion, submit to the qualified electors of the City of Modesto at a regular election to be held on November 3, 2009, an advisory measure relating to the provision of sewer service to certain areas of the city as set forth below, and hereby designates the form of the ballot measure for use at said special election as follows:

MEASURE E

Shall the City provide sewer service to the following area of the Modesto General Plan, provided the area is first annexed to the City?

The unincorporated area designated “830-acre Village Residential Portion of Hetch-Hetchy Comprehensive Planning District” in the Modesto Urban Area General Plan. Generally bordered north by Claribel Road centerline; east by Oakdale Road centerline; south by Claratina Avenue centerline; west by imaginary line 0.25 miles east of McHenry centerline.

SECTION 2. FORM OF BALLOT.

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

MEASURE E City of Modesto Sewer Service Extension Advisory Measure.

<table>
<thead>
<tr>
<th>Shall the City provide sewer service to the following area of the Modesto General Plan provided the area is first annexed to the City?</th>
<th>Yes</th>
<th>☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>☐</td>
<td></td>
</tr>
</tbody>
</table>

The unincorporated area designated “830-acre Village Residential Portion of Hetch-Hetchy Comprehensive Planning District” in the Modesto Urban Area General Plan. Generally bordered north by Claribel Road centerline; east by Oakdale Road centerline; south by Claratina Avenue centerline; west by imaginary line 0.25 miles east of McHenry centerline.
SECTION 3. CONDUCT OF ELECTION.

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

SECTION 4. CITY CLERK CERTIFICATION.

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Elections Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, 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: Hawn, Keating, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: O’Bryant

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-316

A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THE ADVISORY MEASURE CONSIDERING THE EXTENSION OF SEWER SERVICE TO A CERTAIN AREA OF THE MODESTO URBAN AREA GENERAL PLAN, COMMONLY REFERRED TO AS THE “830-ACRE VILLAGE RESIDENTIAL PORTION OF THE HETCH HETCHY COMPREHENSIVE PLANNING DISTRICT” AS DESCRIBED IN THE MODESTO URBAN AREA GENERAL PLAN AND GENERALLY LOCATED, THE UNINCORPORATED AREA IS, BORDERED ON THE NORTH BY THE CENTERLINE OF CLARIBEL ROAD, ON THE EAST BY THE CENTERLINE OF OAKDALE ROAD, ON THE SOUTH BY THE CENTERLINE OF CLARATINA AVENUE, AND ON THE WEST BY AN IMAGINARY LINE 0.25 MILES (APPROXIMATELY 1,250 FEET) EAST OF THE CENTERLINE OF MCHENRY AVENUE TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 3, 2009, an advisory measure concerning the unincorporated area designated as the “830-acre Village Residential Portion of the Hetch-Hetchy Comprehensive Planning District” in the Modesto Urban Area General Plan to the City Attorney for the purpose of preparing an impartial analysis of said measure,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an Impartial Analysis of the measure showing the effect of the measure on existing law on the operation of the measure.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, 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: Hawn, Marsh, Olsen, Mayor Ridenour

**NOES:** Councilmembers: Keating, Lopez

**ABSENT:** Councilmembers: O’Bryant

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-317

A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO A CERTAIN AREA OF THE MODESTO URBAN AREA GENERAL PLAN, COMMONLY REFERRED TO AS THE “830-ACRE VILLAGE RESIDENTIAL PORTION OF THE HETCH-HETCHY COMPREHENSIVE PLANNING DISTRICT”

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 3, 2009, an advisory measure concerning the unincorporated area designated as the “830-acre Village Residential Portion of the Hetch-Hetchy Comprehensive Planning District,” and generally located, the unincorporated area is, bordered on the north by the centerline of Claribel Road, on the east by the centerline of Oakdale Road, on the south by the centerline of Claratina Avenue, and on the west by an imaginary line 0.25 miles (approximately 1,250 feet) east of the centerline of McHenry Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said measure and to change such arguments until and including the date and time after which no argument may be filed with the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 2009, 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: Hawn, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: Keating, Lopez

ABSENT: Councilmembers: O’Bryant

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO SOLICIT BIDS AND ISSUE PURCHASE AGREEMENTS FOR MAINTENANCE CONTRACTS/SUPPORT AGREEMENTS THROUGHOUT FISCAL YEAR 2009-2010 THROUGH “SOLE SOURCE” PURCHASES AND INFORMAL BID PROCESSES

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

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

WHEREAS, staff requests the Purchasing Manager be authorized to solicit bids through “sole-source” purchases and informal bid processes for Fiscal Year 2009–2010 for an estimated budgeted amount of $1,124,503.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to solicit bids through “sole-source” purchases and informal bid processes for the purchase of maintenance contracts/support agreements throughout the Fiscal Year 2009–2010.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 7th day of July, 2009, by Councilmember Hawn, who
moved its adoption, which motion being duly seconded by Councilmember Lopez, was
upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

(SEAL)

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN EXTENSION TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BANK OF THE WEST FOR BANKING SERVICES INCLUDING PAYABLES, PAYROLL, CASHIERING, AND INVESTMENTS; AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE EXTENSION TO SAID AGREEMENT

WHEREAS, by Resolution No. 94-734, the City of Modesto and Bank of the West entered into an agreement for banking services, and

WHEREAS, by Resolution No. 2007-604, the City Council approved an extension to that agreement with Bank of the West which expires on August 1, 2009, and

WHEREAS, City's purchasing policy and standard business practices call for the City to maintain an in-force agreement for banking services, and

WHEREAS, additional time is needed for the City of Modesto to evaluate banking service proposals through a formal bid process,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an extension to an agreement between the City of Modesto and Bank of the West for banking services.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to execute the extension to the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-320

A RESOLUTION ACCEPTING THE FINAL MAP OF THE HOPE VILLAGE SUBDIVISION LOCATED AT THE EASTERN END OF HOUSER LANE, AUTHORIZING THE CITY MANAGER TO EXECUTE THE SUBDIVISION AGREEMENT, AND AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO SIGN THE FINAL MAP AND RECORD IT WITH STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, Habitat for Humanity Stanislaus, a California nonprofit benefit corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 1.85 acres, known as the HOPE VILLAGE ("SUBDIVISION"), as amended in P-D(581), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 17th day of December 2007, 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 Utility Easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Manager be authorized to sign the map on behalf of the City of Modesto as the Beneficiary as noted in the title report, 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 subdivider 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 14th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: 

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR
THE FURNISHING OF AN ELEVATOR UPGRADE FOR THE ELEVENTH
STREET PARKING GARAGE, FOR THE PARKS, RECREATION AND
NEIGHBORHOODS DEPARTMENT, PARKING SERVICES DIVISION, TO
ELEVATOR TECHNOLOGY, INC., EL DORADO HILLS, CA, AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE AN
AGREEMENT FOR A TOTAL COST OF $108,068.50

WHEREAS, on September 2, 2008, the City Council, by Resolution No. 2008-
490, authorized the Purchasing Manager to issue formal Request for Bids for
modernization of the elevator at the Eleventh Street parking garage, for the Parks,
Recreation and Neighborhoods Department, Parking Services Division, and

WHEREAS, on March 20, 2009, the Purchasing Division issued Request for Bid
(RFB) No. 0809-16 Elevator Upgrade Eleventh Street parking garage to eleven (11)
companies, none of which were local companies, posted the bid on the City’s website and
formally advertised as required by law, and

WHEREAS, on April 28, 2009, RFB’s were formally opened in the City Clerk’s
office. Of the eleven (11) prospective bidders, four (4) companies chose to respond, of
which, three (3) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City
staff recommends the award of bid and contract for the furnishing of elevator upgrade for
the Eleventh Street Parking Garage, for the Parks, Recreation and Neighborhoods
Department, Parking Services Division, to Elevator Technology, Inc., El Dorado Hills,
CA, for a total cost of $108,068.50, 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. The award of bid and contract for the furnishing of an
elevator upgrade for the Eleventh Street parking garage, for the Parks, Recreation and
Neighborhoods Department, Parking Services Division, to Elevator Technology, Inc., El
Dorado Hills, CA, conforms to the Modesto Municipal Code, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2008-09 in
appropriation Unit: 6000-350-P597-6040.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorizes the award of bid and contract for the furnishing of an elevator
upgrade for the Eleventh Street parking garage, for the Parks, Recreation and
Neighborhoods Department, Parking Services Division, to Elevator Technology, Inc., El
Dorado Hills, CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby
authorized to issue an agreement for a total cost of $108,068.50.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 14th day of July, 2009, by Councilmember Hawn, who
moved its adoption, which motion being duly seconded by Councilmember Lopez, was
upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-322

RESOLUTION APPROVING AN EMERGENCY HOME REPAIR PROGRAM/DISABLED ACCESS ASSISTANCE PROGRAM (EHRP/DAAP) LOAN IN THE AMOUNT OF $67,296 FOR SHIRLEY L. ORDAHL OF 1417 DEL MONTE AVENUE, MODESTO; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS

WHEREAS, the home located at 1417 Del Monte Avenue, Modesto, is owned by Shirley L. Ordahl, and

WHEREAS, the home is 1,132 square feet with three bedrooms and one bathroom, and

WHEREAS, the home was built in 1947, and is in need of repairs and handicap modifications, and

WHEREAS, repair work will be completed to ensure the home meets Housing Quality Standards as specified by the Department of Housing and Urban Development, and

WHEREAS, Shirley Ordahl is a senior citizen and her income is less than 50% of the Area Median Income; therefore she is eligible for a deferred payment loan under the EHRP/DAAP Program guidelines, and

WHEREAS, the Housing Rehabilitation Loan Committee (HRLC) met on June 18, 2009, and supported the recommendation to approve an EHRP/DAAP loan for Shirley Ordahl, and

WHEREAS, the HRLC must approve all EHRP/DAAP requests to be submitted to the City Manager’s Office for signature and all loans over $60,000 must go to City Council for approval.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Emergency Home Repair Program/Disabled Access Assistance Program loan in the amount of $67,296 for Shirley L. Ordahl of 1417 Del Monte Avenue, Modesto.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  Marsh

ATTEST:  STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-323

A RESOLUTION GRANTING HEALTH CONTRIBUTION CHANGES TO UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES, EFFECTIVE JULY 21, 2009, AND AMENDING SECTION 1 OF RESOLUTION NO. 2008-506

WHEREAS, by Section 1 of Resolution No. 2008-506, which became effective on September 2, 2008, the City Council designated the City’s contribution to health, dental and vision benefits for Unrepresented Management and Confidential employees for Fiscal Year 08-09, and WHEREAS, the Council of the City of Modesto desires to approve increases in the City’s contribution to health, dental and vision benefits for Unrepresented employees for Fiscal Year 09-10, to be effective July 21, 2009.

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

SECTION 1. HEALTH, DENTAL AND VISION BENEFITS. The City’s contribution to health, dental and vision benefits for Unrepresented Management and Confidential employees, including Charter Officers and Executives, is hereby designated to be the following:

<table>
<thead>
<tr>
<th>City Contribution - Sworn and Non-Sworn</th>
<th>Total Contributions (monthly)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7/22/08</td>
</tr>
<tr>
<td>Family</td>
<td>$957</td>
</tr>
<tr>
<td>Employee Only</td>
<td>$570</td>
</tr>
<tr>
<td>Opt Out</td>
<td>$425</td>
</tr>
</tbody>
</table>

The City shall deposit into the employee’s deferred compensation account any balance remaining from the above listed contributions not needed to pay for the employee’s health, dental or vision premiums. Effective July 21, 2009, for employees enrolled in the City-sponsored High Deductible Health Plan, any balance of said
contributions shall be directed to the employee’s Health Savings Account.

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

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

BE IT FURTHER RESOLVED that Section 1 of Resolution No. 2008-506 is hereby amended effective July 21, 2009.

BE IT FURTHER RESOLVED that all other sections and provisions of Resolution No. 2007-386 shall remain in full force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

(SEAL)

APPROVED AS TO FORM:

By: SUSANALCALAWOOD, City Attorney

ATTEST: STEPHANIELOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-324

A RESOLUTION AMENDING THE FISCAL YEAR 09-10 OPERATING BUDGET TO TRANSFER $27,715 FROM 0100-800-8000-8003, GENERAL FUND RESERVE, AND $4,014 FROM OTHER FUNDS RESERVES, TO VARIOUS SALARY AND BENEFIT ACCOUNTS TO PROVIDE FUNDING FOR HEALTH BENEFIT CHANGES FOR UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES

WHEREAS, the City Council desires to make changes in the City’s contribution to health benefits for Unrepresented Management and Confidential employees, including Charter Officers and Executives, and

WHEREAS, the Fiscal Year 09-10 costs associated with these changes are estimated at $31,729 for active, and

WHEREAS, the cost of 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 09-10 Operating Budget is hereby amended to transfer $27,715 from 0100-800-8000-8003, General Fund Reserve, and $4,014 from other Funds reserves to various salary and benefit accounts, to fund said changes for Unrepresented Management and Confidential employees, including Charter officers and Executives.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-325

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY’S TRANSPORTATION DEVELOPMENT ACT (TDA)/LOCAL TRANSPORTATION FUND (LTF) TRANSIT CLAIM FOR FISCAL YEAR 2009-2010 IN THE AMOUNT OF $7,309,755 TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG)

WHEREAS, the greatest portion of the City’s funding for the Transit Service Program is made available under the Transportation Development Act (TDA), which includes Local Transportation Fund (LTF) funds, and

WHEREAS, StanCOG has informed the Finance Department that LTF funds have been apportioned by the State to StanCOG for allocation to public transit agencies pursuant to Articles 4 and 8 of Chapter 4 of the California Public Utilities Code (PUC), and

WHEREAS, the City has prepared its TDA claim for Fiscal Year 2009-2010 pursuant to Articles 4 and 8 of Chapter 4 of the California PUC, and

WHEREAS, the City’s Transit TDA Claim for Fiscal Year 2009-2010 is $7,309,755, and

WHEREAS, the total Transit Operating Budget for Fiscal Year 2009-2010 is $14,867,906, and

WHEREAS, Council action authorizing submission of the Claim is required by StanCOG pursuant to Section 99261 of the California PUC before any TDA funding can be released to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the TDA transit claim for Fiscal Year 2009-2010 in the amount of $7,309,755.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

(Seal)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-326

A RESOLUTION ACCEPTING THE WORK BY GEORGE REED, INC. FOR
THE PROJECT TITLED “VIRGINIA CORRIDOR PHASE III WITH
DOWNSTREAM WATER SYSTEM IMPROVEMENTS” AS COMPLETE,
AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION
WITH THE STANISLAUS COUNTY RECORDER AND AUTHORIZING
PAYMENT OF AMOUNTS TOTALING $3,379,784.23

WHEREAS, a report has been filed by the Director of Public Works that the project
titled “Virginia Corridor Phase III with Downstream Water System Improvements” has been
completed by George Reed, Inc. in accordance with the contract agreement dated June 12,
2007.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the project titled “Virginia Corridor Phase III with Downstream Water System
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 $3,379,784.23 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 14th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

(Seal)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-327

A RESOLUTION APPROVING A COST SHARING AGREEMENT FOR ASSOCIATED TASK ITEMS OF WORK TO SHARE CERTAIN PROJECT COSTS BETWEEN THE CITIES OF CERES, HUGHSON, MODESTO, AND TURLOCK IN THE DEVELOPMENT OF THE REGIONAL SURFACE WATER SUPPLY PROJECT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Turlock Irrigation District (TID) and the cities of Ceres, Hughson, Modesto, and Turlock have been working together for several years on a joint project to supply each agency with treated TID supplied surface water, and

WHEREAS, for the City of Modesto, this would be an augmentation to the existing groundwater and Modesto Irrigation District supplied surface water the City currently receives, and

WHEREAS, in December 2008, TID gave formal notice that they would no longer plan, finance, own, and operate the treatment plant, including related transmission facilities, and then sell treated surface water to the four cities, and

WHEREAS, on May 26, 2009, by Resolution 2009-225, Council directed staff to continue working with TID and the three other cities in the development of a Joint Powers Authority (JPA) responsible for decisions pertaining to the future Regional Surface Water Supply Project (RSWSP), and

WHEREAS, representatives of the four cities have been meeting bi-weekly to determine the best plan of action, and

WHEREAS, the four participating cities have recommended that prior to formal adoption of a JPA, certain peer review tasks need to be completed to ensure a clear
understanding of the status of each element of work and the associated documentation previously performed under TID’s direction, and

WHEREAS, it is suggested that the cities each finance their own portion respectively, and

WHEREAS, City of Turlock staff will execute and manage the agreement for Task 1, which will provide peer review services by Carollo Engineers (Carollo) of the engineering work products completed to date, and

WHEREAS, City of Modesto staff will execute and manage the agreement for Task 2, which will provide peer review services by Horizon Water and Environment, LLC, of the California Environmental Quality Act work products completed to date.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Cost Sharing Agreement for associated task items of work to share certain project costs between the cities of Ceres, Hughson, Modesto, and Turlock in the development of the Regional Surface Water Supply 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 14th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: \[Signature\]

(SEAL)

APPROVED AS TO FORM:

By: \[Signature\]

SUSANA ALCAI A WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-328

A RESOLUTION APPROVING AN AGREEMENT WITH HORIZON WATER AND ENVIRONMENT, LLC FOR PEER REVIEW SERVICES OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT WORK PRODUCTS COMPLETED TO DATE FOR THE REGIONAL SURFACE WATER SUPPLY PROJECT, IN AN AMOUNT NOT TO EXCEED $10,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Turlock Irrigation District (TID) and the cities of Ceres, Hughson, Modesto, and Turlock have been working together for several years on a joint project to supply each agency with treated TID supplied surface water, and

WHEREAS, for the City of Modesto, this would be an augmentation to the existing groundwater and Modesto Irrigation District supplied surface water the City currently receives, and

WHEREAS, in December 2008, TID gave formal notice that they would no longer plan, finance, own, and operate the treatment plant, including related transmission facilities, and then sell treated surface water to the four cities, and

WHEREAS, on May 26, 2009, by Resolution 2009-225, Council directed staff to continue working with TID and the three other cities in the development of a Joint Powers Authority (JPA) responsible for decisions pertaining to the future Regional Surface Water Supply Project (RSWSP), and

WHEREAS, representatives of the four cities have been meeting bi-weekly to determine the best plan of action, and

WHEREAS, the four participating cities have recommended that prior to formal adoption of a JPA, certain peer review tasks need to be completed to ensure a clear
understanding of the status of each element of work and the associated documentation previously performed under TID’s direction, and

WHEREAS, it is suggested that the cities each finance their own portion respectively, and

WHEREAS, City of Turlock staff will execute and manage the agreement for Task 1, which will provide peer review services by Carollo Engineers (Carollo) of the engineering work products completed to date, and

WHEREAS, City staff recommends approving an agreement with Horizon Water and Environment, LLC, in an amount not to exceed $10,000, for Task 2, which will provide peer review services of the California Environmental Quality Act (CEQA) work products completed to date for the RSWSP, and

WHEREAS, on July 1, 2008, by Resolution 2008-385, Council approved the selection of environmental service providers to prepare environmental impact reports and perform other related environmental services for a period of fours years, and Horizon Water and Environment, LLC was one of the approved firms,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Horizon Water and Environment, LLC for peer review services of the California Environmental Quality Act work products completed to date for the Regional Surface Water Supply Project, in an amount not to exceed $10,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-329

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY FUTURE AMENDMENTS TO THE COST SHARING AGREEMENT OR TASKS RELATED TO THE PROJECT FOR AMOUNTS NOT TO EXCEED $50,000 FOR EACH FIRM

WHEREAS, the Turlock Irrigation District (TID) and the cities of Ceres, Hughson, Modesto, and Turlock have been working together for several years on a joint project to supply each agency with treated TID supplied surface water, and

WHEREAS, for the City of Modesto, this would be an augmentation to the existing groundwater and Modesto Irrigation District supplied surface water the City currently receives, and

WHEREAS, in December 2008, TID gave formal notice that they would no longer plan, finance, own, and operate the treatment plant, including related transmission facilities, and then sell treated surface water to the four cities, and

WHEREAS, on May 26, 2009 by Resolution 2009-225, Council directed staff to continue working with TID and the three other cities in the development of a Joint Powers Authority (JPA) responsible for decisions pertaining to the future Regional Surface Water Supply Project (RSWSP), and

WHEREAS, representatives of the four cities have been meeting bi-weekly to determine the best plan of action, and

WHEREAS, the four participating cities have recommended that prior to formal adoption of a JPA, certain peer review tasks need to be completed to ensure a clear understanding of the status of each element of work and the associated documentation previously performed under TID’s direction, and
WHEREAS, it is suggested that the cities each finance their own portion respectively, and

WHEREAS, City of Turlock staff will execute and manage the agreement for Task 1, which will provide peer review services by Carollo Engineers (Carollo) of the engineering work products completed to date, and

WHEREAS, City of Modesto staff will execute and manage the agreement for Task 2, which will provide peer review services by Horizon Water and Environment, LLC, of the California Environmental Quality Act work products completed to date.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to execute any future amendments to the cost sharing agreement or tasks related to the project for amounts not to exceed $50,000 for each firm.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-330

A RESOLUTION APPROVING A SECOND AMENDMENT TO AGREEMENT FOR CONSTRUCTION MANAGEMENT SERVICES WITH TRS CONSULTANTS, INC. FOR THE PROJECT TITLED, “STATE ROUTE 219 WIDENING FROM WEST OF DALE ROAD TO MORROW ROAD,” TO COMPLY WITH FEDERAL GRANT FUNDING REQUIREMENTS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SECOND AMENDMENT TO AGREEMENT

WHEREAS, Caltrans, the City of Modesto, and Stanislaus County have been planning for the widening of Kiernan Avenue (SR219), and

WHEREAS, the SR219 project is needed to provide a means of keeping pace with the City’s and regional projected growth, and

WHEREAS, the project consists of roadway improvements at the Dale Road/Kiernan Avenue intersection, as well as the addition of two through lanes along Kiernan Avenue, and

WHEREAS, the project is being constructed simultaneously with the Caltrans widening of SR 219, and

WHEREAS, on April 22, 2008, by Resolution No. 2008-242, Council approved an agreement with TRS Consultants, Inc. (TRS) to provide construction management services for the State Route 219 Widening from West of Dale Road to Morrow Road project, and

WHEREAS, after the agreement was executed, it was determined that portions of the original agreement needed to be modified to comply with federal grant funding requirements, and

WHEREAS, on April 7, 2009, by Resolution No. 2009-148, a “no cost” Amendment to Agreement added and modified the following areas of the original
agreement: 1) Audit requirements and record retention, 2) Cost Principles discussing
grant eligibility of costs, 3) Disadvantaged Business Enterprise requirements, and 4)
Prevailing wages and associated reports,

WHEREAS, after the amendment was executed, it was discovered that the City of
Modesto's material testing laboratory was not certified and could not perform the
required testing, and

WHEREAS, this "no cost" Second Amendment to Agreement allows TRS
Consultants, Inc. to retain the services of a certified laboratory, and

WHEREAS, TRS has reviewed their budget and believes that they can provide a
testing lab at no additional cost to the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves a Second Amendment to Agreement for Construction
Management Services with TRS Consultants, Inc. for the project titled, "State Route 219
Widening from West of Dale Road to Morrow Road," to comply with federal grant
funding requirements.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby
authorized to execute the Second Amendment to Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST:  

(SIGNATURE)

APPROVED AS TO FORM:

By:  

(SIGNATURE)

SUSANA ALCAIJA WOOD, City Attorney
RESOLUTION NO. 2009-331

RESOLUTION APPROVING AN AIRPORT LEASE AGREEMENT WITH MODESTO AVIATION, INC., TO PROVIDE FLIGHT SCHOOL TRAINING OPERATIONS AND RELATED SERVICES AS A FIXED BASE OPERATOR (FBO) AT MODESTO CITY-COUNTY AIRPORT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City Council, on March 10, 2009, by Resolution No. 2009-108, authorized staff to solicit proposals to determine the best qualified proponent or proponents to fill the Fixed base Operator’s (FBO) needs of the airport and aviation community, and

WHEREAS, a review panel consisting of the Airport Manager and two members of the Airport Advisory Committee (AAC) accepted Modesto Aviation, Inc.’s proposal to provide flight school training operations and related services as a FBO at Modesto City-County Airport, and

WHEREAS, at its June 17, 2009 meeting, the AAC unanimously endorsed moving Modesto Aviation Inc’s proposal to the Modesto City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an airport lease agreement with Modesto Aviation, Inc. to provide flight school training operations and related services as a Fixed Base Operator at Modesto City-County Airport.

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 14th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES:   Councilmember: Hawn, Keating, Lopez, O’Bryant, Olsen, Mayor Ridenour

NOES:   Councilmember: None

ABSENT: Councilmember: Marsh

(Seal)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-332

A RESOLUTION AUTHORIZING PAYMENT OF A 1% SALES TAX RATE INCREASE IN THE AMOUNT OF $45,324.84 FOR THE PURCHASE OF THE MEMBRANE BIOREACTOR EQUIPMENT FOR THE PHASE 1A TERTIARY WASTEWATER TREATMENT FACILITY PROJECT

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

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

WHEREAS, the City Council, on February 26, 2008, by Resolution No. 2008-140, approved an Agreement with Zenon Environmental Corporation for the purchase of Membrane Bioreactor Equipment for the Phase 1A Tertiary Wastewater Treatment Facility project, and

WHEREAS, the City Council, on September 23, 2008, by Resolution No. 2008-565, budgeted funds for the sales tax and other project costs but did not authorize the actual payment of the sales tax, and

WHEREAS, the City Council, on March 10, 2009, by Resolution No. 2009-112 authorized payment of sales tax, at a rate of 7.375%, in the amount of $334,271 for the purchase of the Membrane Bioreactor Equipment, and

WHEREAS, the State of California issued a 1% sales and use tax rate increase effective April 1, 2009, and

WHEREAS, the City is required to pay sales tax at the increased rate for the purchase of the Membrane Bioreactor Equipment.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes payment of a 1% sales tax rate increase in the amount of $45,324.84 for the purchase of the Membrane Bioreactor Equipment for the Phase 1A Tertiary Wastewater Treatment Facility Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-333

A RESOLUTION AUTHORIZING PAYMENT OF A 1% SALES TAX RATE INCREASE IN THE AMOUNT OF $3,235.33 FOR THE PURCHASE OF THE OXIDATION AERATION AND MIXING EQUIPMENT FOR THE PHASE 1A TERTIARY WASTEWATER TREATMENT FACILITY PROJECT

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

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

WHEREAS, the City Council, on June 10, 2008, by Resolution No. 2008-343, approved an Agreement with WesTech Engineering, Inc. for the purchase of Oxidation Ditch Aeration and Mixing Equipment for the Phase 1A Tertiary Wastewater Treatment Facility project, and

WHEREAS, the City Council, on September 23, 2008, by Resolution No. 2008-565, budgeted funds for the sales tax and other project costs, but did not authorize the actual payment of the sales tax, and

WHEREAS, the City Council, on March 10, 2009, by Resolution No. 2009-113, authorized payment of sales tax, at a rate of 7.375%, in the amount of $23,861 for the purchase of the Oxidation Aeration and Mixing Equipment, and

WHEREAS, the State of California issued a 1% sales and use tax rate increase effective April 1, 2009, and

WHEREAS, the City is required to pay sales tax at the increased rate for the purchase of the Oxidation Aeration and Mixing Equipment.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes payment of a 1% sales tax rate increase in the amount of $3,235.33 for the purchase of the Oxidation Aeration and Mixing Equipment for the Phase 1A Tertiary Wastewater Treatment Facility Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-334

A RESOLUTION APPROVING ADDITIONAL SCOPE TO THE PHASE 1A TERTIARY WASTEWATER TREATMENT FACILITY PROJECT FOR THE EMERGENCY REPAIR OF THE EXISTING 36-INCH OUTFALL PIPELINE TO BE ASSIGNED TO PACIFIC MECHANICAL CORPORATION BY CONTRACT CHANGE ORDER

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

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

WHEREAS, the City Council, on September 23, 2008, by Resolution 2008-563, approved the plans and specifications for the Phase 1A Tertiary Wastewater Treatment Facility project and accepted the bid and approved a $19,148,562.50 contract with Pacific Mechanical Corporation, and

WHEREAS, a key component of the Phase 1A Project is the tie-in of the tertiary effluent pipeline to the existing 36-inch outfall pipeline, and

WHEREAS, the 36-inch outfall pipeline experienced failure in February 2009 and was temporarily patched, and

WHEREAS, at the City’s request, Carollo Engineers assessed the outfall pipeline in March 2009, providing key findings that the unlined steel pipe is severely corroded beyond repair and at the end of its useful life, and

WHEREAS, in order for the tertiary effluent pipeline to make a successful connection and ensure that the plant remains operational, the 36-inch outfall pipeline must be replaced at this time.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves additional scope to the Phase 1A Tertiary Wastewater Treatment Facility project for the emergency repair of the existing 36-inch outfall pipeline to be assigned to Pacific Mechanical Corporation by Contract Change Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-335

A RESOLUTION APPROVING AN INCREASE OF THE DIRECTOR OF PUBLIC WORKS’ AUTHORITY TO ISSUE CHANGE ORDERS ON THE PHASE 1A TERTIARY WASTEWATER TREATMENT FACILITY PROJECT FROM SIX PERCENT ($1,148,914) TO EIGHT PERCENT ($1,448,914) OF THE ORIGINAL CONTRACT PRICE WITH PACIFIC MECHANICAL CORPORATION

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

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

WHEREAS, the City Council, on September 23, 2008, by Resolution 2008-563, approved the plans and specifications for the Phase 1A Tertiary Wastewater Treatment Facility project and accepted the bid and approved a $19,148,562.50 contract with Pacific Mechanical Corporation, and

WHEREAS, a key component of the Phase 1A Project is the tie-in of the tertiary effluent pipeline to the existing 36-inch outfall pipeline, and

WHEREAS, the 36-inch outfall pipeline experienced failure in February 2009 and was temporarily patched, and

WHEREAS, at the City’s request, Carollo Engineers assessed the outfall pipeline in March 2009, providing key findings that the unlined steel pipe is severely corroded beyond repair and at the end of its useful life, and
WHEREAS, in order for the tertiary effluent pipeline to make a successful connection and ensure that the plant remains operational, the 36-inch outfall pipeline must be replaced at this time, and

WHEREAS, the replacement of the 36-inch outfall pipeline will be assigned to Pacific Mechanical Corporation by contract change order, and

WHEREAS, assigning the work to Pacific Mechanical Corporation will save the City funds by not having to bid and remobilize with a new contractor at a later date, and

WHEREAS, funds for the replacement of the 36-inch outfall pipeline will be transferred from the Wastewater Reserve Fund to the Phase 1A Project account, and

WHEREAS, staff is requesting an increase of Change Order Authority in the same amount as the cost of the added scope in order to allow the Phase 1A Project Change Order Authority to remain uncompromised, and

WHEREAS, the Director of Public Works currently has authority to approve change orders up to a cumulative amount of $1,145,011,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Director of Public Works’ Authority to issue change orders on the Phase 1A Tertiary Wastewater Treatment Facility project from six percent ($1,148,914) to eight percent ($1,448,914) of the original contract price with Pacific Mechanical Corporation.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Hawn, Keating, Lopez, O'Bryant, Olsen, Mayor Ridenour

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Marsh

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANÄ ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-336

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH CONSOLIDATED CM FOR CONSTRUCTION MANAGEMENT SERVICES OF THE PHASE 1A TERTIARY WASTEWATER TREATMENT FACILITY IN THE NOT-TO-EXCEED AMOUNT OF $176,059, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO THE AGREEMENT

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

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

WHEREAS, the City Council, on May 6, 2008, by Resolution 2008-262, approved an Agreement with Consolidated CM, Inc. for Construction Management Services for the Phase 1A Tertiary Wastewater Treatment Facility project, and

WHEREAS, the City has identified additional scope and services necessary to complete the Phase 1A Tertiary Wastewater Treatment Facility project, and

WHEREAS, Consolidated CM has submitted a revised scope of services and fee proposal to complete the Phase 1A Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Agreement with Consolidated CM for Construction Management Services of the Phase 1A Tertiary Wastewater Treatment Facility in the not-to-exceed amount of $176,059.

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 14th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-337

A RESOLUTION AMENDING THE FISCAL YEAR 2009-2010 CAPITAL IMPROVEMENT PROGRAM BUDGET IN ORDER TO INCREASE DIRECTOR AUTHORITY FOR THE CONSTRUCTION CONTRACT WITH PACIFIC MECHANICAL CORPORATION AND TO FULLY FUND THE AMENDMENT TO AGREEMENT WITH CONSOLIDATED CM, INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR PHASE 1A TERTIARY WASTEWATER TREATMENT FACILITY PROJECT

WHEREAS, a budget adjustment in the amount of $576,059 is necessary to increase the Director’s authority for the construction contract with Pacific Mechanical Corporation in the amount of $400,000 and to fully fund the Amendment to Agreement with Consolidated CM, Inc. for Construction Management Services in the amount of $176,059 for Phase 1A Tertiary Wastewater Treatment Facility, and

WHEREAS, the Fiscal Year 2009-2010 Capital Improvement Program budget must be amended as shown in Exhibit A, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2009-2010 Capital Improvement Program budget as shown in Exhibit A.

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
## Exhibit A

**FUND:**

Wastewater Fund

**EXPENDITURES:**

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<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Amount</th>
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<td>Renewal/Replacement Jennings TP-Primary</td>
<td>6210-480-B577-6052</td>
<td>($400,000)</td>
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<td>WW Treatment Phase 1A Tertiary</td>
<td>6210-480-B805-6010</td>
<td>($176,059)</td>
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<td>WW Treatment Phase 1A Tertiary</td>
<td>6210-480-B805-6060</td>
<td>$176,059</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-338

A RESOLUTION APPROVING AN AGREEMENT WITH BLACKBURN CONSULTING FOR CONSTRUCTION MANAGEMENT SERVICES OF THE PRIMARY OUTFALL REHABILITATION PROJECT PHASE 1 IN AN AMOUNT NOT TO EXCEED $668,321.83, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Primary Outfall Pipeline transports primary effluent wastewater from the City’s Sutter Avenue Primary Water Quality Control Plant to the Jennings Road Secondary Plant and consists of approximately 6.5 miles of 60-inch pipeline, and

WHEREAS, the City is now undergoing this project to rehabilitate the Primary Outfall Pipeline to protect it from further corrosion damage and extend its service life, and

WHEREAS, due to the complexity and amount of staff hours to support construction of the Primary Outfall Rehabilitation Project Phase 1, a construction management firm is required for management and inspection of this project, and

WHEREAS, City staff utilized Administrative Directive 3.1, Selection Procedures for Professional Consultants, and

WHEREAS, City staff recommends an agreement with Blackburn Consulting, a local Modesto firm, as the City does not have the staffing level or subject matter expertise to perform construction management and inspection services for the following: constructability review, valued engineering, bid evaluation, construction administration, processing and tracking of submittals and requests for information, coordination associated with inspections, coordination with City staff, documentation of daily and weekly field activities, and project closeout for the Primary Outfall Rehabilitation Project.
Phase 1, and current workload levels do not provide for timely in-house solutions / responses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Blackburn Consulting for construction management services of the Primary Outfall Rehabilitation Project Phase 1 in an amount not to exceed $668,321.83.

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 14th day of July, 2009, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-339

A RESOLUTION APPROVING AN AGREEMENT WITH BROWN AND CALDWELL FOR DESIGN SUPPORT DURING CONSTRUCTION SERVICES FOR EMERALD TRUNK REHABILITATION IN AN AMOUNT NOT TO EXCEED $376,089 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $37,609 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $413,698, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto’s Emerald Trunk Line conveys raw wastewater in the City’s Service Area 2 along the Emerald Avenue corridor and consists of approximately 17,000 feet of reinforced concrete pipe (RCP), vitrified clay pipe (VCP) and corrugated metal pipe (CMP), ranging in diameter from 24 to 36 inches, and

WHEREAS, the project is located in a busy corridor with numerous roadway, railroad, utility, and channel crossings, as well as a variety of residential, commercial, and school properties, and

WHEREAS, to limit project impacts, rehabilitation methods will utilize trenchless technologies such as slip lining or cured-in-place pipe (CIPP), and

WHEREAS, improvements will be sized to optimize the remaining capacity of the line, and

WHEREAS, the existing 24 to 36-inch RCP sewer line has experienced loss of concrete and corrosion of reinforcing steel, and

WHEREAS, the Emerald Trunk has experienced three recent collapses that required expedited and costly pipe replacement projects, and

WHEREAS, the City is now undergoing this project to rehabilitate the Emerald Trunk Line to protect it from further corrosion damage and extend its service life, and
WHEREAS, on March 11, 2008, by Resolution No. 2008-164, the City Council accepted the Preliminary Design Report for Emerald Trunk Line Rehabilitation project, dated March 2008, as complete, and

WHEREAS, on April 1, 2008, by Resolution No. 2008-190, the City Council approved an agreement with Brown and Caldwell to prepare a final project design for the Emerald Trunk Line Rehabilitation project, and

WHEREAS, the final project design was completed and bids were solicited in May 2009, and

WHEREAS, the City opened bids for the construction of Emerald Trunk Line Rehabilitation project on June 2, 2009, and

WHEREAS, due to the complexity of the project, design support services are required during the construction of the project to provide technical support to the construction manager, and

WHEREAS, Brown and Caldwell completed the preliminary design and final design of the project satisfactorily, and

WHEREAS, therefore, City staff recommends approving an agreement with Brown and Caldwell as this will allow for the design support during the construction period for the project, and

WHEREAS, City staff recommends approving an Agreement with Brown and Caldwell as the City does not have the staffing level or subject matter expertise to provide design support during construction for the Emerald Trunk Rehabilitation project, and current workload levels do not provide for timely in-house solutions/responses,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Brown and Caldwell for design support during construction for Emerald Trunk Rehabilitation project in an amount not to exceed $376,089 for the identified scope of services, plus $37,609 for additional services (if needed), for a maximum total amount of $413,698.

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 14th day of July, 2009, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-340

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE EMERALD TRUNK LINE REHABILITATION PROJECT, ACCEPTING THE BID AND APPROVING A CONTRACT WITH K.J. WOODS CONSTRUCTION, INC. IN THE AMOUNT OF $5,694,000.00, FOR THE EMERALD TRUNK LINE REHABILITATION PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Emerald Trunk Line Rehabilitation project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Emerald Trunk Line Rehabilitation project were opened at 11:00 a.m. on June 2, 2009, and later tabulated by the Director of Public Works for the consideration of the Council, and

WHEREAS, the Director of Public Works has recommended that the bid of $5,694,000.00 received from K.J. Woods Construction, Inc. be accepted as the lowest responsible bid and the contract be awarded to K.J. Woods Construction, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Emerald Trunk Line Rehabilitation project, accepts the bid of K.J. Woods Construction, Inc. in the amount of $5,694,000.00, and awards K.J. Woods Construction, Inc. the contract for the Emerald Trunk Line Rehabilitation project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2009, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

ARYES: Councilmembers: Hawn, Keating, Lopez, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2009-341

A RESOLUTION AMENDING THE FISCAL YEAR 2009-2010 CAPITAL IMPROVEMENT PROGRAM BUDGET IN ORDER TO FULLY FUND THE AGREEMENT FOR EMERALD TRUNK REHABILITATION PROJECT

WHEREAS, a budget adjustment in the amount of $584,518 is necessary to fully fund the Agreement with Brown and Caldwell for design support during construction along with Engineering/Design/Administration support by City staff for Emerald Trunk Rehabilitation project, and

WHEREAS, the Fiscal Year 2009-2010 Capital Improvement Program budget must be amended as shown in Exhibit A, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2009-2010 Capital Improvement Program budget as shown in Exhibit A.

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 2009, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
Exhibit A

FUND:
Wastewater Fund

EXPENDITURES:  Increase/(Decrease)

Emerald Trunk Rehabilitation  6210-480-B808-6040  ($584,518)

Emerald Trunk Rehabilitation  6210-480-B808-6010  $584,518