MODESTO CITY COUNCIL
RESOLUTION NO. 2007-729

A RESOLUTION APPROVING AN INCREASE IN THE MAXIMUM RATES FOR SOLID WASTE COLLECTION SERVICES TO REPAY THE STATE LOAN FROM THE GENERAL FUND AND TO PROVIDE FUNDING FOR ADDITIONAL INVESTIGATION AND MONITORING OF METHANE GAS AND GROUNDWATER, AS WELL AS SITE SECURITY AND MAINTENANCE, AND APPROVING ADJUSTMENTS TO THE MAXIMUM RATE SCHEDULE FOR CITY RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL SOLID WASTE COLLECTION SERVICES, AND RESCINDING RESOLUTION NO. 2007-506

WHEREAS, the City of Modesto operated the Carpenter Road landfill from 1956 to 1968, and the landfill includes fill sites on both the west and east sides of Carpenter Road, in between Kenneth and Robertson Roads and the Tuolumne River, and

WHEREAS, in the future, the landfill will become part of the Tuolumne River Regional Park, and

WHEREAS, in December, 2005, one of the wells on the east fill area tested high for methane gas, and

WHEREAS, during subsequent tests, the methane levels in this well continued to exceed the state’s limits, and because of this, the California Integrated Waste Management Board (CIWMB) required the City to determine the cause of the high methane readings and develop a Mitigation and Monitoring Plan to ensure that the closed landfill remains in compliance with state law, and

WHEREAS, the Regional Water Quality Control Board has requested that the impacts of the landfill on groundwater be assessed, and

WHEREAS, in order to prepare the plan, a Site Assessment had to be performed by a qualified engineering firm, and
WHEREAS, in June, 2007, after an RFP process, the City Council authorized the City Manager to execute a task-based agreement with SCS Engineers for the Site Assessment and development of a Methane Gas Mitigation, and

WHEREAS, when the State directed the City to determine the cause of the high methane readings, there was no established funding mechanism for the assessment, plan preparation, or implementation of mitigation measures, and

WHEREAS, typically, funding for closure and post-closure at landfills is assessed at the landfill on a per-ton basis, and

WHEREAS, because the cost of the site assessment and possible mitigation measures were unknown at the time the Council initially approved a $150,000 loan from the General Fund to fund the Site Assessment work, with the provision that once the cause of the problem had been determined and the cost of resolving it could be estimated more closely, a method for funding the work would have to be established and the loan repaid to the General Fund, and

WHEREAS, staff is recommending that this work be funded by assessing a Carpenter Road Landfill Fee on the garbage collection companies, with the fee set at a rate high enough to cover both the cost of installing the gas probes, groundwater monitoring wells, and the installation of the fence, as well to establish a reserve account for ongoing monitoring and reporting and maintenance, and

WHEREAS, once the work had been completed and the reserve established, the fee would be reduced to cover only on going maintenance and monitoring costs, and

WHEREAS, the collection companies would be allowed to recover this fee as part of their maximum rates for residential, commercial, and industrial customers, just as they
are allowed to recover fees assessed at working landfills as part of the disposal charge via the maximum rates, and

WHEREAS, staff is recommending that a Carpenter Road Landfill Fund be established, with this fund set up as a sub-fund of the Solid Waste Fund for the remainder of the current fiscal year, and with the preparation of the FY 08-09 Budget, the Carpenter Road Landfill Fund would become a separate Fund administered by the Solid Waste Division, and

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

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

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

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

WHEREAS, the City conducted an analysis using the audited financial statements provided by the garbage haulers, supplemental data provided by the garbage haulers, and fuel price information and forecast prices developed by the United States Department of Energy, and
WHEREAS, new maximum rates were calculated, and a recommendation for a new maximum rate schedule was developed, which included a recommendation that quarterly adjustments to the fuel component of the maximum rates be made, and

WHEREAS, a report dated November 19, 2007, from the Parks, Recreation and Neighborhoods Department, a copy of which is on file in the office of the City Clerk, sets forth said recommendations, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 p.m. on December 4, 2007, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto California, at which date and time a duly noticed public hearing was held at said time and place, at which time evidence, both oral and documentary, was received and considered, and

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

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

WHEREAS, for the quarter beginning January 1, 2008, the fuel price increase for residential maximum rates would be $0.02 per household per month, bringing the maximum rate for residential service to $19.84 per month, and

WHEREAS, for commercial bins, there was no change in the fuel price for a one cubic yard bin collected once a week, and
WHEREAS, because the charges for Industrial Drop Boxes are negotiated between the hauler and the customer, Drop Box fuel prices are not adjusted quarterly, and

WHEREAS, in addition to the fuel adjustment that would become effective January 1, 2008, staff is also proposing changes to the maximum rates to establish the Carpenter Road Landfill Fund and to repay the General Fund as more fully described on Exhibit “1”, attached hereto, and

WHEREAS, the Economic Development Committee met on November 14, 2007, and supported approving the creation of a Carpenter Road Landfill Fund, and an increase in the maximum rates for solid waste collection services to repay the $150,000 loan from the General Fund and to provide funding for additional investigation and monitoring of methane gas and groundwater, as well as site security and maintenance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an increase in the maximum rates for solid waste collection services to repay the $150,000 loan from the General Fund and to provide funding for additional investigation and monitoring of methane gas and groundwater, as well as site security and maintenance, as described on Exhibit “1” attached hereto.

BE IT FURTHER RESOLVED that the Council hereby approves adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, as described on Exhibit “1” attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2007-506 is hereby rescinded, effective December 31, 2007.

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: O’Bryant

Attest: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MAXIMUM CHARGES FOR GARBAGE SERVICE

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

Standard container service shall include the following:
• One, 96-gallon container for garbage/recyclables
• One, 96-gallon container for green waste
• Blue bag recycling
• Countertop container for kitchen scraps
• Drop-off of old TV and computer tubes
• Two bulky item collections per year by appointment

Standard container service customers may opt for smaller containers; however, maximum rates apply. Containers must be placed in a location set forth in Section 5-5.11 of the Municipal Code.

1. Standard container service –
   a. The maximum rate for new sign ups for service or changes in service that occur after July 1, 1996, shall be $20.34 per month regardless of size of container. **A fuel component of $0.98 per month is included in the maximum rate for the quarter beginning January 1, 2008 and ending March 31, 2008.** The fuel component may be adjusted quarterly.
   b. The maximum rate for each additional garbage container shall be $14.76 per month.

2. 60-gallon container service (grandfathered customers) –
   a. The maximum rate for customers with 60-gallon containers who subscribed to service at an address prior to July 1, 1996 and who have not changed their service address shall be $17.27 per month. **A fuel component of $0.98 per month is included in the maximum rate for the quarter beginning January 1, 2008 and ending March 31, 2008.** The fuel component may be adjusted quarterly.
   b. The maximum rate for each additional garbage container shall be $14.76 per month.

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

Maximum Monthly Rates

Number of Collections Per Week

<table>
<thead>
<tr>
<th>Container Size</th>
<th>NUMBER OF COLLECTIONS PER WEEK</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 CY</td>
<td>1: $35.67 2: $60.85 3: $86.00 4: $111.17 5: $136.34 6: $161.51</td>
</tr>
<tr>
<td>2 CY</td>
<td>1: $60.85 2: $111.17 3: $161.51 4: $211.84 5: $262.16 6: $312.49</td>
</tr>
<tr>
<td>3 CY</td>
<td>1: $86.00 2: $161.51 3: $237.00 4: $312.49 5: $388.00 6: $463.49</td>
</tr>
<tr>
<td>4 CY</td>
<td>1: $111.17 2: $211.84 3: $312.49 4: $413.16 5: $513.82 6: $614.49</td>
</tr>
<tr>
<td>5 CY</td>
<td>1: $136.34 2: $262.16 3: $388.00 4: $513.82 5: $642.66 6: $765.48</td>
</tr>
</tbody>
</table>

* A detachable container rental rate of $10.00 per month is included in the above schedule.

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

2. **Fuel Component** - A fuel component of $0.20 per cubic yard ($0.86) per month for a 1 cubic yard container collected once a week) is included in the maximum rate for the quarter beginning January 1, 2008 and ending March 31, 2008. The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October/April-June; January 1/July-September; April 1/October-December. Average prices shall be determined based on published prices for California from the Department of Energy.

**DROP BOX CONTAINERS**

1. **Pick up charge** - $210.95 per pick up
2. **Rental** - $0.85 per day up to 7 day maximum rental
   - $3.00 per day for boxes kept 7 or more days without servicing
   - $10.00 per day for boxes kept 21 or more days without servicing
3. **Disposal charge** - Actual charge to be paid by customer. Garbage company will provide up to 40 CY Drop Box containers for above stated charges subject only to load limit of transfer vehicle.
## Front Loader Type:

<table>
<thead>
<tr>
<th>Compactor Size</th>
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</thead>
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<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td>3 CY</td>
<td>$152.12</td>
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<tr>
<td>6 CY</td>
<td>$201.72</td>
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<tr>
<td>6 CY</td>
<td>$304.24</td>
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</tbody>
</table>

## Roll-Off Type:

1. 6 CY to 40 CY $210.95 per pickup
2. Medical waste compactors $265.00 per pickup
3. Washing compactor $30.00
4. Disposal Charge: Actual charge to be paid by customer

## EXTRA PICKUPS

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

## SPECIAL SERVICE CONDITIONS

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

## DETACHABLE CONTAINER ONLY REPLACEMENT AND CLEANING SERVICE

<table>
<thead>
<tr>
<th></th>
<th>1 CY</th>
<th>1½ CY</th>
<th>2 CY</th>
<th>3 CY</th>
<th>4 CY</th>
<th>5 CY</th>
<th>6 CY</th>
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<tbody>
<tr>
<td>Rate</td>
<td>$10.12</td>
<td>$11.00</td>
<td>$12.10</td>
<td>$15.40</td>
<td>$20.24</td>
<td>$25.08</td>
<td>$29.92</td>
</tr>
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</table>

## NOTATIONS

1. The above maximum rates include a $0.25 per month per household recycling fee, a $0.05 per cubic yard commercial recycling fee, and a $0.25 per ton industrial recycling fee, payable to the City by the garbage company.
2. Pursuant to Section 11-6.16(c)(2) of the Modesto Municipal Code, the garbage company may require a deposit equivalent to two (2) months service charge from customers prior to beginning service.
A RESOLUTION AMENDING THE FY 07-08 OPERATING BUDGET TO:
ESTABLISH A CARPENTER ROAD LANDFILL FUND (FUND 0360); TO ESTIMATE
$313,000 IN REVENUE FOR FY 07-08 TO 0360-355-4403-4099; TO APPROPRIATE
$149,500 OF SAID REVENUE TO 0360-355-4403-0235, SERVICES PROFESSIONAL
AND OTHER, TO FULLY FUND THE AGREEMENT WITH SCS ENGINEERS; AND
TO RECLASSIFY $150,000 OF SAID REVENUE TO 0100-510-9510-4099

WHEREAS, the City of Modesto operated the Carpenter Road landfill from 1956 to
1968, and the landfill includes fill sites on both the west and east sides of Carpenter Road, in
between Kenneth and Robertson Roads and the Tuolumne River, and

WHEREAS, in the future, the landfill will become part of the Tuolumne River Regional
Park, and

WHEREAS, in December, 2005, one of the wells on the east fill area tested high for
methane gas, and

WHEREAS, during subsequent tests, the methane levels in this well continued to exceed
the state’s limits, and because of this, the California Integrated Waste Management Board
(CIWMB) required the City to determine the cause of the high methane readings and develop a
Mitigation and Monitoring Plan to ensure that the closed landfill remains in compliance with
state law, and

WHEREAS, the Regional Water Quality Control Board has requested that the impacts of
the landfill on groundwater be assessed, and

WHEREAS, in order to prepare the plan, a Site Assessment had to be performed by a
qualified engineering firm, and

WHEREAS, in June, 2007, after an RFP process, the City Council authorized the City
Manager to execute a task-based agreement with SCS Engineers for the Site Assessment and
development of a Methane Gas Mitigation, and
WHEREAS, when the State directed the City to determine the cause of the high methane readings, there was no established funding mechanism for the assessment, plan preparation, or implementation of mitigation measures, and

WHEREAS, typically, funding for closure and post-closure at landfills is assessed at the landfill on a per-ton basis, and

WHEREAS, because the cost of the site assessment and possible mitigation measures were unknown at the time the Council initially approved a $150,000 loan from the General Fund to fund the Site Assessment work, with the provision that once the cause of the problem had been determined and the cost of resolving it could be estimated more closely, a method for funding the work would have to be established and the loan repaid to the General Fund, and

WHEREAS, staff is recommending that this work be funded by assessing a Carpenter Road Landfill Fee on the garbage collection companies, with the fee set at a rate high enough to cover both the cost of installing the gas probes, groundwater monitoring wells, and the installation of the fence, as well to establish a reserve account for ongoing monitoring and reporting and maintenance, and

WHEREAS, once the work had been completed and the reserve established, the fee would be reduced to cover only ongoing maintenance and monitoring costs, and

WHEREAS, the collection companies would be allowed to recover this fee as part of their maximum rates for residential, commercial, and industrial customers, just as they are allowed to recover fees assessed at working landfills as part of the disposal charge via the maximum rates, and

WHEREAS, staff is recommending that a Carpenter Road Landfill Fund be established, with this fund set up as a sub-fund of the Solid Waste Fund for the remainder of the current fiscal year, and with the preparation of the FY 08-09 Budget, the Carpenter Road Landfill Fund would become a separate Fund administered by the Solid Waste Division, and
WHEREAS, the Economic Development Committee met on November 14, 2007, and supported approving the creation of a Carpenter Road Landfill Fund, and an increase in the maximum rates for solid waste collection services to repay the $150,000 loan from the General Fund and to provide funding for additional investigation and monitoring of methane gas and groundwater, as well as site security and maintenance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the FY 07-08 operating budget to: establish a Carpenter Road Landfill Fund (Fund 0360); estimate $313,000 in revenue for FY 07-08 to 0360-355-4403-4099; appropriate $149,500 of said revenue to 0360-355-4403-0235, Services Professional and Other, to fully fund the agreement with SCS Engineers; and reclassify $150,000 of said revenue to 0100-510-9510-4099.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: O’Bryant

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

Attest: JEAN MORRIS, City Clerk

120407/PRN/JReed/item16 2007-730
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-731

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF GEORGE MAUDLIN FROM THE GOLF COURSES ADVISORY COMMITTEE

WHEREAS, GEORGE MAUDLIN was appointed a member of the Golf Courses Advisory Committee, on July 3, 2007, and

WHEREAS, GEORGE MAUDLIN has tendered his resignation from the aforementioned committee.

NOW, THEREFORE, BE IT RESOLVED that the resignation of GEORGE MAUDLIN from the Golf Courses Advisory Committee hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

APPROVED AS TO FORM:

SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, Acting City Clerk
A RESOLUTION APPROVING THE AMENDED 2008 CITY COUNCIL MEETING CALENDAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that 2008 City Council Meeting, attached hereto as “Exhibit A”, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December 2007, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEFANIE ILOPEZ, Acting City Clerk

APPROVED AS TO FORM:

By 

SUSANA ALCALA WOOD, City Attorney
## City Council Calendar 2008

### January 2008
- **2nd**: Council Meeting (special)*
- **8th**: Council Meeting (regular)
- **15th**: NO MEETING
- **22nd**: Council Meeting (regular)
- **29th**: NO MEETING – 5th Tuesday

### February 2008
- **5th**: Council Meeting (regular)
- **12th**: Council Meeting (regular)
- **19th**: NO MEETING
- **26th**: Council Meeting (regular)

### March 2008
- **4th**: Council Meeting (regular)
- **11th**: Council Meeting (regular)
- **18th**: NO MEETING
- **25th**: CANCELLED**

### April 2008
- **1st**: Council Meeting (regular)
- **8th**: Council Meeting (regular)
- **15th**: NO MEETING
- **22nd**: Council Meeting (regular)
- **29th**: NO MEETING – 5th Tuesday

### May 2008
- **6th**: Council Meeting (regular)
- **13th**: Council Meeting (regular)
- **20th**: NO MEETING
- **27th**: Council Meeting (regular)

### June 2008
- **3rd**: Council Meeting (regular)
- **10th**: Council Meeting (regular)
- **17th**: NO MEETING
- **24th**: Council Meeting (regular)

### July 2008
- **1st**: Council Meeting (regular)
- **8th**: Council Meeting (regular)
- **15th**: NO MEETING
- **22nd**: NO MEETING
- **29th**: NO MEETING – 5th Tuesday

### August 2008
- **6th**: Council Meeting (special)**
- **12th**: Council Meeting (regular)
- **19th**: NO MEETING
- **26th**: NO MEETING

### September 2008
- **2nd**: Council Meeting (regular)
- **9th**: Council Meeting (regular)
- **16th**: NO MEETING
- **23rd**: Council Meeting (regular)
- **30th**: NO MEETING – 5th Tuesday

### October 2008
- **7th**: Council Meeting (regular)
- **14th**: Council Meeting (regular)
- **21st**: NO MEETING
- **28th**: Council Meeting (regular)

### November 2008
- **5th**: Council Meeting (special)****
- **12th**: Council Meeting (special)*****
- **18th**: NO MEETING
- **25th**: Council Meeting (regular)

### December 2008
- **2nd**: Council Meeting (regular)
- **9th**: Council Meeting (regular)
- **16th**: CANCELLED per MMC 2-1.01
- **23rd**: CANCELLED per MMC 2-1.01
- **30th**: CANCELLED per MMC 2-1.01

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*January 2nd Wednesday Meeting due to holiday on January 1st  
**March 25th due to Spring Break  
***August 6th Wednesday Meeting due to National Night Out on August 5th  
****November 5th Wednesday Meeting due to Election Day on November 4th  
*****November 12th Wednesday Meeting due to Veterans Day on November 11th
MODESTO CITY COUNCIL
RESOLUTION NO: 2007-733

A RESOLUTION ACCEPTING THE ANNUAL REPORT FOR THE FISCAL YEAR ENDING JUNE 30, 2007 FOR THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO

WHEREAS, pursuant to Health & Safety Code Section 33080, the Agency is required to submit prior to December 31st of each calendar year an Annual Report to the State Controller containing the following documents:

1. State Controller’s Report
2. Housing and Community Development Report
3. Blight Progress Report
4. Loan Report
5. Property Report
6. Statement of Indebtedness

which are attached hereto as Exhibit “A”, and made a part hereof by this reference, and

WHEREAS, pursuant to Health & Safety Code Section 33080, the Agency is required to present the Annual Report to its legislative body, and

WHEREAS, the legislative body is defined in Health & Safety Code Section 33007 as the City Council, and

WHEREAS, this Annual Report was approved by the City Council at its regular meeting on December 12, 2007,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Annual Report for the Redevelopment Agency of the City of Modesto for the Fiscal Year ending June 30, 2007 is hereby accepted.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 12th day of December, 2007, by Council Member Keating, who moved its adoption, which motion being duly seconded by Council Member Hawn, was upon roll call carried and the resolution adopted by the following votes:

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

ATTEST:  
STEPHANIE LOPEZ, Acting City Clerk

(seal)

APPROVED AS TO FORM:

By:  
SUSANA ALCALA WOOD, City Attorney
<table>
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<tr>
<th>Fiscal Year</th>
<th>2007</th>
</tr>
</thead>
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<table>
<thead>
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<th>Members of the Governing Body</th>
<th>First Name</th>
<th>Last Name</th>
<th>Address</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Chairman</td>
<td>Redenour</td>
<td>Jim</td>
<td></td>
<td></td>
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<tr>
<td>Member</td>
<td>Dunbar</td>
<td>Bob</td>
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<tr>
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<td>Janice</td>
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<tr>
<td>Member</td>
<td>Olen</td>
<td>Kristin</td>
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<table>
<thead>
<tr>
<th>Agency Officer</th>
<th>First Name</th>
<th>Last Name</th>
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<tbody>
<tr>
<td>Executive Director</td>
<td>Britton</td>
<td>George</td>
<td>225 Holmfish Court, Roseville, CA 95661, (916) 791-8958</td>
<td>(209) 577-5221</td>
</tr>
<tr>
<td>Executive Director</td>
<td>Padilla</td>
<td>Wayne</td>
<td>3478 Buskirk Ave., Suite 215, Pleasanton, CA 94523, (925) 930-0902</td>
<td>(209) 577-5371</td>
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| Independent Auditor | Maze & Associates |

<table>
<thead>
<tr>
<th>Street 1</th>
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<tbody>
<tr>
<td>Street 2</td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>Modesto, CA 95354-</td>
</tr>
<tr>
<td>Phone</td>
<td>(209) 571-5596</td>
</tr>
</tbody>
</table>
Please provide a description of the agency's activities/accomplishments during the past year. (Please be specific, as this information will be the basis for possible inclusion in the publication.)

- **RDA Master Plan & EIR**: The Master Plan and Environmental Impact Report (EIR) are being updated and will provide policy guidelines and goals for land use and project concepts. An administrative draft of the Master Plan has received great public input through a series of public meetings. The approval of the Master Plan and EIR update should be completed in 2007-08.

- **Gallo Center for the Arts**: Construction is underway on the center's 1,200 seat theatre, 400 seat theatre and art gallery. The project will receive RDA assistance by way of street, streetscapes and traffic signal improvements. Completion is anticipated in late 2007.

- **Kansas W woodland Business Park**: The environmental, traffic and water studies and assessments are ongoing for the 45 acre brownfield parcel. The subdivision map and EIR are in progress.

- **17th & G Tower Park Affordable Housing**: The RDA negotiated a purchase agreement with the City for a decommissioned park for the development of an affordable housing project. The project should be complete and available to the public by late 2003.

- **10th & H Mixed-Use**: A mixed-use project including housing, parking, hotel and retail has an Exclusive Negotiating Agreement to construct the development on an RDA-owned parking lot. An MOU was completed in 2007 and additional studies and analyses will begin in 2007-08. Construction should be complete by 2009.

---

**Square Footage Completed**

<table>
<thead>
<tr>
<th>Type of Footage</th>
<th>New Construction</th>
<th>Rehabilitated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Buildings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial Buildings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Buildings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Buildings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Square Footage</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

- **Enter the amount of square footage completed this year by building type and segregated by new or rehabilitated construction.**

---

**Jobs Created from the Activities of the Agency**

- **Utilities E=Recreation G=Landscaping D=Water/Storm E=Streets/Roads F=Bus/Transit**

---

**Achievement Information (Unaudited)**

**Fiscal Year 2003**

**Indicate Only Those Achievements Completed During the Fiscal Year of this Report as a Direct Result of the Activities of the Redevelopment Agency.**
Affordable Housing: The Agency is working on two housing projects that could create up to 260 new units.

Renaissance Office Project: The Agency entered into an OPA on the Project in 2002 that is now nearing completion.

Streetscape Plan: The Agency completed the design for a streetscape plan on 19th Street at 1 Street in 2006-07.
<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>(2007)</th>
</tr>
</thead>
</table>

Was the Report Prepared from Audited Financial Data, and Did You Submit a Copy of the Audit?  

<table>
<thead>
<tr>
<th>Indicate Financial Audit Opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>

If the Financial Audit Is Not Yet Completed, What Is the Expected Completion Date?  

If the Audit Opinion Was Other Than Unqualified, State Briefly the Reason Given:

<table>
<thead>
<tr>
<th>Indicate Compliance Audit Opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unqualified</td>
</tr>
</tbody>
</table>

Was a Compliance Audit Performed in Accordance with Health and Safety Code Section 33080.1 and the State Controller's Guidelines for Compliance Audits, and Did You Submit a Copy of the Audit?  

| Indicate Compliance Audit Opinion | Yes |

If compliance opinion includes exceptions, state the areas of non-compliance, and describe the agency's efforts to correct.
Please provide a brief description of the activities for this project area during the reporting year.

Forwarded from prior year? Yes
Enter code for type of project area report:
- P = Standard Project Area Report
- A = Administrative Fund
- L = Low and Moderate Income Housing Fund
- M = Mortgage Revenue Bond Program
- O = Other Miscellaneous Funds or Programs

- S = Proposed (Survey) Project Area

Does the plan include tax increment provisions? Yes
Date project area was established: 7/6/1992
Most recent date project area was amended: 11/5/1991
Did this amendment add new territory? Yes
Most recent date project area was merged: 
Will this project area be carried forward to next year? Yes

Established time limit:
- Repayment of indebtedness (Year Only): 2941
- Effectiveness of plan (Year Only): 2022
- New indebtedness (Year Only): 2011
- Size of project area in acres: 2,000
- Percentage of land vacant at the inception of the project area: 4.5
- Percentage of land developed at the inception of the project area: 95.5
- Health and Safety Code Section 33320.1 (xx.x%)
- Health and Safety Code Section 33320.1 (xx.x%)
- Objectives of the project area as set forth in the project area plan (Enter appropriate code(s) in sequence as shown)
  - R = Residential
  - I = Industrial
  - C = Commercial
  - P = Public
  - O = Other

R = Residential I = Industrial C = Commercial P = Public O = Other
<table>
<thead>
<tr>
<th>Fiscial Year</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Area Name</td>
<td>Community Center Project Area</td>
</tr>
<tr>
<td>Frozen Base Assessed Valuation</td>
<td>$661,273,363</td>
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<tr>
<td>Increment Assessed Valuation</td>
<td>$99,909,994</td>
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<td>Total Assessed Valuation</td>
<td>$1,061,182,357</td>
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</table>
### Fiscal Year
2007

### Project Area Name
Community Center Project Area

#### Tax Increment Pass Through Detail

<table>
<thead>
<tr>
<th>Amounts Paid To Taxing Agencies Pursuant To:</th>
<th>H &amp; S Code Section 33401</th>
<th>H &amp; S Code Section 33676</th>
<th>H &amp; S Code Section 33607</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>County</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Cities</td>
<td></td>
<td></td>
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<td>$0</td>
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<tr>
<td>School Districts</td>
<td>621,631</td>
<td></td>
<td></td>
<td>$621,631</td>
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<tr>
<td>Community College District</td>
<td>76,506</td>
<td></td>
<td></td>
<td>$76,506</td>
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<tr>
<td>Special Districts</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
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<tr>
<td><strong>Total Paid to Taxing Agencies</strong></td>
<td><strong>$500,137</strong></td>
<td><strong>$0</strong></td>
<td><strong>$0</strong></td>
<td><strong>$506,137</strong></td>
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</table>

#### Other Payments

<table>
<thead>
<tr>
<th>H &amp; S Code Section 33446</th>
<th>H &amp; S Code Section 33446.5</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Net Amount to Agency** $4,709,302

**Gross Tax Increment Generated** $5,303,519
<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Area Name</td>
<td>Summary of the Statement of Indebtedness - Project Area</td>
</tr>
<tr>
<td>Tax Allocation Bond Debt</td>
<td>65,912,872</td>
</tr>
<tr>
<td>Revenue Bonds</td>
<td>405,000</td>
</tr>
<tr>
<td>Other Long Term Debt</td>
<td>64,199,162</td>
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<tr>
<td>City/County Debt</td>
<td>59,654,015</td>
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<tr>
<td>Low and Moderate Income Housing Fund</td>
<td>110,073,067</td>
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<tr>
<td>Other</td>
<td>1,979,631</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$300,249,706</strong></td>
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<td>Available Revenues</td>
<td>1,079,931</td>
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<tr>
<td><strong>Net Tax Increment Requirements</strong></td>
<td><strong>$298,270,075</strong></td>
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</table>
### Agency Long-Term Debt

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>2007</th>
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</thead>
<tbody>
<tr>
<td>Project Area Name</td>
<td>Community Center Project Area</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Forward from Prior Year</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bond Type</td>
<td>Certificates of Participation</td>
</tr>
<tr>
<td>Year of Authorization</td>
<td>1993</td>
</tr>
<tr>
<td>Principal Amount Authorized</td>
<td>27,225,000</td>
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<tr>
<td>Principal Amount Issued</td>
<td>27,225,000</td>
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<tr>
<td>Purpose of Issue</td>
<td>Community Center</td>
</tr>
<tr>
<td>Maturity Date Beginning Year</td>
<td>1993</td>
</tr>
<tr>
<td>Maturity Date Ending Year</td>
<td>2023</td>
</tr>
<tr>
<td>Principal Amount Unmatured Beginning of Fiscal Year</td>
<td>$21,665,000</td>
</tr>
<tr>
<td>Adjustment Made During Year</td>
<td></td>
</tr>
<tr>
<td>Adjustment Explanation</td>
<td></td>
</tr>
<tr>
<td>Interest Added to Principal</td>
<td></td>
</tr>
<tr>
<td>Principal Amount Issued During Fiscal Year</td>
<td></td>
</tr>
<tr>
<td>Principal Amount Matured During Fiscal Year</td>
<td>835,000</td>
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<tr>
<td>Principal Amount Defeased During Fiscal Year</td>
<td></td>
</tr>
<tr>
<td>Principal Amount Unmatured End of Fiscal Year</td>
<td>$20,820,000</td>
</tr>
<tr>
<td>Principal Amount In Default</td>
<td></td>
</tr>
<tr>
<td>Interest In Default</td>
<td></td>
</tr>
</tbody>
</table>

**Bond Types Allowed:**

- Tax Allocation Bonds
- Revenue Bonds
- Certificates of Participation
- Tax Allocation Notes
- Financing Authority Bonds
- City/County Debt
- US/State Loans
- Lease Obligations
- Notes
- Deferred Pass-Throughs
- Deferred Compensation
- Other
### Agency Long-Term Debt

**Fiscal Year:** 2007  
**Project Area Name:** Community Center Project Area

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Forward from Prior Year</td>
<td></td>
</tr>
<tr>
<td>Bond Type</td>
<td>Loans</td>
</tr>
<tr>
<td>Year of Authorization</td>
<td>2003</td>
</tr>
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<td>Principal Amount Authorized</td>
<td>405,000</td>
</tr>
<tr>
<td>Principal Amount Issued</td>
<td>405,000</td>
</tr>
<tr>
<td>Purpose of Issue</td>
<td>Economic Development</td>
</tr>
<tr>
<td>Maturity Date Beginning Year</td>
<td>2006</td>
</tr>
<tr>
<td>Maturity Date Ending Year</td>
<td>2010</td>
</tr>
<tr>
<td>Principal Amount Unmatured Beginning of Fiscal Year</td>
<td>$405,000</td>
</tr>
<tr>
<td>Adjustment Made During Year</td>
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<tr>
<td>Adjustment Explanation</td>
<td></td>
</tr>
<tr>
<td>Interest Added to Principal</td>
<td></td>
</tr>
<tr>
<td>Principal Amount Issued During Fiscal Year</td>
<td></td>
</tr>
<tr>
<td>Principal Amount Matured During Fiscal Year</td>
<td></td>
</tr>
<tr>
<td>Principal Amount Defeased During Fiscal Year</td>
<td></td>
</tr>
<tr>
<td><strong>Principal Amount Unmatured End of Fiscal Year</strong></td>
<td>$405,000</td>
</tr>
<tr>
<td>Principal Amount in Default</td>
<td></td>
</tr>
<tr>
<td>Interest in Default</td>
<td></td>
</tr>
</tbody>
</table>

**Bond Types Allowed:**  
Tax Allocation Bonds; Revenue Bonds; Certificates of Participation; Tax Allocation Notes; Financing Authority Bonds; City/County Debt; US/State; Loans; Lease Obligations; Notes; Deferred Pass-Throughs; Deferred Compensation; Other
<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Area Name</td>
<td>Community Center Project Area</td>
</tr>
<tr>
<td>Forward from Prior Year</td>
<td></td>
</tr>
<tr>
<td>Bond Type</td>
<td>Revenue Bonds</td>
</tr>
<tr>
<td>Year of Authorization</td>
<td>1996</td>
</tr>
<tr>
<td>Principal Amount Authorized</td>
<td>18,395,000</td>
</tr>
<tr>
<td>Principal Amount Issued</td>
<td>18,490,000</td>
</tr>
<tr>
<td>Purpose of Issue</td>
<td>10th Street Place Project</td>
</tr>
<tr>
<td>Maturity Date Beginning Year</td>
<td>1996</td>
</tr>
<tr>
<td>Maturity Date Ending Year</td>
<td>2033</td>
</tr>
<tr>
<td>Principal Amount Unmatured Beginning of Fiscal Year</td>
<td>$18,399,000</td>
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<tr>
<td>Adjustment Made During Year</td>
<td></td>
</tr>
<tr>
<td>Adjustment Explanation</td>
<td></td>
</tr>
<tr>
<td>Interest Added to Principal</td>
<td></td>
</tr>
<tr>
<td>Principal Amount Issued During Fiscal Year</td>
<td></td>
</tr>
<tr>
<td>Principal Amount Matured During Fiscal Year</td>
<td>800,000</td>
</tr>
<tr>
<td>Principal Amount Defeased During Fiscal Year</td>
<td></td>
</tr>
<tr>
<td>Principal Amount Unmatured End of Fiscal Year</td>
<td>$18,315,000</td>
</tr>
<tr>
<td>Principal Amount In Default</td>
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</tr>
<tr>
<td>Interest In Default</td>
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</tr>
</tbody>
</table>

**Bond Types Allowed:**
- Tax Allocation Bonds
- Revenue Bonds
- Certificates of Participation
- Tax Allocation Notes
- Financing Authority Bonds
- City/County Debt
- US, State Loans
- Lease Obligations
- Notes
- Deferred Pass-Throughs
- Deferred Compensation
- Other

---

Note: The document is marked as a draft.
<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Area Name</td>
<td>Community Center Project Area</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Capital Project Funds</th>
<th>Debt Service Funds</th>
<th>Low/Moderate Income Housing Funds</th>
<th>Special Revenue/Other Funds</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax Increment Gross</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Include All Apparitions)</td>
<td>$1,288,000</td>
<td>$2,954,815</td>
<td>$1,060,704</td>
<td>$5,303,519</td>
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<tr>
<td>Special Supplemental Subvention</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Property Assessments</td>
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<td>$0</td>
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<td>$0</td>
</tr>
<tr>
<td>Sales and Use Tax</td>
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<td>Transient Occupancy Tax</td>
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<td>$0</td>
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<td>$0</td>
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<tr>
<td>Interest Income</td>
<td>$11,425</td>
<td>$351,156</td>
<td>$133,124</td>
<td>$495,705</td>
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<td>Rental Income</td>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Lease Income</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Sale of Real Estate</td>
<td>$0</td>
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<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Gain on Land Held for Resale</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Federal Grants</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Grants from Other Agencies</td>
<td>$2,619,052</td>
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<td>$2,619,052</td>
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<td>Bond Administrative Fees</td>
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<tr>
<td>Other Revenues</td>
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<td>$9,971</td>
<td>$50,400</td>
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<td>Total Revenues</td>
<td>$1,319,713</td>
<td>$5,994,894</td>
<td>$1,244,228</td>
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<td>Fiscal Year</td>
<td>2007</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>-------------</td>
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</tr>
<tr>
<td>Project Area Name</td>
<td>Community Center Project Area</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Capital Project Funds</strong></td>
<td><strong>Debt Service Funds</strong></td>
<td><strong>Low/Moderate Income Housing</strong></td>
<td><strong>Special Revenue/Other</strong></td>
<td><strong>Total</strong></td>
</tr>
<tr>
<td>Administration Costs</td>
<td>157,133</td>
<td>93,087</td>
<td>8,000</td>
<td>$260,220</td>
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<td>Professional Services</td>
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<td>$229,540</td>
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<tr>
<td>Planning, Survey, and Design</td>
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<td></td>
<td>$197,727</td>
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<td>Real Estate Purchases</td>
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<td>Acquisition Expense</td>
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<td>$0</td>
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<td>Operation of Acquired Property</td>
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<tr>
<td>Disposal Costs</td>
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<tr>
<td>Loss on Disposition of Land Held for Resale</td>
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<tr>
<td>Fiscal Year</td>
<td>2007</td>
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<td></td>
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<tr>
<td>-------------</td>
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</tr>
<tr>
<td>Project Area Name</td>
<td>Community Center Project Area</td>
<td></td>
<td></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Capital Project Funds</th>
<th>Debt Service Funds</th>
<th>Low/Moderate Income Housing</th>
<th>Special Revenue/Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decline in Value of Land Held for Resale</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
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<tr>
<td>Rehabilitation Costs</td>
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<td>Rehabilitation Grants</td>
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<tr>
<td>Interest Expense</td>
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<td>$2,025,131</td>
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<tr>
<td>Fixed Asset Acquisitions</td>
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<td></td>
<td>$0</td>
</tr>
<tr>
<td>Subsidies to Low and Moderate Income Housing</td>
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<td></td>
<td></td>
<td>$0</td>
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<tr>
<td>Debt Issuance Costs</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
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<tr>
<td>Other Expenditures Including Pass-Through Payment(s)</td>
<td></td>
<td>598,137</td>
<td></td>
<td>$598,137</td>
</tr>
</tbody>
</table>

**Debt Principal Payments:**

| Tax Allocation Bonds and Notes | | | | $0 |
| Revenue Bonds, Certificates of Participation, Financing Authority Bonds | | 615,000 | | $915,000 |
| City/County Advances and Loans | | | | $0 |
| All Other Long-Term Debt | | | | $0 |

Total Expenditures

| $501,996 | $3,631,355 | $104,017 | $0 | $4,238,368 |

Excess (Deficiency) Revenues over (under) Expenditures

<p>| $817,717 | $2,363,599 | $1,139,311 | $0 | $4,320,627 |</p>
<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Area Name</td>
<td>Community Center Project Area</td>
</tr>
<tr>
<td></td>
<td>Capital Project Funds</td>
</tr>
<tr>
<td>Proceeds of Long-Term Debt</td>
<td>$0</td>
</tr>
<tr>
<td>Proceeds of Refunding Bonds</td>
<td>$0</td>
</tr>
<tr>
<td>Payment to Refunded Bond Escrow Agent</td>
<td>$0</td>
</tr>
<tr>
<td>Advances from City/County</td>
<td>$0</td>
</tr>
<tr>
<td>Sale of Fixed Assets</td>
<td>$0</td>
</tr>
<tr>
<td>Miscellaneous Financing Sources (Uses)</td>
<td>$-2,619,052</td>
</tr>
<tr>
<td>Operating Transfers In</td>
<td>$0</td>
</tr>
<tr>
<td>Tax Increment Transfers In</td>
<td>$0</td>
</tr>
<tr>
<td>Operating Transfers Out</td>
<td>$0</td>
</tr>
<tr>
<td>Tax Increment Transfers Out</td>
<td>$0</td>
</tr>
<tr>
<td>(To the Low and Moderate Income Housing Fund)</td>
<td></td>
</tr>
<tr>
<td>Total Other Financing Sources (Uses)</td>
<td>$0</td>
</tr>
</tbody>
</table>
## Statement of Income and Expenditures - Other Financing Sources

### Fiscal Year

| Year | 2007 |

### Project Area Name

| Area Name | Community Center Project Area |

### Excess (Deficiency) of Revenues and Other Financing Sources over Expenditures and Other Financing Uses

<table>
<thead>
<tr>
<th>Source</th>
<th>Capital Project Funds</th>
<th>Debt Service Funds</th>
<th>Low/Moderate Income Housing</th>
<th>Special Revenue/Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excess</td>
<td>$817,717</td>
<td>($255,413)</td>
<td>$1,139,311</td>
<td>30</td>
<td>$1,701,615</td>
</tr>
</tbody>
</table>

### Equity, Beginning of Period

| Source          | $1,903,200            | $2,060,580         | $5,957,965                  | $0                    | $10,817,733 |

### Prior Period Adjustments

| Source          | $0                    |                      |                            |                       | $0             |

### Residual Equity Transfers

| Source          |                      |                      |                            |                       | $0             |

### Equity, End of Period

| Source          | $2,720,925            | $2,701,147           | $7,097,278                  | $0                    | $12,519,348   |
### Balance Sheet - Assets and Other Debts

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>2007</th>
<th>Capital Projects Funds</th>
<th>Debt Service Funds</th>
<th>Low/Moderate Income Housing Funds</th>
<th>Special Revenue/Other Funds</th>
<th>General Long-Term Debt</th>
<th>General Fixed Assets</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash and Imrest Cash</td>
<td>2,718,308</td>
<td>931,178</td>
<td>5,370,414</td>
<td>4,201,409</td>
<td>1,051,116</td>
<td>4,725,055</td>
<td>9,019,978</td>
<td></td>
</tr>
<tr>
<td>Cash with Fiscal Agent</td>
<td></td>
<td>1,981,034</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,981,034</td>
<td></td>
</tr>
<tr>
<td>Tax Increments Receivable</td>
<td></td>
<td></td>
<td>372,008</td>
<td></td>
<td></td>
<td></td>
<td>372,008</td>
<td></td>
</tr>
<tr>
<td>Accounts Receivable</td>
<td></td>
<td></td>
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<tr>
<td>Accrued Interest Receivable</td>
<td>6,050</td>
<td>13,668</td>
<td>18,172</td>
<td>40,540,000</td>
<td>806,112</td>
<td>806,112</td>
<td>39,340,000</td>
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<tr>
<td>Loans Receivable</td>
<td></td>
<td></td>
<td>929,016</td>
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<td>929,016</td>
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<tr>
<td>Contracts Receivable</td>
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<td></td>
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</tr>
<tr>
<td>Lease Payments Receivable</td>
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<tr>
<td>Unearned Finance Charge</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Due from Capital Projects Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0</td>
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<tr>
<td>Due from Debt Service Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Due from Low/Moderate Income Housing Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Due from Special Revenue/Other Funds</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>9,019,978</td>
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<tr>
<td>Fiscal Year</td>
<td>2007</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------</td>
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<td></td>
<td></td>
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<tr>
<td>Investments</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Other Assets</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Investments: Land Held for Resale</td>
<td>$700,000</td>
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<td>Allowance for Decline In Value of Land Held for Resale</td>
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<td>Fixed Assets: Land, Structures, and Improvements</td>
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<td></td>
<td></td>
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<tr>
<td>Equipment</td>
<td>$1,630,536</td>
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<tr>
<td>Amount Available In Debt Service Fund</td>
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<td></td>
<td></td>
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<td></td>
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<tr>
<td>Amount to be Provided for Payment of Long-Term Debt</td>
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<td></td>
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<tr>
<td>Total Assets and Other Debts</td>
<td>$54,342,860</td>
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</table>

*Must Equal Total Liabilities, Other Credits, and Equities*
<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>2007</th>
<th>Capital Projects Funds</th>
<th>Debt Service Funds</th>
<th>Low/Moderate Income Housing Funds</th>
<th>Special Revenue/Other Funds</th>
<th>General Long-Term Debt</th>
<th>General Fixed Assets</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liabilities and Other Credits</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts Payable</td>
<td>4,313</td>
<td>598,137</td>
<td>326</td>
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<td></td>
<td>$622,776</td>
<td></td>
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<td>Interest Payable</td>
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<td></td>
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<td>$0</td>
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<tr>
<td>Tax Anticipation Notes Payable</td>
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<td></td>
<td></td>
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<td>Loans Payable</td>
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<td>$0</td>
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<tr>
<td>Other Liabilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Due to Capital Projects Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Due to Debt Service Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td>$0</td>
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<tr>
<td>Due to Low/Moderate Income Housing Fund</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Due to Special Revenue/Other Funds</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Tax Allocation Bonds Payable</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Lease Revenue, Certificates of Participation Payable, Financing Authority Bonds</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>39,135,000</td>
<td></td>
<td>$39,135,000</td>
</tr>
<tr>
<td>All Other Long-Term Debt</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>405,000</td>
<td></td>
<td>$405,000</td>
</tr>
<tr>
<td>Total Liabilities and Other Credits</td>
<td>$4,313</td>
<td>$598,137</td>
<td>$326</td>
<td>$0</td>
<td>$39,540,000</td>
<td>$405,000</td>
<td></td>
<td>$40,142,776</td>
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</table>
### Fiscal Year 2007

<table>
<thead>
<tr>
<th>Capital Projects Funds</th>
<th>Debt Service Funds</th>
<th>Low/Moderate Income Housing Funds</th>
<th>Special Revenue/Other Funds</th>
<th>General Long-Term Debt</th>
<th>General Fixed Assets</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Equities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Investment in General Fixed Assets</td>
<td>1,600,536</td>
<td>1,600,536</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund Balance Reserved</td>
<td></td>
<td></td>
<td>7,097,276</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund Balance Unreserved-Designated</td>
<td>2,720,925</td>
<td>2,701,147</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund Balance Unreserved-Undesignated</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Equities</strong></td>
<td>$2,720,925</td>
<td>$2,701,147</td>
<td>$7,097,276</td>
<td>$0</td>
<td>$1,600,536</td>
<td>$14,199,894</td>
</tr>
<tr>
<td><strong>Total Liabilities, Other Credits, and Equities</strong></td>
<td>$2,720,236</td>
<td>$3,299,284</td>
<td>$7,097,082</td>
<td>$0</td>
<td>$59,340,000</td>
<td>$54,342,000</td>
</tr>
</tbody>
</table>

Note: The table represents the budgetary resources and fund balance of the Redevelopment Agency for Fiscal Year 2007.
<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Transfers In</td>
<td>$0</td>
</tr>
<tr>
<td>Tax Increment Transfers In</td>
<td>$0</td>
</tr>
<tr>
<td>Operating Transfers Out</td>
<td>$0</td>
</tr>
<tr>
<td>Tax Increment Transfers Out</td>
<td>$0</td>
</tr>
</tbody>
</table>
### Project Area: MODESTO PROJECT

<table>
<thead>
<tr>
<th>Type</th>
<th>Status</th>
<th>Plan Adoption</th>
<th>Plan Expiration Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inside Project Area</td>
<td>Active</td>
<td>1987</td>
<td>2031</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gross Tax Increment</th>
<th>Calculated Deposit</th>
<th>Amount Allocated</th>
<th>Amount Exempted</th>
<th>Amount Deferred</th>
<th>Total Deposited</th>
<th>% Cumulative Def.</th>
</tr>
</thead>
<tbody>
<tr>
<td>$5,303,519</td>
<td>$1,060,704</td>
<td>$1,060,704</td>
<td>$0</td>
<td>$0</td>
<td>$1,060,704</td>
<td>20.00%</td>
</tr>
</tbody>
</table>

- **Repayment Category:**
  - Interest Income: $183,524
  - Total Additional Revenue: $183,524

**Total Housing Fund Deposits for Project Area:** $1,244,228

### Agency Totals For All Project Areas:

<table>
<thead>
<tr>
<th>Gross Tax Increment</th>
<th>Calculated Deposit</th>
<th>Amount Allocated</th>
<th>Amount Exempted</th>
<th>Amount Deferred</th>
<th>Total Deposited</th>
<th>% Cumulative Def.</th>
</tr>
</thead>
<tbody>
<tr>
<td>$5,303,519</td>
<td>$1,060,703.8</td>
<td>$1,060,704</td>
<td>$0</td>
<td>$0</td>
<td>$1,060,704</td>
<td>20%</td>
</tr>
</tbody>
</table>

- **Total Additional Revenue from Project Areas:** $183,524
- **Total Deferral Repayments:** $0
- **Total Deposit to Housing Fund from Project Areas:** $1,244,228
## Project Area Contributions to Low and Moderate Income Housing Funds

**Sch A Project Area Summary Report**

**MODESTO RDA**

<table>
<thead>
<tr>
<th>Project Area</th>
<th>100% of Tax Increment</th>
<th>20% Set Aside Requirement</th>
<th>Tax Increment Allocated</th>
<th>Amount Exempted</th>
<th>Deferral</th>
<th>Tax Incr. Deposited to Hsg Fund</th>
<th>Percent of Tax Incr Dep</th>
<th>Repayment Deferrals</th>
<th>Other Income</th>
<th>Total Deposited to Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td>MODESTO PROJECT</td>
<td>$5,303,519</td>
<td>$1,060,704</td>
<td>$1,060,704</td>
<td>$0</td>
<td>$0</td>
<td>$1,060,704</td>
<td>20.00%</td>
<td>$0</td>
<td>$183,524</td>
<td>$1,244,228</td>
</tr>
<tr>
<td>Agency Totals:</td>
<td>$5,303,519</td>
<td>$1,060,704</td>
<td>$1,060,704</td>
<td>$0</td>
<td>$0</td>
<td>$1,060,704</td>
<td>20.00%</td>
<td>$0</td>
<td>$183,524</td>
<td>$1,244,228</td>
</tr>
</tbody>
</table>

*Note: Print this report in Landscape Orientation (Use the Print icon just above, then Properties then Landscape)*
<table>
<thead>
<tr>
<th></th>
<th>Adjusted Beginning Balance</th>
<th>Project Area Receipts</th>
<th>Agency Other Revenue</th>
<th>Total Net Resources Available</th>
<th>Other Housing Fund Assets</th>
<th>Total Housing Fund Assets</th>
<th>Encumbrances</th>
<th>Unencumbered Balance</th>
<th>Unencumbered Designated</th>
<th>Unencumbered Not Designated</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>$5,957,965</td>
<td>$1,244,228</td>
<td>$0</td>
<td>$104,917</td>
<td>$7,097,276</td>
<td>$7,097,276</td>
<td>$0</td>
<td>$7,097,276</td>
<td>$0</td>
<td>$7,097,276</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Planning and Administration Costs</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006/2007</td>
<td>$104,917</td>
<td>$104,917</td>
</tr>
</tbody>
</table>

*The Unencumbered Balance is equal to Net Resources Available minus Encumbrances*

*Note: Print this report in Landscape Orientation (Use the Print Icon just above, then Properties then Landscape)*
Beginning Balance $5,957,955
Adjustment to Beginning Balance $0
Adjusted Beginning Balance $5,957,955
Total Tax Increment From PA(s) $1,060,704
Total Receipts from PA(s) $1,244,228
Other Revenues not reported on Schedule A $0
Sum of Beginning Balance and Revenues $7,202,193

<table>
<thead>
<tr>
<th>Expenditure</th>
<th>Subitem</th>
<th>Amount</th>
<th>Remark</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning and Administration Costs</td>
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</tr>
<tr>
<td>Administration Costs</td>
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<tr>
<td>Planning, Survey/Design</td>
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<tr>
<td>Professional Services</td>
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<tr>
<td>Subtotal of Planning and Administration Costs</td>
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<td>$104,917</td>
<td></td>
</tr>
<tr>
<td>Total Expenditures</td>
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<td>$104,917</td>
<td></td>
</tr>
<tr>
<td>Net Resources Available</td>
<td></td>
<td>$7,097,276</td>
<td></td>
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<tr>
<td>Indebtedness For Setasides Deferred</td>
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</table>

Other Housing Fund Assets

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
<th>Remark</th>
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</thead>
<tbody>
<tr>
<td>Total Other Housing Fund Assets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Fund Equity</td>
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<td>$7,097,276</td>
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</table>

<table>
<thead>
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<th>Year</th>
<th>Amount</th>
<th>Remarks</th>
</tr>
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<td>2003/04</td>
<td>$551003</td>
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<td>2004/05</td>
<td>$832875</td>
<td>sum of 4 Previous Years' Tax Increment for 2006/2007</td>
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<tr>
<td>2005/06</td>
<td>$546636</td>
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Sum of Current and 3 Previous Years' Tax Increments $3,501,218
Adjusted Balance $7,097,276
Excess Surplus for next year $3,595,058
Net Resources Available $7,097,276
Unencumbered Designated $0
Unencumbered Undesignated $7,097,276
Total Encumbrances $0
Unencumbered Balance $7,097,276
Unencumbered Balance Adjusted for Debt Proceeds $0
Unencumbered Balance Adjusted for Land Sales $0
Excess Surplus Expenditure Plan No
Excess Surplus Plan Adoption Date

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<td>Site Improvement Activities Benefiting Households</td>
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<th>Land Held for Future Development</th>
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<tr>
<td>Site Name</td>
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<th>Use of the Housing Fund to Assist Mortgagors</th>
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<td>Income Adjustment Factors</td>
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<td>Home</td>
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<td>Non Housing Redevelopment Funds Usage</td>
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<th>LMIHF Deposits/Withdrawals</th>
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<td>Document Name</td>
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<tr>
<td>Fund 9060 OLGL</td>
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Modesto, CA 95353

Achievements
Description
FY 2007
MODESTO REDEVELOPMENT AGENCY

HEALTH AND SAFETY CODE §33080.1

- ALLEVIATION OF BLIGHT
- LOAN DEFAULT REPORT
- PROPERTY LISTING
MODESTO REDEVELOPMENT AGENCY
PROJECT AREA

2000 Acres (Est.)
The Modesto Redevelopment Agency's goal is to stimulate new public and private investment in order to overcome the problems that have been created in past decades. Through new investment, both the physical and social environment of the project area will be improved. Private investment, with the assistance of the Agency, will help to:

- Overcome blight created by deteriorated and obsolete buildings
- Stabilize land uses
- Provide needed public parking
- Create new parcels amenable to modern development.

Employment opportunities, both in the short and long term, will help to overcome problems of poverty not only in the Project Area, but also in the City as a whole. Increased employment opportunities, appropriate project design and, most importantly, higher levels of activity in the Project Area --- especially in the evenings --- will decrease the crime rates.

During FY 2007, the Redevelopment Agency of the City of Modesto completed the following actions to implement the objectives of the Implementation Plan in alleviating blight within the Project Area. (Note: The Agency’s Implementation Plan was approved in December 2005 for the period of 2005-2009.)

**Vision**
- Modesto’s parks, plazas, and greenways contribute to a public realm that provides an attractive, inviting “Oasis in the Valley.”
- Modesto’s unique history and character are preserved to make the city a pleasant place to live, and are actively promoted to attract new investment.
- The downtown is a vibrant mixed-use area with an established residential element.
- Transportation opportunities are multi-modal and well-connected throughout the Redevelopment Area, city, and region

**Goals**

**Goal 1**
Create a unique and recognizable image for Modesto and use it to strenuously promote the City.

**Agency Actions:**

Project: Update to the Agency Master Plan and Environmental Impact Report
Agency Expenditure: $425,000
Status: Final Administrative Draft Completed: July 2006
Environmental Impact Report – Summer 2007

In November 1991, the Redevelopment Agency (RDA) adopted the Amended Project Area and the Redevelopment Plan for a Project Area of approximately 2000 acres. As a part of this Project Area adoption, an Environmental Impact Report (EIR) was approved in accordance with the State law. Subsequent to these actions, in 1994, a RDA Master Plan was also adopted to implement the
goals and objectives of the RDA Plan. The purpose of this Master Plan is to provide a policy guideline document to identify specific types of land uses that the Agency should encourage and promote within the Project Area. As a continuing part of this long-term strategy, the RDA staff – in consultation with the RDA General Counsel - has determined that both the RDA EIR and Master Plan should be updated. Considering the dramatic changes that have taken place since the early 1990’s, both documents are out of date and must be revised to reflect the current conditions and to ensure legal compliance. For the entire RDA Master Plan Update, the physical improvement strategies includes:

- Land Use policy direction, including housing, business parks, incubator areas, Tuolumne River Regional Park Master Planning, historic preservation and commercial corridors
- Building conceptual design for catalyst sites and opportunity sites
- Circulation, including pedestrian connections
- Streetscape character and urban design
- Focal points and gateways

Project: Opportunity Map of the Redevelopment Project Area
Agency Expenditure: $1500
Status: Completed and Distributed to Owners and Developers
The Opportunity Map furthers the objectives of the RDA by identifying those property owners within the Project Area who are interested in either selling their parcel or working with a private developer to develop their property into either a commercial, industrial or residential use. Staff sent letters to all property owners within the RDA Project Area inquiring whether they would be interested in development or sale and created a list of 230 willing owners. The Opportunity Map has been sent to all commercial realtors in Modesto, as well as many in the Bay Area. Also, the Map will be provided to all property owners within the Project Area. Finally, the Map is included as part of our standard informational packet to all businesses looking to relocate or expand in Modesto.

Goal 2
Promote the economic viability of the Redevelopment Area by attracting new development.

Agency Actions:

Project: Kansas Woodland Business Park Development
Agency Expenditure: $2,000,000
Status: Fall 2007
Beginning in January 2000 and in conjunction with development of the Business Park Development Program, staff has been working with the FMC Corporation and adjacent property owners located to the north of Kansas Avenue and directly adjacent to State Route 99 to determine the interest in, and feasibility of the development of a commercial/retail/light industrial business park.

Towards this end, the Agency formed a multi-disciplinary development team comprised of in-house staff and consultants to work on the proposed Business Park. On November 6, 2002, the Agency approved the terms and conditions of a Purchase Option for the 45-acre FMC property which is a contaminated brownfield owned by the FMC Corporation. In summary, FMC and the Agency have agreed to the following:

1. Purchase price will be $1,000,000 plus five percent (5%) of any amount received by the City upon sale of the Property in excess of $1,000,000
2. Agency has paid an option payment of $50,000 concurrent with the completion of the Property Option Agreement in consideration for the exclusive right to purchase the property.

3. When the Agency elects to exercise the Property Option, the Agency will pay an Exercise Option payment of $50,000. Both option payments (Total of $100,000) will be applied to the purchase price.

Since January 2000, the Agency has expended a total of $1,000,000 in staff costs to complete this priority project. Staff is working concurrently on the following critical path items:

- Developer Agreement (DA) and revisions to the Property Option Agreement to develop the business park adjacent to State Route 99
- Completion of the Comprehensive Remedial Action Plan for soils and groundwater for remediation of the brownfield
- Completion of the Specific Plan for development of the Business Park
- Completion of the Tentative Subdivision Map for the Business Park
- Completion of the Programmatic Environmental Impact Report for the Specific Plan

Project: Renaissance Office Project - 12th Street & I Street
Agency Expenditure: $132,000 Tax Increment rebate over 15 years
Status: Completed – June 2006

The Agency entered into an Owner Participation Agreement (OPA) with Westland Development in September 2002. The OPA included the following conditions:

1. The City sold a 44-space City parking lot to Stanislaus County for $245,000
2. Westland entered into an agreement with Stanislaus County wherein the County will construct a 90,000 square foot building and the ownership will be divided between three entities: (1) County – 50%; (2) StanCERA – 17%; (3) Westland – 33%
3. There is an adjoining parking garage, constructed and owned by the County, wherein approximately 50 public spaces are replacing the 44-space public parking lot
4. Over 15 years, the Agency will rebate tax increment received from the private sector portion of the building for a total of $132,000 over 15 years. This rebate will be used to offset the parking payments to the County for the public spaces.
5. The Renaissance Office Project is nearing completion and the Certificate of Completion is expected to be issued in FY 2008.

Goal 3
Implement higher density, mixed-use development to create a balanced, vibrant downtown and active neighborhood centers.

Agency Actions:

Project: Gallo Center for the Arts
Agency Expenditure: $602,000
Status: Estimated Completion - Fall 2007

The Gallo Center for the Arts is a $31 Million project under construction in the block between 10th and 11th Streets and H and I Streets in downtown Modesto. The center will feature a 1,200-seat theater, a 400-seat theater and art gallery. Though construction will be primarily funded by contributions from the community and Stanislaus County, the Agency has been asked to contribute funds for construction/replacement of such public improvements as deteriorated curb, sidewalks and streetlights, new street trees and street reconstruction.
Pursuant to Community Redevelopment Law, funds can only be provided if the mandatory legal findings are made. The Agency continues to review this project to determine if funding is appropriate and legal according to the mandatory findings.

**Project: Mixed-Use Project – 10th Street & H Street**

*Agency Expenditure: $630,000 in land value*

*Status: Memorandum of Understanding with Centerra Capital – Adopted: May 22, 2007*

A mixed-use development is an excellent addition to the Downtown environment. The Agency owns four (4) parcels of land at the southwest corner of 10th & H Streets in Modesto. The Agency Board has directed staff to identify a public-private partnership for the development of a high-quality Mixed-Use Project on this 31,500 square-foot Project Site. After completing the Request for Proposal process, the Agency entered into an Exclusive Negotiating Agreement (ENA) with Team Modesto, a local development group, on August 3, 2005 for development of this project. The ENA produced the following proposed land use:

a. Two levels of below ground parking (164 spaces)
b. Ground level: Retail (25,000 sf)
c. Floors 2-3: Parking (164 spaces)
d. Floors 4-6: Full Service Hotel (125-150 rooms)
e. Floors 7-8: One and two story townhomes (22 units @ 1200 sf (approx.) each) with 5,000 sf of two level open gardens

The Agency and Centerra Capital completed a Memorandum of Understanding which was adopted on May 22, 2007 which includes the following tasks:

1. Proposed project design, land uses, parameters and pre-planning
2. Various studies, including environmental analysis pursuant to CEQA and the legal contracts related to these studies
3. Requirements for the mixed-use development, including the Site development schedule
4. Terms of the parking agreement for public parking to be provided on the Site
5. Land assembly to acquire all parcels for Option 2

Staff expects the approval of the CEQA review and adoption of the Disposition and Development Agreement by January 2008. The construction is estimated to take 18-24 months.

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**Goal 4**

Provide the rationale and impetus for the City to update its development standards to support the goals identified in this document.

**Agency Actions:**

The Redevelopment Advisory Commission is starting the process to revise the development standards to implement form-based zoning. This will mirror the Agency's goals of encouraging a diverse inventory of mixed-use zones throughout the Project Area and facilitating the developer's permit process and requirements. The Citizens Redevelopment Advisory Commission is including this item on their agenda to accomplish two initial phases: (1) Join the Planning Commission in an educational seminar for the Agency members covering the purpose and procedures of form-based codes; and (2) Create a sub-committee to meet with City planning staff and representatives from the Planning Commission to review existing zoning codes and prepare the listing of those codes that must be revised to follow the new standards.
Goal 5
Develop a variety of housing types in the Redevelopment Area, including affordable housing, particularly in the downtown, to act as a catalyst for other types of development.

Agency Actions:

Project: Affordable Housing Project – N. 9th Street
Estimated Agency Expenditure: $6,500,000
Status: Agency to enter into Memorandum of Understanding for project development
Current Fiscal Status of Housing Set-aside Funding: $7,079,031 (as of July 1, 2007)
Agency has been working with a property owner and developer to consider a proposed affordable housing project on the east side of N. 9th Street, just north of the Carver Road intersection. During FY 2008, the Agency will consider a Memorandum of Understanding (MOU) between the Agency and the property owner. The MOU will include the following tasks:
1. Environmental (CEQA) evaluation
2. Negotiation of Owner Participation Agreement, including final financial proposed terms and conditions for possible Agency assistance
3. Preliminary Design and Land Assembly
4. Land Use Review & Site Plan for Planned Development

The proposed site for this project demonstrates the following advantages to the Agency:
1. Site is inside the RDA Project Area
2. Site is identified as a Catalyst Site in the RDA Master Plan
3. Site is surrounded on two sides with residential and a neighborhood shopping center, creating a good adjacent land use mix
4. Site is a County island that will be annexed as part of the project
5. Site is 6.5 acres which affords room for a significant number of apartment rentals

Staff expects the approval of the CEQA review and adoption of the Owner Participation Agreement by January 2008. The construction is estimated to take 18-24 months. Est. Number of Affordable Housing Units: 118 - 130

Project: Affordable Housing Project – Town Center – Roselle Ave & Belharbour Drive
Estimated Agency Expenditure: $400,000
Status: Agency to enter into Owner Participation Agreement for project development
Agency has been working with the property owner/developer (Stanislaus County Housing Authority) to assist in funding an affordable housing project on the northeast corner of Roselle Avenue and Belharbour Drive in the Village One area in east Modesto. During FY 2008, the Agency will consider an Owner Participation Agreement between the Agency and the property owner, Stanislaus County Housing Authority. Staff expects the approval of the Owner Participation Agreement by September 2007. The construction is estimated to take 18-24 months. Est. Number of Affordable Housing Units: 118 - 130

Project: Affordable Housing Project – 17th & G Streets
Agency Expenditure: TBD
Status: Agency owns site for possible affordable housing project
The Agency staff has worked closely with the staff from the Parks, Recreation and Neighborhoods Department to identify joint affordable housing projects. On May 10, 2005, the City Council declared the “Tower Park” parcel as surplus to the City's needs and directed staff to offer the parcel for sale in accordance with the Government Code. Tower Park is located at the...
northwest corner of 17th & G Streets in Modesto. The Agency was notified of the parcel sale on May 16, 2005. The Agency completed negotiations with the City to acquire the Park site for affordable housing.

Escrow was opened and the funds were encumbered in June 2006 (FY 2006). Escrow closed during FY 2007 and the property was acquired by the Agency. The Agency staff considered several options for this site. The original goal was to expand the site to include the remainder of the block in order to design a mixed-use project, including affordable housing and retail uses. The additional land acquisition was not successful, leaving only the park site of less than an acre. The Agency continues to consider this site. The development of this site for affordable housing is dependent upon the potential for development of the N. 9th Street site.

Goal 6
Enhance the visual appeal of Modesto’s public spaces by upgrading existing parks, plazas, and streets, and by creating new parks and plazas that offer public access.

Agency Actions:

Project: Tuolumne River Regional Park
Agency Expenditure: Expense Paid By Private Developers
The Tuolumne River is the foremost natural asset bordering in the Redevelopment Project Area. The City of Modesto has adopted a Master Plan for the development of this valuable open space. Bluff property overlooking the park should be investigated as a site for a regional educational and recreational facility oriented primarily to children and families.

Project: New private parks and plazas
Agency Expenditure: Expense Paid By Private Developers
As part of the implementation of the form-based zoning code, the Agency will be working with the City Planning Commission to include the development requirement for open space and plazas within all private developments in the Project Area. These open space areas will encourage pedestrian traffic and will also address the issue of building massing in the downtown.

Goal 7
Develop historic I and 10th Streets as an attractive, pedestrian-oriented zone. Create a clear sense of arrival at Modesto’s downtown by enhancing the 6th and I Street Gateway and the intersection of I and 10th Streets.

Agency Actions:

Project: Streetscape Plan and Construction on 10th Street and I Street
Agency Expenditure: $300,000
Status: Estimated Completion – June 2008
In FY 2006, the Agency contracted with an architectural firm to design a conceptual streetscape plan for 10th Street and I Street. The next phase will be to complete construction plans for these two streets that will be used to construct the streetscape along designated frontages. In addition,
the Agency will be partnering with private landowners to encourage them to upgrade their street frontages in compliance with the new streetscape standard.

**Project: Wayfinding Signage for the Downtown Area**

**Agency Expenditure:** $100,000

**Status:** Estimated Completion – January 2006

The Agency provides $300,000 each year for use in Project Area Improvement and general street improvement projects. For FY 2006, the Agency used $100,000 of these funds to create the design, construction plans and installation of wayfinding signage for the downtown area. These signs were installed in January 2006 and additional funding will be provided for expansion of this wayfinding signage during FY 2008.

---

### Goal 8

Promote efficient automobile, bicycle, and pedestrian circulation and linkages into and through the Redevelopment Area.

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**Agency Actions:**

**Project: Wayfinding Signage for the Downtown Area**

**Agency Expenditure:** $100,000

**Status:** Estimated Completion – January 2006

The Agency provides $300,000 each year for use in Project Area Improvement and general street improvement projects. For FY 2006, the Agency used $100,000 of these funds to create the design, construction plans and installation of wayfinding signage for the downtown area. These signs were installed in January 2006 and additional funding will be provided for expansion of this wayfinding signage FY 2008.

---

### II. HEALTH AND SAFETY CODE §33080.1(e)

**REPORT ON ALL LOANS IN DEFAULT**

The Modesto Redevelopment Agency has no loans in excess of $50,000 that are in default from the previous fiscal year or that are not in compliance with the terms of the loan approved by the Agency.
III. HEALTH AND SAFETY CODE S33080.1(f)

PROPERTY LISTING

The Modesto Redevelopment Agency acquired the property at the intersection of 17th & G Streets for the purpose of an affordable housing project (APN: 106-06-02)

Property List:

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<tr>
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<th>Street</th>
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<th>Current use</th>
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<td>1010 TENTH ST 1st FLOOR</td>
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<td>105-41-21</td>
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<td>5</td>
<td>105-48-06</td>
<td>1125 9TH STREET</td>
<td>1125 9TH ST MODESTO, CA 95354-0000</td>
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<td>6</td>
<td>105-48-08</td>
<td>9TH STREET</td>
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<td>Centre Plaza Bridge</td>
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<td>7</td>
<td>105-48-11</td>
<td>1150 9TH ST</td>
<td>1125 11TH ST MODESTO, CA 95354-0000</td>
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<td>10th Street &amp; H Street</td>
<td>10TH Street MODESTO, CA 95354-0000</td>
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<td>12</td>
<td>106-06-02</td>
<td>17th &amp; G Street</td>
<td>17th Street MODESTO, CA 95354-0000</td>
<td>Park Site</td>
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</table>
Name of Redevelopment Agency: MODESTO REDEVELOPMENT AGENCY
Name of Project Area: MODESTO REDEVELOPMENT PROJECT - AMENDED AREA

### STATEMENT OF INDEBTEDNESS - CONSOLIDATED

#### FILED FOR THE 2007-08 TAX YEAR

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<tr>
<td>Net Requirement</td>
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Consolidate on this form all of the data contained on Form A and B (including supplemental pages). Form A is to include all indebtedness entered into as of June 30 of the Fiscal Year. Form B may be filed at the option of the agency, and is to include indebtedness entered into post June 30 of the Fiscal Year, pursuant to Health and Safety Code Section 33675(e)(2). This is optional for each agency and is not a requirement for filing the Statement of indebtedness. The Reconciliation Statement is to include indebtedness from Form A only.

Certification of Chief Financial Officer:
Pursuant to Section 33675 (b) of the Health and Safety Code, I hereby certify that the above is a true and accurate Statement of Indebtedness for the above named agency.

M. Wayne Padilla
Finance Director

Name

Signature

September 28, 2007

Date

Rev 06/94

ATTACHMENT 6
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<td>(H) All prior transfers now loans</td>
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<td>Totals Forward From All Other Pages</td>
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<tr>
<td>Grand Totals</td>
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<td>Available Revenues</td>
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<tr>
<td>Net Requirement</td>
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<td></td>
</tr>
</tbody>
</table>

Purpose of Indebtedness:

(A) Agreement pursuant to H&S Code Section 33401

(B) Agreement pursuant to H&S Code Section 33401

(C) Agreement pursuant to H&S Code Section 33401

(D) Agreement pursuant to H&S Code Section 33401

(E) Agreement pursuant to H&S Code Section 33401

(F) Modesto Public Financing Authority 1998 Lease Revenue Bonds

(G) Planning costs re: the proposed Kansas Ave. Business Park

(H) Transfers/loans from City, per City Council/RDA 6/30/03

(I) 

(J) 

Tenth Street Place project - site acquisition and construction, RDA share of
### Reconciliation Statement - Changes in Indebtedness

**Name of Agency:** MODESTO REDEVELOPMENT AGENCY  
**Name of Project Area:** MODESTO REDEVELOPMENT PROJECT - AMENDED AREA  

**Tax Year:** 2007-08  
**Reconciliation Dates:** From July 1, 2006 To June 30, 2007

<table>
<thead>
<tr>
<th>Prior Yr</th>
<th>Current Yr</th>
<th>Description</th>
<th>Outstanding Debt</th>
<th>Adjustments</th>
<th>Amounts Paid Against Indebtedness</th>
<th>Remaining Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pg 1</td>
<td>Pg 1</td>
<td>Pass through:</td>
<td>7,303,124.18</td>
<td>76,505.92</td>
<td>7,226,665.56</td>
</tr>
<tr>
<td>Line A</td>
<td>Line A</td>
<td>Y.C.C.D.</td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Pg 1</td>
<td>Pg 1</td>
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<td></td>
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<td>455,061.19</td>
<td>43,150,449.38</td>
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<td>Modesto City Schools</td>
<td>43,605,510.57</td>
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<tr>
<td>Pg 1</td>
<td>Pg 1</td>
<td>Pass through:</td>
<td></td>
<td></td>
<td>66,571.09</td>
<td>6,277,523.49</td>
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<tr>
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<td>Line C</td>
<td>County Office of Education</td>
<td>6,344,093.58</td>
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<td>Pg 1</td>
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<td>Pass through:</td>
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</tr>
<tr>
<td>Line D</td>
<td>Line D</td>
<td>Stanislaus County</td>
<td>53,424,028.79</td>
<td></td>
<td>53,424,028.79</td>
<td></td>
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<tr>
<td>Pg 1</td>
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<td>Pass through:</td>
<td></td>
<td>41,934,028.76</td>
<td>959,067.83</td>
<td>41,899,513.21</td>
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<td>Line E</td>
<td>Line E</td>
<td>Low-Mod Housing Set-aside</td>
<td>41,934,028.76</td>
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<td></td>
<td></td>
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<tr>
<td>Pg r 1</td>
<td>Pg 1</td>
<td>Reimbursement Agreement - MPP 1998 Lease Revenue Bonds</td>
<td>36,242,362.63</td>
<td></td>
<td>918,221.41</td>
<td>75,544.59</td>
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<tr>
<td>Line F</td>
<td>Line F</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>35,248,596.63</td>
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<td>Pg 1</td>
<td>Stanislaus Co. Economic Development &quot;Bank&quot; - Kansas Ave BP</td>
<td>405,000.00</td>
<td></td>
<td>405,000.00</td>
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<td>Line G</td>
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<td></td>
<td></td>
<td></td>
<td>21,116,513.90</td>
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<tr>
<td>Pg 1</td>
<td>Pg 1</td>
<td>City of Modesto</td>
<td></td>
<td></td>
<td>interest added</td>
<td></td>
</tr>
<tr>
<td>Line H</td>
<td>Line H</td>
<td>All prior transfers now loans</td>
<td>20,411,948.00</td>
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<td>1,453,841.00</td>
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</tr>
<tr>
<td>TOTALS FORWARD</td>
<td></td>
<td></td>
<td>2,457,974.92</td>
<td></td>
<td>2,457,974.92</td>
<td></td>
</tr>
<tr>
<td>TOTALS FORWARD</td>
<td></td>
<td></td>
<td>2,457,974.92</td>
<td></td>
<td>2,457,974.92</td>
<td></td>
</tr>
<tr>
<td>GRAND TOTALS</td>
<td></td>
<td></td>
<td>2,457,974.92</td>
<td></td>
<td>2,457,974.92</td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** Column A must equal the previous year Statement of Indebtedness Outstanding Debt. Column F must equal this year's SOI Outstanding Debt column. Use the page and line number that the Indebtedness is listed on in each year as appropriate, and a brief description. Ignore any Indebtedness fully repaid in the previous year, as it had a zero ending balance. All new Indebtedness entered into since the previous SOI is to be listed below the previous Indebtedness. Enter "new" in the "Prior Yr" page and line column for each new Indebtedness.

Rev: 5/2/04
### RECONCILIATION STATEMENT - CHANGES IN INDEBTEDNESS

#### Name of Agency
MODESTO REDEVELOPMENT AGENCY

#### Name of Project Area
MODESTO REDEVELOPMENT PROJECT - AMENDED AREA

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>2007-08</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reconciliation Dates:</td>
<td>From July 1, 2006 To June 30, 2007</td>
</tr>
</tbody>
</table>

#### Debt Identification:

<table>
<thead>
<tr>
<th>SOI page and line</th>
<th>Brief Description</th>
<th>Outstanding Debt All Beginning Indebtedness</th>
<th>Adjustments</th>
<th>Amounts Paid Against Indebtedness, from:</th>
<th>Remaining Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pg new Pg line no.</td>
<td>T/I paid on Orig Area COP</td>
<td>T/I paid on Orig Area COP 1,169,974.92</td>
<td>1,169,974.92</td>
<td>Tax Increment Other Funds (A+B+C+D+G)</td>
<td></td>
</tr>
<tr>
<td>Pg new Pg line no.</td>
<td>T/I for Admin 376,000.00</td>
<td>T/I for Admin 376,000.00</td>
<td>376,000.00</td>
<td>Other Funds (A+B+C+D+G)</td>
<td></td>
</tr>
<tr>
<td>Pg new Pg line no.</td>
<td>T/I for Projects 912,000.00</td>
<td>T/I for Projects 912,000.00</td>
<td>912,000.00</td>
<td>Other Funds (A+B+C+D+G)</td>
<td></td>
</tr>
</tbody>
</table>

| TOTAL - THIS PAGE | 2,457,974.92 | 2,457,974.92 | |

#### NOTE:
Column A must equal the previous year Statement of Indebtedness Outstanding Debt. Column F must equal this year's SOI Outstanding Debt Column.
### CALCULATION OF AVAILABLE REVENUES

**AGENCY NAME** MODESTO REDEVELOPMENT AGENCY  
**PROJECT AREA** MODESTO REDEVELOPMENT PROJECT - AMENDED AREA  
**TAX YEAR** 2007-08

**RECONCILIATION DATES:** JULY 1, 2006 TO JUNE 30, 2007

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>
| 1. | Beginning Balance, Available Revenues  
(See Instructions) | $ |
| 2. | Tax Increment Received - Gross  
All Tax Increment Revenues, including any Tax Increment passed through to other local taxing agencies | $4,967,916.91 |
| 3. | All other Available Revenues Received  
(See Instructions) | $ |
| 4. | Revenues from any other source, included in Column E of the Reconciliation Statement, but not included in (1 - 3) above | $75,544.59 |
| 5. | Sum of Lines 1 through 4 | $5,043,461.50 |
| 6. | Total amounts paid against indebtedness in previous year. (D + E on Reconciliation Statement) | $5,043,461.50 |
| 7. | Available Revenues, End of Year (5 - 6) FORWARD THIS AMOUNT TO STATEMENT OF INDEBTEDNESS | $ |

### NOTES

**Tax Increment Revenues:**

The only amount(s) to be excluded as Tax Increment Revenue are any amounts passed through to other local taxing agencies pursuant to Health and Safety Code Section 33706. Tax Increment Revenue set-aside in the Low and Moderate Income Housing Fund will be "washed" in the above calculation, and therefore omitted from "Available Revenues at year end.

**Item 4., above:**

This represents any payments from any source other than Tax Increment OR available revenues. For instance, an agency funds a project with a bond issue. The previous SOI included a Disposition Development Agreement (DDA) which was fully satisfied with these bond proceeds. The DDA would be shown on the Reconciliation Statement as fully repaid under the "other" column (Col E), but with funds that were neither Tax Increment, nor "Available Revenues" as defined. The amounts used to satisfy this DDA would be included on line 4 above in order to accurately determine ending "Available Revenues".

Rev (5/2/84)
### Statement of Indebtedness - Consolidated

**Filed for the 2007-08 Tax Year**

**Modesto Redevelopment Agency**

**Modesto Redevelopment Project - Original Area**

---

<table>
<thead>
<tr>
<th>Balances Carried Forward From:</th>
<th>Line</th>
<th>Total Outstanding Debt</th>
<th>Principal/Interest Due During Tax Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiscal Period - Totals (From Form A, Page 1 Totals)</td>
<td>(1)</td>
<td>$90,752,139.75</td>
<td>$2,024,925.00</td>
</tr>
<tr>
<td>Post Fiscal Period - Totals (From Form B Totals)</td>
<td>(2)</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Grand Totals</td>
<td>(3)</td>
<td>$90,752,139.75</td>
<td>$2,024,925.00</td>
</tr>
<tr>
<td>Available Revenues From Calculation of Available Revenues, Line 7</td>
<td>(4)</td>
<td>$1,979,631.00</td>
<td></td>
</tr>
<tr>
<td>Net Requirement</td>
<td>(5)</td>
<td>$88,772,508.75</td>
<td></td>
</tr>
</tbody>
</table>

---

Consolidate on this form all of the data contained on Form A and B (including supplemental pages). Form A is to include all indebtedness entered into as of June 30 of the Fiscal Year. Form B may be filed at the option of the agency, and is to include indebtedness entered into post June 30 of the Fiscal Year, pursuant to Health and Safety Code Section 33675(c)(2). This is optional for each agency and is not a requirement for filing the Statement of Indebtedness. The Reconciliation Statement is to include indebtedness from Form A only.

---

**Certification of Chief Financial Officer:**

Pursuant to Section 336775 (b) of the Health and Safety Code, I hereby certify that the above is a true and accurate Statement of Indebtedness for the above named agency.

M. Wayne Padilla
Finance Director

Name

September 28, 2007

Signature

Rev 6/3/94
# Statement of Indebtedness

**Filed for the 2007-08 Tax Year**

**Modesto Redevelopment Agency**

**Modesto Redevelopment Project - Original Area**

For Indebtedness Entered into as of June 30, 2007

<table>
<thead>
<tr>
<th>Debt Identification</th>
<th>Date</th>
<th>Principal</th>
<th>Term</th>
<th>Interest Rate</th>
<th>Total Interest</th>
<th>Total Outstanding Debt</th>
<th>Principal/Interest Due During Tax Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Loan from City of Modesto</td>
<td>12/12/82</td>
<td>49,050.00</td>
<td>open</td>
<td>7%</td>
<td>239,344.00</td>
<td>288,394.00</td>
<td></td>
</tr>
<tr>
<td>(B) Loan from City of Modesto</td>
<td>4/26/84</td>
<td>25,000.00</td>
<td>open</td>
<td>7%</td>
<td>107,043.00</td>
<td>132,043.00</td>
<td></td>
</tr>
<tr>
<td>(C) Loan from City of Modesto</td>
<td>4/26/84</td>
<td>35,000.00</td>
<td>open</td>
<td>7%</td>
<td>149,860.00</td>
<td>184,860.00</td>
<td></td>
</tr>
<tr>
<td>(D) Loan from City of Modesto</td>
<td>4/26/84</td>
<td>2,200,000.00</td>
<td>open</td>
<td>7%</td>
<td>9,419,766.00</td>
<td>11,619,766.00</td>
<td></td>
</tr>
<tr>
<td>(E) Loan from City of Modesto</td>
<td>10/12/84</td>
<td>640,000.00</td>
<td>open</td>
<td>7%</td>
<td>2,619,412.00</td>
<td>3,259,412.00</td>
<td></td>
</tr>
<tr>
<td>(F) Loan from City of Modesto</td>
<td>1/31/85</td>
<td>1,187,500.00</td>
<td>open</td>
<td>7%</td>
<td>4,715,313.00</td>
<td>5,902,813.00</td>
<td></td>
</tr>
<tr>
<td>(G) Loan from City of Modesto</td>
<td>11/01/85</td>
<td>3,300,000.00</td>
<td>open</td>
<td>7%</td>
<td>12,171,466.00</td>
<td>15,471,466.00</td>
<td></td>
</tr>
<tr>
<td>(H) Loan from City of Modesto</td>
<td>10/26/86</td>
<td>81,000.00</td>
<td>open</td>
<td>7%</td>
<td>279,560.00</td>
<td>351,560.00</td>
<td></td>
</tr>
<tr>
<td>(I) Certificates of Participation</td>
<td>05/27/93</td>
<td>27,225,000.00</td>
<td>30 yrs.</td>
<td>2.5%-5.0%</td>
<td>3,439,275.00</td>
<td>30,664,275.00</td>
<td>1,949,925.00</td>
</tr>
<tr>
<td>(J) Transfers/Loans from City</td>
<td>06/30/03</td>
<td>1,490,571.00</td>
<td>open</td>
<td>7%</td>
<td>3,632,476.00</td>
<td>5,123,049.00</td>
<td></td>
</tr>
</tbody>
</table>

Sub Total, This Page: $72,997,638.00

Totals Forward From All Other Pages: $17,754,501.75

Grand Totals: $90,752,139.75

Available Revenues From Calculation of Available Revenues: $2,024,925.00

Net Requirement: $90,752,139.75

**Purpose of Indebtedness:**

(A) Legal - Consulting & Administration
(B) Legal - Consulting & Administration
(C) Legal - Consulting & Administration
(D) Land Acquisition
(E) Architectural costs & consulting
(F) Land Acquisition - Site preparation & construction
(G) Land Acquisition & Construction
(H) Land Acquisition
(I) Construction of Community Center
(J) Transfers/Loans from City, for City Council/RDA 6/30/03
**FILLED FOR THE 2007-08 TAX YEAR**

**MODESTO REDEVELOPMENT AGENCY**

**MODESTO REDEVELOPMENT PROJECT - ORIGINAL AREA**

<table>
<thead>
<tr>
<th>Debt Identification</th>
<th>Date</th>
<th>Principal</th>
<th>Term</th>
<th>Interest Rate</th>
<th>Total Interest</th>
<th>Total Outstanding Debt</th>
<th>Principal/Interest Due During Tax Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Low-Mod Housing Set-aside</td>
<td>11/05/91</td>
<td>-</td>
<td>40 yr</td>
<td>n/a</td>
<td>n/a</td>
<td>17,754,501.75</td>
<td>75,000.00</td>
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<tr>
<td>(B)</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>(C)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(D)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(E)</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>(F)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(G)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>(H)</td>
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<tr>
<td>(I)</td>
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<td>(J)</td>
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<tr>
<td>(L)</td>
<td></td>
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<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Total</strong></td>
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<td></td>
<td><strong>17,754,501.75</strong></td>
<td><strong>75,000.00</strong></td>
</tr>
</tbody>
</table>

**Purpose of Indebtedness:**

(A) 20% Low-Mod Income Housing set-aside (new est.)

(G) __________________________________________________________________________

(H) __________________________________________________________________________

(I) __________________________________________________________________________

(J) __________________________________________________________________________

(K) __________________________________________________________________________

(L) __________________________________________________________________________
# RECONCILIATION STATEMENT - CHANGES IN INDEBTEDNESS

**MODESTO REDEVELOPMENT AGENCY**

**MOSEDEO REDEVELOPMENT PROJECT - ORIGINAL AREA**

**Tax Year**: 2007-08  
**Reconciliation Dates**: From July 1, 2006 To June 30, 2007

<table>
<thead>
<tr>
<th>Debt Identification: SOI page and line:</th>
<th>Prior Yr</th>
<th>Current Yr.</th>
<th>Brief Description</th>
<th>Outstanding Debt</th>
<th>Increases (Attach Explanation)</th>
<th>Decreases (Attach Explanation)</th>
<th>Amounts Paid Against Indebtedness, from:</th>
<th>Remaining Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pg 1 Line A</td>
<td>Pg 1</td>
<td>1</td>
<td>Loan from City of Modesto</td>
<td>269,219.00</td>
<td>Interest added</td>
<td></td>
<td>Tax Increment</td>
<td>Other Funds (A+B+C-D-E)</td>
</tr>
<tr>
<td>Pg 1 Line B</td>
<td>Pg 1</td>
<td>1</td>
<td>Loan from City of Modesto</td>
<td>123,264.00</td>
<td>Interest added</td>
<td></td>
<td>Tax Increment</td>
<td>Other Funds (A+B+C-D-E)</td>
</tr>
<tr>
<td>Pg 1 Line C</td>
<td>Pg 1</td>
<td>1</td>
<td>Loan from City of Modesto</td>
<td>172,569.00</td>
<td>Interest added</td>
<td></td>
<td>Tax Increment</td>
<td>Other Funds (A+B+C-D-E)</td>
</tr>
<tr>
<td>Pg 1 Line D</td>
<td>Pg 1</td>
<td>1</td>
<td>Loan from City of Modesto</td>
<td>10,847,176.00</td>
<td>Interest added</td>
<td></td>
<td>Tax Increment</td>
<td>Other Funds (A+B+C-D-E)</td>
</tr>
<tr>
<td>Pg 1 Line E</td>
<td>Pg 1</td>
<td>1</td>
<td>Loan from City of Modesto</td>
<td>3,042,696.00</td>
<td>Interest added</td>
<td></td>
<td>Tax Increment</td>
<td>Other Funds (A+B+C-D-E)</td>
</tr>
<tr>
<td>Pg 1 Line F</td>
<td>Pg 1</td>
<td>1</td>
<td>Loan from City of Modesto</td>
<td>5,510,339.00</td>
<td>Interest added</td>
<td></td>
<td>Tax Increment</td>
<td>Other Funds (A+B+C-D-E)</td>
</tr>
<tr>
<td>Pg 1 Line G</td>
<td>Pg 1</td>
<td>1</td>
<td>Loan from City of Modesto</td>
<td>14,442,779.00</td>
<td>Interest added</td>
<td></td>
<td>Tax Increment</td>
<td>Other Funds (A+B+C-D-E)</td>
</tr>
<tr>
<td>Pg 1 Line H</td>
<td>Pg 1</td>
<td>1</td>
<td>Loan from City of Modesto</td>
<td>328,185.00</td>
<td>Interest added</td>
<td></td>
<td>Tax Increment</td>
<td>Other Funds (A+B+C-D-E)</td>
</tr>
<tr>
<td><strong>TOTAL - THIS PAGE</strong></td>
<td></td>
<td></td>
<td></td>
<td>34,736,227.00</td>
<td>2,474,087.00</td>
<td></td>
<td></td>
<td>37,210,314.00</td>
</tr>
<tr>
<td><strong>TOTALS FORWARD</strong></td>
<td></td>
<td></td>
<td></td>
<td>55,425,383.00</td>
<td>129,928.52</td>
<td></td>
<td></td>
<td>53,541,825.75</td>
</tr>
<tr>
<td><strong>GRAND TOTALS</strong></td>
<td></td>
<td></td>
<td></td>
<td>$ 98,161,610.00</td>
<td>$ 2,604,915.52</td>
<td>$</td>
<td>$ 335,603.85</td>
<td>$ 1,677,881.92</td>
</tr>
</tbody>
</table>

**NOTE:**  
Column A must equal the previous year Statement of Indebtedness Outstanding Debt. Column F must equal this year's SOI Outstanding Debt column. Use the page and line number that the indebtedness is listed on in each year as appropriate, and a brief description. Ignore any indebtedness fully repaid in the previous year, as it had a zero ending balance. All new indebtedness entered into since the previous SOI is to be listed below the previous indebtedness. Enter "new" in the "Prior Yr" page and line column for each new indebtedness.

Rev. 5/2/94
<table>
<thead>
<tr>
<th>Debt Identification:</th>
<th>A: Outstanding Debt</th>
<th>B: Adjustments</th>
<th>C: Decreases</th>
<th>D: Amounts Paid Against Indebtedness, from:</th>
<th>E: Remaining Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior Yr Current Yr Description</td>
<td>All Beginning Indebtedness</td>
<td>Increases (Attach Explanation)</td>
<td>Decreases (Attach Explanation)</td>
<td>Tax Increment</td>
<td>Other Funds</td>
</tr>
<tr>
<td>Pg 1 Line 1</td>
<td>Certificates of Participation</td>
<td>32,610,640.00</td>
<td>268,433.08</td>
<td>1,677,781.92</td>
<td>10,664,275.00</td>
</tr>
<tr>
<td>Pg 1 Line 1</td>
<td>Interest added</td>
<td>4,782,211.00</td>
<td>340,628.00</td>
<td>5,123,049.00</td>
<td></td>
</tr>
<tr>
<td>Pg 2 Line A</td>
<td>Low-Mod Housing Set-aside</td>
<td>18,032,322.00</td>
<td>Adj. to total debt (210,699.48)</td>
<td>67,120.77</td>
<td>17,754,501.75</td>
</tr>
<tr>
<td>Pg Line</td>
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<tr>
<td>Pg Line</td>
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<td></td>
</tr>
</tbody>
</table>

TOTAL - THIS PAGE: 55,425,383.00 129,928.52 335,603.85 1,677,881.92 53,341,825.75

NOTE: Column A must equal the previous year’s Statement of Indebtedness Outstanding Debt. Column F must equal this year’s SOI Outstanding Debt Column.
### CALCULATION OF AVAILABLE REVENUES

**AGENCY NAME**  MODESTO REDEVELOPMENT AGENCY  
**PROJECT AREA**  MODESTO REDEVELOPMENT PROJECT - ORIGINAL AREA  
**TAX YEAR**  2007-08  
**RECONCILIATION DATES:** JULY 1, 2006 TO JUNE 30, 2007

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Beginning Balance, Available Revenues</td>
<td>$1,979,631.00</td>
</tr>
<tr>
<td>(See Instructions)</td>
<td></td>
</tr>
<tr>
<td>2. Tax Increment Received - Gross</td>
<td>$335,603.85</td>
</tr>
<tr>
<td>All Tax Increment Revenues, including any Tax Increment</td>
<td></td>
</tr>
<tr>
<td>passed through to other local taxing agencies</td>
<td></td>
</tr>
<tr>
<td>3. All other Available Revenues Received</td>
<td>$-</td>
</tr>
<tr>
<td>(See Instructions)</td>
<td></td>
</tr>
<tr>
<td>4. Revenues from any other source, included in Column E of the Reconciliation</td>
<td>$1,677,881.92</td>
</tr>
<tr>
<td>Statement, but not included in (1 - 3) above</td>
<td></td>
</tr>
<tr>
<td>5. Sum of Lines 1 through 4</td>
<td>$3,993,116.77</td>
</tr>
<tr>
<td>6. Total amounts paid against indebtedness in previous year. (D + E on Reconciliation Statement)</td>
<td>$2,013,485.77</td>
</tr>
<tr>
<td>7. Available Revenues, End of Year (5 - 6)</td>
<td>$1,979,631.00</td>
</tr>
<tr>
<td><strong>FORWARD THIS AMOUNT TO STATEMENT OF INDEBTEDNESS</strong></td>
<td></td>
</tr>
</tbody>
</table>

### NOTES

Tax Increment Revenues:

The only amount(s) to be excluded as Tax Increment Revenue are any amounts passed through to other local taxing agencies pursuant to Health and Safety Code Section 33676. Tax Increment Revenue set-aside in the Low and Moderate Income Housing Fund will be washed in the above calculation, and therefore omitted from Available Revenues at year end.

Item 4, above:

This represents any payments from any source other than Tax Increment or Available Revenues. For instance, an agency funds a project with a bond issue. The previous SDI included a Disposition Development Agreement (DDA) which was fully satisfied with bond proceeds. The DDA would be shown on the Reconciliation Statement as fully repaid under the "other" column (Col E), but with funds that were neither Tax Increment, nor "Available Revenues" as defined. The amounts used to satisfy this DDA would be included on line 4 above in order to accurately determine ending "Available Revenues".

Rev  (3/2/94)
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-734

A RESOLUTION APPROVING A MASTER PROFESSIONAL SERVICES AGREEMENT FOR CONSULTANT SERVICES WITH OMNI-MEANS FOR THE STREETS PORTION OF THE CAPITAL FACILITIES FEE UPDATE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City, has determined that the Capital Facilities Fee Program should be updated every five years to ensure that fees are in place for the construction of infrastructure necessary to serve development, and

WHEREAS, Omni Means ("Consultant") is qualified to provide the services to prepare the streets portion of the CFF update, and

WHEREAS, City and Consultant desire to enter into a Master Professional Services Agreement for Consultant Services ("Master Agreement") pursuant to which Consultant shall update the Capital Facilities Fee Program, perform technical studies and related on-call services as assigned by City, and

WHEREAS, prior to commencement of services under the Master Agreement, all work and services to be provided to City by Consultant shall be outlined in a Task Order for each project and shall be approved by the City in accordance with City’s policies regarding contracting authority,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Master Professional Services Agreement for Consultant Services between the City of Modesto and Omni Means for the update of the Streets portion of the Capital Facilities Fee Program is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to execute the Master Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 12th day of December, 2007, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen,
       Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, Acting City Clerk
A RESOLUTION APPROVING TASK ORDER NO. 1 TO THE MASTER PROFESSIONAL SERVICES AGREEMENT FOR CONSULTANT SERVICES WITH OMNI-MEANS, LTD. FOR THE UPDATE OF THE STREETS PORTION OF THE CAPITAL FACILITIES FEES PROGRAM AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE TASK ORDER NO. 1 TO THE MASTER PROFESSIONAL SERVICES AGREEMENT

WHEREAS, the City has determined that the Capital Facilities Fee Program should be updated every five years to ensure that fees are in place for the construction of infrastructure necessary to serve development, and

WHEREAS, on December 12, 2007, by Resolution No. 2007-734, the Council approved a Master Professional Services Agreement for Consultant Services ("Master Agreement") with OMNI-MEANS, Ltd. ("Consultant") for the preparation of various technical studies as well as on-call consultant services relating to the City’s transpiration and circulation system, and

WHEREAS, prior to commencement of services under the Master Agreement, all work and services to be provided by Consultant shall be outlined in a Task Order for each project and approved by the City in accordance with City policies regarding contracting authority, and

WHEREAS, Consultant has prepared Task Order No. 1 ("Task Order") for the update of the streets portion of the Capital Facilities Fee Program, attached as Exhibit "A", and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Task Order No. 1 to the Master Professional Services Agreement for Consultant
Services with OMNI-MEANS, Ltd. for the upgrade of the streets portion of the Capital Facilities Fees Program, is hereby approved.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 12th day of December 2007, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By __________________________

SUSANÁ ALCALA WOOD, City Attorney

ATTEST: __________________________

STEPHANIE LOPEZ, Acting City Clerk
This Task Order No. 1 is made and entered into by and between the City of Modesto, a municipal corporation (hereinafter “CITY”), and OMNI-MEANS, Ltd (hereinafter “CONSULTANT”) and is effective as of _________________.

RE bâtals

A. CONSULTANT has entered into a Master Professional Services Agreement for Consultant Services, (hereinafter “Agreement”), dated ________________ (“AGREEMENT”) with the CITY, by which the CONSULTANT has agreed to provide on-call services relating to the City’s transportation and circulation system, which is incorporated herein by reference.

B. At the request of CITY and in compliance with the terms of the AGREEMENT, CONSULTANT has prepared the Task Order No. 1, a copy of which is attached hereto as Exhibit A.

C. CITY and CONSULTANT desire that CONSULTANT perform the services as identified in the attached Task Order.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **INCORPORATION OF MASTER PROFESSIONAL SERVICES AGREEMENT FOR CONSULTANT SERVICES.** This Task Order hereby incorporates by reference all terms and conditions set forth in the Master Professional Services Agreement, unless expressly modified by this Task Order. The AGREEMENT and this Task Order shall, to the fullest extent possible, be read and considered as fully integrated documents and shall be interpreted so as to avoid inconsistencies, comply with all applicable laws and ensure that the objectives of the parties will be fully realized.

   Nothing in this Task Order is intended to supersede, terminate, modify or otherwise affect any provision of the AGREEMENT, except to the extent that a provision of this AGREEMENT is in direct and irreconcilable conflict with a provision of the AGREEMENT. Then, and only in that event, the provisions of the AGREEMENT shall prevail over the contradictory provision of the Task Order.

2. **SCOPE OF SERVICES.** CONSULTANT shall perform the services described in Exhibit “A” attached hereto and incorporated herein by reference. CONSULTANT shall not replace its Authorized Representative, nor shall CONSULTANT use any subcontractors or subconsultants not listed in this Task Order, without the prior written consent of CITY.

3. **TIME OF PERFORMANCE.** CONSULTANT shall commence performance within five (5) working days after receipt of a Notice to Proceed from City.
4. **COMPENSATION.** For services performed by CONSULTANT in accordance with this Task Order, CONSULTANT agrees to accept a sum not to exceed $98,720. CONSULTANT shall be paid at the times and in the manner set forth in Paragraph 3 of the Master Professional Services Agreement, unless expressly provided otherwise in the attached Task Order.

5. **SIGNATURES.** The individuals executing this Task Order represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Task Order on behalf of the respective legal entities of the CONSULTANT and CITY. This Task Order shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2007-______, adopted by the Council of the City of Modesto on the ___ day of __________, 2007, and OMNI-MEANS, Ltd. has caused this Agreement to be duly executed in duplicate as of the Effective Date set forth above.

CITY OF MODESTO,  
a municipal corporation

By __________________________  
GEORGE W. BRITTON, 
City Manager

CONSULTANT,  
OMNI-MEANS, Ltd.

By __________________________  
Name  
Title

By __________________________  
Name  
Title

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

By __________________________  
ROLAND STEVENS,  
Senior Deputy City Attorney

Consultant’s Federal ID #________________

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

**Partnership - signature of a partner required**
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-736


WHEREAS, the City has determined that the Capital Facilities Fee Program should be updated every five years to ensure that fees are in place for the construction of infrastructure to serve development, and

WHEREAS, on December 12, 2007, by Resolution No. 2007-734, the Council of the City of Modesto approved a Master Professional Services Agreement for Consultant Services ("Agreement") with OMNI-MEANS, Ltd. for the preparation of various technical studies as well as on-call consultant services relating to the City's transportation and circulation system, and

WHEREAS, on December 12, 2007, by Resolution No. 2007-735, the Council of the City of Modesto approved Task Order No. 1 to the Agreement for the preparation of the streets portion of the Capital Facilities Fee update, and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby amends the Fiscal Year 2007-2008 operating budget to create a multi-year account for the preparation of the streets portion of the Capital Facilities Fee program and appropriate $98,720 from 1390-140-0260-0242 to 1390-140-0266-0242 for professional services.

BE IT FURTHER RESOLVED that the Finance Director, or designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 12th day of December, 2007, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST

(SEAL)

STEFANIE LOPEZ, Acting City Clerk

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF DIESEL PARTICULATE FILTERS TO GOLDEN STATE PETERBILT, FRESNO, CA, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $127,697.

WHEREAS, in 2000, the California Air Resources Board (CARB) approved the Diesel Risk Reduction Plan, which focused on reducing diesel particulate matter (PM) emissions. This plan targets 1960 to 2006 model year on-road diesel powered vehicles, and

WHEREAS, beginning in 2007, the implementation of the Diesel Risk Reduction Plan will affect only municipalities and utilities, and

WHEREAS, in 2007, twenty percent (20%) of City’s seventy-one (71) affected vehicles must be compliant with these regulations, and

WHEREAS, in 2009, the percentage increases to sixty percent (60%) compliance, with the entire fleet to be compliant by 2010, and

WHEREAS, on September 4, 2007, Council approved Resolution No. 2007-526 authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of a “sole brand” Donaldson diesel particulate matter filters for the Public Works Department, Fleet Services Division, with the Purchasing Division coming back to Council for award authorization, and

WHEREAS, on September 24, 2007, the Purchasing Division issued RFB No. 0708-11 for the purchase of a “sole brand” Donaldson diesel particulate filter to twenty-three (23) prospective bidders, none were local companies, posted the bid on the City’s web site and formally advertised as required by law.
WHEREAS, on October 23, 2007, RFB’s were formally opened in the City Clerk’s office and of the twenty-three (23) prospective bidders, eight (8) companies chose to respond, and

WHEREAS, one company submitted a non-responsive and non-responsible bid and the bid submittal was rejected, and

WHEREAS, based on being deemed the lowest responsive and responsible bid, City staff recommends the award of bid and contract for the purchase of diesel particulate filters to Golden State Peterbilt, Fresno, CA, for an estimated total cost of $127,697, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid and contract for the purchase of diesel particulate filters for the Public Works Department, Fleet Services Division, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted and available in the following account for the purchase of diesel particulate filters for FY 07/08, account number 7200-489-5812-0365,

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 diesel particulate filters to Golden State Peterbilt, Fresno, CA,

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue a purchase order for an estimated total cost of $127,697.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2007, 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: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
Stephanie Lopez, Acting City Clerk

APPROVED AS TO FORM:

By: [Signature]
Susana Alcala Wood, City Attorney
A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO CONDUCT A SOLE SOURCE PURCHASE OF A NEW XIOTECH MAGNITUDE 3D STORAGE SYSTEM FOR THE MODESTO POLICE DEPARTMENT DIGITAL EVIDENCE SYSTEM AND UPGRADE THE CITY’S EXISTING XIOTECH MAGNITUDE 1000 SYSTEM FOR A TOTAL AMOUNT NOT TO EXCEED $125,000.00

WHEREAS, the Modesto Police Department’s Digital Evidence System, which provides for the digital storage, archival and retrieval of crime scene evidence has reached its capacity and is in need of replacement, and

WHEREAS, the current optical storage jukebox has reached its capacity to accommodate the need for additional storage of digital evidence, and

WHEREAS, the storage of digital evidence is now being stored on CD / DVD media, and

WHEREAS, this is not an ideal solution and one that is a manual and time-consuming process, and

WHEREAS, the Information Technology Department proposes to replace the Police Departments current optical system with a Storage Area Network from Xiotech Corporation, and

WHEREAS, in 2004, the City I.T. Department purchased a Storage Area Network from Xiotech Corporation to meet the City’s increasing demands for digital data storage, and

WHEREAS, the City went through a formal bid process and Xiotech Corporation was selected for their innovative advanced technology, meeting the City’s requirements and affordability, and
WHEREAS, the Xiotech Storage Area Network, which is currently in use by the City, is in need of an upgrade to add additional performance, capacity and compatibility to the City’s current storage needs and future storage strategy, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000.00 for material, equipment or contractual services to be formally bid, and

WHEREAS, there are exceptions to the rule set forth in the Modesto Municipal Code, and

WHEREAS, Modesto Municipal Code Section 8-3.204 (b) states “Where the Purchasing Agency’s requirements can be met solely by a single article or process,” and

WHEREAS, due to the technical specifications required by the Information Technology Department including complete compatibility with previously authorized and procured Xiotech Systems, and the fact that Xiotech is the sole authorized vendor of Xiotech products, the procurement can only be conducted as a sole source, and

WHEREAS, the purchase of a Xiotech Magnitude 3D w/ Cluster Storage Bay IV Storage Area Network and a Magnitude 3D System upgrade conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted and available in the Information Technology account 7130-070-0744-5452 in the amount of $45,000 and in the Police Department SLESF 2006/2007 fund, account 0400-190-2923-5008 in the amount of $80,000 for a total of $125,000, for the purchase of Xiotech Magnitude 3D w/ Cluster Storage Bay IV Storage Area Network for Digital Evidence and Magnitude 3D System upgrade,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to conduct a sole source purchase of a new Xiotech Magnitude 3D Storage System for the Modesto Police Department Digital Evidence System, and upgrade the City’s existing Xiotech Magnitude 1000 System for a total amount not to exceed $125,000.00.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 12th day of December 2007, 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: Dunbar, Hawn, Keating, Marsh, Olsen, O’Bryant, 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. 2007-739

A RESOLUTION APPROVING A NEW SCHEDULE “A” AGREEMENT TO THE MUNICIPAL MASTER LEASE WITH DELL MARKETING L.P., FOR INFORMATION TECHNOLOGY HARDWARE PRODUCTS AND SERVICES FOR A PERIOD OF 48 MONTHS FOR THE ESTIMATED AMOUNT OF $159,018 PER YEAR, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE NEW SCHEDULE “A” AGREEMENT. THE TOTAL AMOUNT OF THE LEASE AGREEMENT IS ESTIMATED AT $636,072

WHEREAS, in 1998 the City established a Technology and Equipment Replacement Fund (TERF) for the purpose of replacing obsolete technology equipment, and

WHEREAS, in 1999 the City went through a formal bid process to establish a computer standard throughout the city, and

WHEREAS, Dell Marketing was the lowest responsive and responsible bidder to the formal bid process, and

WHEREAS, on March 25, 2003 by Resolution no 2003-163 the City entered into a Municipal Master Lease Agreement with Dell Marketing L.P. for Information Technology (IT) Hardware Products and Services, and

WHEREAS, on August 2, 2006 by Resolution no 2006-467 the City approved a new Schedule “A” Agreement to the Municipal Master Lease with Dell Marketing L.P. extending the term of the Lease for 48 months, and

WHEREAS, IT views this program as a cost effective measure for the City, emphasizing reduction of the Total Cost of Ownership (TCO) for the City’s technology equipment and helping streamline the City’s technology refresh program that affects all departments, and
WHEREAS, Dell Marketing has been providing personal computers to the City for the past seven years, and

WHEREAS, during that time the City has received Dell contractual pricing by taking advantage of the Western States Contracting Alliance (WSCA) pricing, and

WHEREAS, WSCA is a coalition of 15 western states which was formed as a means by which participating states could join together to receive cost effective pricing on personal computers based on economies of scale, and

WHEREAS, the City routinely requires replacements, acquisitions and upgrades to existing City computer equipment inventory, and

WHEREAS, funding for said computer equipment is approved and budgeted in the Technology and Equipment Replacement Fund (TERF), and

WHEREAS, the City is desirous of continuing to acquire computer equipment using the existing Municipal Master Lease Agreement with Dell Marketing L.P. for Information Technology Hardware Products and Services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a new Schedule “A” Agreement to the Municipal Master Lease Agreement with Dell Marketing L.P. for Information Technology hardware products and services for a period of 48 months for an estimated amount of $636,072.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute a new Schedule “A” Agreement to the Municipal Master Lease Agreement with Dell Marketing L.P.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2007, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
STEPHANIE LOPEZ, Acting City Clerk

APPROVED AS TO FORM:

BY: [Signature]
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-740

A RESOLUTION APPROVING AN AGREEMENT WITH KABOOM! FOR UP TO $50,000 IN GRANT FUNDING FOR PLAYGROUND AND PICNIC EQUIPMENT AT MORAN ESTATES PARK, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, staff in the Parks, Recreation and Neighborhood Department (PRND) has been working with representatives from the La Loma Neighborhood Association (LLNA) to replace playground equipment at Moran Estates Park, since the old equipment, which did not meet current safety standards, was removed in 2004, and

WHEREAS, in early November 2007, Councilmember O’Bryant received an e-mail regarding the KaBOOM! playground grant program, and

WHEREAS, KaBOOM! is a national non-profit organization that envisions a great place to play within walking distance of every child in America, and

WHEREAS, KaBOOM! develops, manages and coordinates community-building playground projects for its Community and Funding Partners, culminating in a one-day installation event known as “Build Day,” and

WHEREAS, the KaBOOM! program forms partnerships with corporate donors (Funding Partners) and Community Partners to install playground equipment, and

WHEREAS, KaBOOM! provides a project manager to work with the communities and a certified playground technician to assist with the installation and certify the safety of the playground, and

WHEREAS, KaBOOM! allows the Community Partners to select several “side projects,” such as picnic tables, benches or barbecue to add to the playground usability, and

WHEREAS, the playground area at Moran Estates Park meets the requirements of the KaBOOM! Grant, and
WHEREAS, the playground manufacturers with KaBOOM! will match the La Loma Neighborhoods Association’s selection of equipment, and

WHEREAS, all equipment being installed will be in compliance with ADA requirement, and

WHEREAS, this is a joint project between the City of Modesto and LLNA, as Community Partners, and

WHEREAS, all the volunteer requirements, site requirements, as well as the minimal matching funds, have been achieved, and

WHEREAS, the KaBOOM! grant will fund playground equipment at Moran Estates Park for up to $50,000, and

WHEREAS, funding from this grant program will help the City of Modesto and LLNA to install playground equipment in a park that has been without equipment for nearly three years, and

WHEREAS, staff from the PRND and representatives from the LLNA believe that the Moran Estates Park and the KaBOOM! program work well together and all program and site requirements can be fulfilled, and

WHEREAS, the City of Modesto is responsible for contributing $10,000 to the playground project; these funds are currently budgeted in Capital Improvement Project 1130-320-3237, ADA Accessibility Projects, and

WHEREAS, this grant project qualifies for ADA designated funding, since the playground surface and equipment meet ADA requirements, and a portion of the project will provide curb cuts which further improve access, and

WHEREAS, the La Loma Neighborhood Association will be responsible for organizing the planning committee, managing volunteers, supplying the food, water and tools, as well as taking care of the extra activates for children on Build Day, and
WHEREAS, the Safety and Communities Committee met on December 3, 2007, and supported staff’s recommendation to enter into an Agreement with KaBOOM!,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Agreement with KaBOOM! for up to $50,000 in grant funding for playground equipment at Moran Estates Park.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2007, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: _____________________________
STEPHANIE LOPEZ, Acting City Clerk

APPROVED AS TO FORM:

By: _______________________________
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-741

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE A
FORMAL REQUEST FOR PROPOSALS (RFP) FOR THE PURCHASE OF A SOLE
BRAND, EXALT COMMUNICATIONS TRI-BAND WIRELESS ETHERNET BRIDGE
AND ALL CERTIFIED COMPONENTS FOR THE PUBLIC WORKS DEPARTMENT,
WATER QUALITY CONTROL DIVISION FOR A TOTAL ESTIMATED COST OF
$84,000.

WHEREAS, the current available network bandwidth connecting the Jennings
Treatment Plant to the City network is unable to meet the needs for security upgrades being
made at the facility, and

WHEREAS, the network bandwidth needs to be increased for these security
upgrades, and

WHEREAS, due to the remote location of the Jennings Treatment Plant it is cost
prohibitive to trench and install fiber to extend the City’s fiber network to that location, and

WHEREAS, the current AT&T T1 lines have a 1.5 Mbps bandwidth and due to its
physical connection there have been occasions when connection has been lost causing
interruptions in the flow of essential information to the Jennings Treatment Plant, and

WHEREAS, staff reviewed other options and concluded that wireless network
technology was the best option, and

WHEREAS, staff worked with the IT Department to schedule a site survey with
Alpha Omega Wireless, and

WHEREAS, it was determined by this survey that a radio link was feasible with a
high degree of reliability and that a 200Mbps system from the Sutter Treatment Plant to the
Jennings Treatment Plant, and a 100Mbps system from the Jennings Treatment Plant to the
Chlorine Facility would be applicable, and
WHEREAS, Alpha Omega has recommended Exalt as a sole brand to ensure a certified installation based on the features, functionality, and reliability of the Exalt Communication Tri-band Wireless Ethernet Bridge, and

WHEREAS, with the installation of a wireless Ethernet bridge, the Jennings Treatment Plant will have a greater amount of bandwidth and increased network reliability to support the security upgrades and other current and future needs, and

WHEREAS, funds are budgeted in account 6210-480-B082-6040 – Security Upgrades - Jennings,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to issue a formal Request for Proposals (RFP) for the purchase of a sole brand, Exalt Communications Tri-Band wireless Ethernet Bridge and all certified components for the Public Works Department, Water Quality Control Division for a total estimated cost of $84,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2007, 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: Dunbar, Hawn, Keating, 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. 2007-742

A RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, INC., FOR PROFESSIONAL ENGINEERING SERVICES TO DEVELOP A PRELIMINARY DESIGN REPORT FOR THE MODESTO REGIONAL WATER TREATMENT PLANT TIER 2 – WEST TANK IMPROVEMENTS, IN THE NOT-TO EXCEED AMOUNT OF $271,525, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City and the Modesto Irrigation District (MID) have been planning for the expansion of 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, an initial evaluation of the water distribution system, using the City’s recently developed computer model, has confirmed the need for these improvements and has provided a general project description of the improvements, and

WHEREAS, the West Tank improvements are needed to integrate the planned Tier 2 of the MRWTP with the City’s water distribution system, and

WHEREAS, the selection for preliminary engineering design services followed the City’s selection procedures for professional consultants as outlined in Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, and

WHEREAS, City staff sent a Request for Qualifications for engineering design services to civil engineering firms that had previously indicated an interest in providing design services to the City, and
WHEREAS, ninety-four consulting firms were asked to provide a Statement of Qualifications, and

WHEREAS, twelve consulting firms responded with a Statement of Qualifications, and

WHEREAS, a Selection Committee comprised of City staff short-listed five consulting firms and requested a Proposal Statement, and

WHEREAS, four short-listed consulting firms responded and were given interviews by the Selection Committee, and

WHEREAS, West Yost Associates, Inc., was considered to be the most qualified for the Modesto Regional Water Treatment Plant Tier 2 - West Tank Improvements Preliminary Design project, and

WHEREAS, the Public Works Director has recommended accepting the proposed contract with West Yost Associates, Inc., to develop a Preliminary Design Report for the Modesto Regional Water Treatment Plant Tier 2 - West Tank Improvements in an amount not to exceed $271,525,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement with West Yost Associates, Inc., to develop a Preliminary Design Report for the Modesto Regional Water Treatment Plant Tier 2 - West Tank Improvements in an amount not to exceed $271,525.

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 special meeting of the Council of the City of Modesto held on the 12th day of December, 2007, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, Acting/City Clerk

(SEAL)

APPROVED AS TO FORM:

By SUSANA ALCALA WOOD, City Attorney
A RESOLUTION ACCEPTING THE WORK BY BARHAM, INC., FOR THE PROJECT TITLED “MODESTO POLICE DEPARTMENT TRAINING CENTER RANGE BUILDING” AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $295,184.63

WHEREAS, a report has been filed by the Public Works Director that the project titled “Modesto Police Department Training Center Range Building” has been completed by Barham, Inc., in accordance with the contract agreement dated May 2, 2006,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “Modesto Police Department Training Center Range Building” is hereby accepted as complete from said contractor, Barham, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, and that payment of amounts totaling $295,184.63 is authorized as provided in the contract.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 12th day of December, 2007, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

APPROVED AS TO FORM:

By SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-744

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE PAMELA MONTEROSSO PARK PROJECT, ACCEPTING THE BID AND APPROVING A $480,106.36 CONTRACT WITH SUNWORLD FOR THE PROJECT TITLED, “PAMELA MONTEROSSO PARK,” AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the “Pamela Monterosso Park” and City staff recommends approval to the City Council, and

WHEREAS, the bids received for “Pamela Monterosso Park” were opened at 11:00 a.m. on November 13, 2007, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of $480,106.36 received from Sunworld, be accepted as the lowest responsible bid and the contract be awarded to Sunworld,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for said project, and accepts the bid of Sunworld in the amount $480,106.36, and hereby awards Sunworld the contract titled “Pamela Monterosso Park.”

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 special meeting of the Council of the City of Modesto held on the 12th day of December 2007, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By ________________________________

SUSANA ALCALA WOOD, City Attorney

ATTEST: ________________________________

STÉPHANIE LOPEZ, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-745

A RESOLUTION AMENDING THE CURRENT CAPITAL IMPROVEMENT PROGRAM BUDGET IN ORDER TO FULLY FUND THE CONTRACT WITH SUNWORLD, AND COVER CONSTRUCTION CONTINGENCY AND CONSTRUCTION ADMINISTRATION COSTS BY TRANSFERRING $15,000 FROM PARKS CAPITAL FACILITY FEES AIR QUALITY RESERVE TO THE CAPITAL GRANTS PARKS FUND WHERE IT WILL BE APPROPRIATED TO P502 PAMELA MONTEROSSO PARK PROJECT

WHEREAS, the Public Works Director has recommended that the bid of $480,106.36 from Sunworld, be accepted as the lowest responsible bid and the contract awarded to Sunworld,

WHEREAS, certain budgetary transactions are necessary to fully fund said contract with Sunworld, in the amount of $480,106.36 for construction services, $45,610.10 for construction contingency, and $57,612.76 to cover construction administration costs, including contract administration by City staff, for a total of $583,329.22 and

WHEREAS, $15,000 is available from the Parks Capital Facility Fees Air Quality Reserve Account 1430-800-8000-8003,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves the transfer of funds as set forth herein to fully fund the Contract with Sunworld, in the amount of $480,106.36 for construction services, $45,610.10 for construction contingency, and $57,612.76 to cover construction administration costs, including contract administration by City staff, for a total of $583,329.22 for the Pamela Monterroso Park project.

BE IT FURTHER RESOLVED that the Council hereby approves amending the FY 07-08 Capital Improvement Program to transfer $15,000 from Parks Capital Facility
Fees Air Quality Reserve Account to the Capital Grants Fund where it will be appropriated to 2330-310-P502, Pamela Monterosso Park Project.

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 special meeting of the Council of the City of Modesto held on the 12th day of December 2007, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

Attest: STEPHANIE LOPEZ, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-746

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE A FORMAL REQUEST FOR PROPOSALS (RFP) FOR THE PURCHASE OF A VEHICLE WASHING FACILITY FOR THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, FOR AN ESTIMATED TOTAL COST OF $250,000.

WHEREAS, the current vehicle washing facility (facility) was installed in the early 1980’s with a twenty-year life expectancy, and

WHEREAS, due to the wide variety of equipment in the City fleet, the facility is used by most of the City vehicles, and

WHEREAS, this facility is the only available option for some of the specialty equipment, including the transit buses, and

WHEREAS, the City’s contract with MV Transportation requires a system to wash the transit buses two times per week, and

WHEREAS, the facility has deteriorated significantly resulting in higher breakdown rates and longer downtimes as repairs are made, and

WHEREAS, the parts for the repair are no longer available and must be custom manufactured when needed, and

WHEREAS, staff has contacted contractors and determined repairing the current facility will not improve its reliability, and

WHEREAS, in FY 2006/07 the facility required $9,970.69 in repair costs, and

WHEREAS, funds are budgeted in Account 6510-165-J792-6070 for this purchase,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to issue a formal Request for Proposals for the purchase of a Vehicle Washing Facility for the Public Works Department, Fleet Services Division, for an estimated total cost of $250,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2007, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEFANIE LOPEZ, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-747

A RESOLUTION AMENDING THE OPERATING BUDGET FOR FY07-08 BY INCREASING ACCOUNT 0300-410-4112-4909 (INTERFUND LABOR CHARGES) BY $23,333 AND APPROPRIATING $17,041 TO ACCOUNT 0300-410-4112-0181 (ENGINEERING/DESIGN SALARY ADJUSTMENT) AND $6,292 TO ACCOUNT 0300-410-4112-0191 (ENGINEERING/DESIGN BENEFITS ADJUSTMENT) IN ORDER TO FULLY FUND THE COST TO REALLOCATE ONE (1) ASSOCIATE CIVIL ENGINEER TO ONE (1) SENIOR CIVIL ENGINEER AND TO REALLOCATE ONE (1) SENIOR CIVIL ENGINEERING ASSISTANT TO ONE (1) ASSOCIATED CIVIL ENGINEER

WHEREAS, salary and benefits for the Associate Civil Engineer (Range 443; Step 1) are budgeted at $105,594.35, and salary and benefits for the Senior Civil Engineering Assistant (Range 131; Step E) are budgeted at $88,505.31 for FY 07-08, and

WHEREAS, cost for the proposed reallocation at the Senior Civil Engineer level (Range 450; up to Step 4) is estimated at $135,169.59, and cost for the proposed reallocation at the Associate Civil Engineer level (Range 443; Step 1) is estimated at $105,594.35, and

WHEREAS, certain budgetary transactions are necessary to fully fund said reallocation requiring an increase in budget for 6 months of salary for the remainder of FY 07-08 in the amount of $23,333 ($14,787.62 and $8,544.52 respectively), and

WHEREAS, an increase in the operating budget for Organization 4112 by $46,664.29 ($29,575.25 and $17,089.04 respectively) is necessary to fund annual costs beginning in FY08-09 in order to fully fund the cost to reallocate one (1) Associate Civil Engineer to one (1) Senior Civil Engineer and to reallocate one (1) Senior Civil Engineering Assistant to one (1) Associate Civil Engineer, and

WHEREAS, the total amount of $23,333 is to be transferred by increasing Account 0300-410-4112-4909 (Interfund Labor Charges) by $23,333 and appropriating $17,041 to Account 0300-410-4112-0181 (Engineering/Design Salary Adjustment) and
$6,292 to Account 0300-410-4112-0191 (Engineering/Design Benefits Adjustment) in order to fully fund the cost to reallocate one (1) Associate Civil Engineer to one (1) Senior Civil Engineer and to reallocate one (1) Senior Civil Engineering Assistant to one (1) Associated Civil Engineer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the transfer of funds as set forth herein to fully fund the reallocation of the 2 positions, in the amount of $23,333 by increasing Account 0300-410-4112-4909 (Interfund Labor Charges) by $23,333 and appropriating $17,041 to Account 0300-410-4112-0181 (Engineering/Design Salary Adjustment) and $6,292 to Account 0300-410-4112-0191 (Engineering/Design Benefits Adjustment) in order to fully fund the cost to reallocate one (1) Associate Civil Engineer to one (1) Senior Civil Engineer and to reallocate one (1) Senior Civil Engineering Assistant to one (1) Associated Civil Engineer.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 12th day of December, 2007, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _______________________

STEPHANIE LOPEZ, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _______________________

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-748

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE A
FORMAL REQUEST FOR BIDS (RFB) TO PROVIDE PRUNED REFUSE
RECEIVING LOCATIONS AND TRANSFER SERVICES TO THE CO-
COMPOST FACILITY AT 7007 JENNINGS ROAD FOR A TWO-YEAR
AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE
SOLE DISCRETION OF THE CITY, FOR A TOTAL ESTIMATED ANNUAL
COST OF $165,000

WHEREAS, The Community Forestry Division of the Public Works Department
provides a city-wide pruned refuse collection program, and

WHEREAS, collection vehicles (rear-loading packer trucks) pick up private
pruned refuse, public tree prunings, and removals from locations throughout Modesto and
deliver them to the Co-compost facility (facility) at 7007 Jennings Road, and

WHEREAS, each of the collection vehicles transports approximately 7 tons of
pruned refuse per load, and

WHEREAS, due to the limited transfer capacity of the collection vehicles, a
significant portion of the collection crew’s time is spent transferring loads to the facility,
which is 11 miles away, and

WHEREAS, in 2000, the City Council, by Resolutions 2000-535 and 2000-536,
executed agreements with Gilton Resource Recovery and Waste Management, dba
Modesto Disposal, to provide pruned refuse receiving locations and transfer services to
maintain operational efficiency and meet work completion deadlines, and

WHEREAS, by having these transfer stations, travel time for the collection
equipment was greatly reduced, which in turn reduced labor and equipment costs, and

WHEREAS, these agreements have expired and by issuing formal Request for
Bids (RFB) the City will achieve the best value possible for this service, 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 furnishing of pruned refuse receiving locations and transfer services conforms to the Modesto Municipal Code,

NOW, THEREFORE, BE IT 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 furnishing of pruned refuse receiving locations and transfer services, for a two-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 12th day of December, 2007, 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: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: None

APPROVED AS TO FORM:
By: Susana Alcala Wood, City Attorney

ATTEST: STEPHANIE LOPEZ, Acting City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-749

A RESOLUTION APPROVING SPECIFIC PLAN AMENDMENT NO. 22 TO THE VILLAGE ONE SPECIFIC PLAN TO REVISE THE LAND USE DESIGNATION FORM MULTI-FAMILY TO VILLAGE CENTER, PROPERTIES LOCATED ON THE EAST SIDE OF ROSELLE AVENUE, NORTH OF FLOYD AVENUE. (BEST DEVELOPMENT GROUP, LLC)

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt specific plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A adopted the Village One Specific Plan, to guide the development of 1,780 acres located in northeast Modesto, and

WHEREAS, Government Code Section 65453 permits the amendment of specific plans as often as deemed necessary by the legislative body, and

WHEREAS, the City Council on June 18, 1991, by Resolution No. 91-405, adopted Specific Plan Amendment No. 1 to the Village One Specific Plan to adopt an amended Affordable Housing Program, and

WHEREAS, the City Council on May 5, 1992, by Resolution No. 92-222, adopted Specific Plan Amendment No. 2 to the Village One Specific Plan to improve technical correctness, readability, and comprehension, and

WHEREAS, the City Council on February 1, 1994, by Resolution No. 94-72, adopted Specific Plan Amendment No. 3 to the Village One Specific Plan to rewrite and reorganize the Plan to be more implementation oriented, and
WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-297, certified the Final Supplemental EIR for Village One (SCH No. 90020181) which provided environmental analysis for the revisions in Specific Plan Amendment No. 4, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-298, adopted Specific Plan Amendment No. 4 to the Village One Specific Plan to widen Floyd Avenue from three-to-five lanes, realign the Claus/Sylvan intersection, delete the non-potable water supply for public landscaping, and integrate mitigation monitoring into the Specific Plan, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-372, adopted Specific Plan Amendment No. 5 to the Village One Specific Plan to revise the Residential Design Policies for cul-de-sacs, alleys, garage orientation, and plan processing, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-373, adopted Specific Plan Amendment No. 6 to the Village One Specific Plan to revise the school and park sites within the Specific Plan and redistribute residential units among the Village One Precise Plan Areas, and

WHEREAS, the City Council on October 10, 1995, by Resolution No. 95-487, adopted Specific Plan Amendment No. 7 to the Village One Specific Plan to reduce costs and to implement recommendations to increase the marketability of development within the Village One area, and

WHEREAS, the City Council on May 14, 1996, by Resolution No. 96-245, adopted Specific Plan Amendment No. 7.1 to the Village One Specific Plan to delete the multiple-family development designation from Precise Plan Areas Nos. 8 and 33, and Resolution No. 26-246 to amend the Design Standard portion of the Village One Specific
Plan pertaining to single-family dwelling setbacks and three-car garages, limited to Precise Plan Areas Nos. 8, 32, and 33, and

WHEREAS, the City Council on June 4, 1996, by Resolution No. 96-295, adopted Specific Plan Amendment No. 8 to the Village One Specific Plan to incorporate changes previously approved in Specific Plan Amendment No. 7 into the Specific Plan document itself, to make minor editorial changes to the Specific Plan, and to incorporate changes resulting from development of a revised Village One Facilities Master Plan, and

WHEREAS, the City Council on August 13, 1996, by Resolution No. 96-453, adopted Specific Plan Amendment No. 9 to the Village One Specific Plan to modify the standards for dwelling setbacks and three-car garages for the entire Specific Plan area, and

WHEREAS, the City Council on May 6, 1997, by Resolution No. 97-225, adopted Specific Plan Amendment No. 10 to the Village One Specific Plan to eliminate redundancy with the General Plan Housing Element policies and to eliminate language that was too restrictive, and

WHEREAS, the City Council on June 3, 1997, by Resolution No. 97-300, adopted Specific Plan Amendment No. 11 to the Village One Specific Plan to exempt public facilities from precise plan requirements, to streamline the Specific Plan amendment process, and to provide minor clarification to various policies and diagrams, and

WHEREAS, the City Council on October 21, 1997, by Resolution No. 97-602, adopted Specific Plan Amendment No. 12 to the Village One Specific Plan to allow changes in public service providers, delete the requirement for a business park market
study, revise Amtrak station language, revise the business park precise plan diagram, and allow regional commercial uses in the business park, and

WHEREAS, the City Council on February 17, 1998, by Resolution No. 98-97, adopted Specific Plan Amendment No. 13 to the Village One Specific Plan to redesignate 9.8 acres in Precise Plan Area No. 3 from Multi-Family Residential to Village Residential, and

WHEREAS, the City Council on August 17, 1999, by Resolution No. 99-416, adopted Specific Plan Amendment No. 14 to the Village One Specific Plan to modify the mix of land uses allowed in the southeast quadrant of Precise Plan Area No. 20, and

WHEREAS, the City Council on September 26, 2000, by Resolution No. 2000-507, adopted Specific Plan Amendment No. 15 to the Village One Specific Plan to reduce the noise setback along Claus Road, and

WHEREAS, the City Council on May 7, 2002, by Resolution No. 2002-230, adopted Specific Plan Amendment No. 16 to the Village One Specific Plan to move 4.1 acres from Precise Plan Area No. 6 to Precise Plan Area No. 7, and

WHEREAS, the City Council on April 1, 2003, by Resolution No. 2003-177, adopted Specific Plan Amendment No. 17 to the Village One Specific Plan to allow for a revised infrastructure financing plan for Village One, including the formation of a new community facilities district for the remaining undeveloped, unvested property in Village One, and

WHEREAS, the City Council on December 7, 2004, by Resolution No. 2004-650, adopted Specific Plan Amendment No. 18 to the Village One Specific Plan to change the land use designations of Precise Plan Areas 23 and 24 from Commercial, Village Residential, and Multi-Family Residential to Village Residential and Medium-Density
Residential and to amend some of the Village One design and development standards,

WHEREAS, the City Council on March 8, 2005, by Resolution No. 2005-129,
adopted Specific Plan Amendment No. 19 to the Village One Specific Plan to change the
land use designation of a portion of Precise Plan Area No. 1 from Very Low Density
Residential to Office and High School and to allow City Council approval of a Final
Development Plan concurrent with approval of Precise Plan Area No. 1, and

WHEREAS, the City Council on November 1, 2005, by Resolution No. 2005-547,
adopted Specific Plan Amendment No. 20 to the Village One Specific Plan to allow for a
revised layout for the Village Center Retail Center, property located at the southeast
corner of Roselle and Floyd, and

WHEREAS, Best Development Group, LLC has filed an application to amend the
Village One Specific Plan and Precise Plan Area No. 20 to change the land use
designation for five parcels (APN No. 085-050-007, 085-050-008, 085-050-006, 085-
050-005, 085-050-004) from Multi-Family Residential to Village Center, property
located east of Roselle Avenue and north of Floyd Avenue, and

WHEREAS, on August 28, 2007, the proposed Specific Plan Amendment was
referred to the Sylvan and Modesto School District, Modesto Irrigation District, Local
Agency Formation Commission, County Planning and Community Development, and the
Environmental Resources Director, for a 45 day referral period in accordance with
Government Code Sections 65453 and 65352, and
WHEREAS, on November 5, 2007, at 7:00 p.m. the Planning Commission held a
duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth
Street, Modesto, California, at which hearing evidence both oral and documentary was
received and considered concerning the proposed Village One Specific Plan amendment,
and

WHEREAS, after said public hearing, the Modesto City Planning Commission by
Resolution No. 2007-51, recommended to the City Council approval of an amendment to
the Village One Specific Plan to revise the land use designation from Multi-Family to
Village Center, property located east of Roselle Avenue and north of Floyd Avenue, and

WHEREAS, said matter was considered by the City Council at a duly noticed
public hearing on December 12, 2007, at 5:30 p.m., in the Tenth Street Place Chambers
located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral
and documentary was received and considered.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby finds and determines that the proposed Amendment No. 22 to revise the
land use designation from Multi-Family to Village Center, property located east of Roselle
Avenue and north of Floyd Avenue, is consistent with the 2003 Modesto Urban Area
General Plan.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the
Village One Specific Plan is hereby amended to revise the land use designation from
Multi-Family to Village Center, property located east of Roselle Avenue and north of
Floyd Avenue as shown on Exhibit "A" attached hereto and incorporated herein by
reference.
BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to send certified copies of this resolution and said amendment to the Village One Specific Plan to the Board of Supervisors of the County of Stanislaus.

BE IT FURTHER RESOLVED that the project applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning this Specific Plan Amendment (File No. SPA-07-001). The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify, or hold City harmless.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 12th day of December, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
Precise Plan Area #20
(Figure III-21)

1. **Acreage:**
   
   112 Acres

2. **Land Use Intensity**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village Commercial Center</td>
<td>17 ac.</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>21.5 ac.</td>
</tr>
<tr>
<td>Senior Housing/Multi-family</td>
<td>6 ac.</td>
</tr>
<tr>
<td>Village Residential</td>
<td>67.5 ac.</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>112 ac.</td>
</tr>
</tbody>
</table>

   *a* The area south of the Village Commercial Center shall be exclusively for the Housing Authority Project, which will consist of 1.5 acres designated for Multi-Family and 3.5 for Village Residential.

   *b* The 6 acres of Senior Housing shall be exclusively for Senior Housing.

3. **Special Considerations**

   a. Ideally, the Village Commercial Center is the first development to occur in this Precise Plan Area. At a minimum, development of the Village Commercial center should precede the development of the 10 acres closest to the Floyd/Roselle intersection on each of the other two corners.

   b. The first phase of development of the Village Commercial Center shall include construction of a supermarket. Construction of other permitted commercial uses may accompany construction of the supermarket subject to the condition that the supermarket shall be the first use to open for business.

   c. The time limit for commencement of construction of the first phase of development of the Village Commercial Center shall not be more than three years from the effective date of approval of the Precise Plan by the City Council. One-year time extensions, not to exceed three in number, may be granted by the Planning Commission after benefit of a public hearing, if adequate cause for such time extension is shown by the developer.

   d. If construction of the first phase of the Village Commercial Center does not occur within the specified time limitations, the City may consider Precise Plan applications for development of the Village Commercial Center at one of the other two corners of Floyd and Roselle Avenues.

   e. The Precise Plan shall provide for a maximum of 350,000 square feet of gross leasable area for commercial and office uses distributed in the following manner:

   1. The Village Commercial Center will contain a maximum of 215,000 – 250,000 square feet of gross leasable area.
f. The Village Commercial Center should be of an improved design over a typical neighborhood shopping center, reflecting pedestrian orientation and direct linkage to neighboring land uses.

g. The Village Commercial Center should be designed in accordance with the policies presented in Sections II-G(4) and II-G.

h. Within each area designated Multi-family, only multi-family uses will be allowed with the following number of dwelling units:

1. The maximum number of dwelling units for each area is calculated as follows:

   10 Acres x 26.25 dwelling units/acre = 263 dwelling units for each 10-acre multi-family site.

2. The minimum number of dwelling units for each area is calculated as follows:

   263 dwelling units x 90% = 237 dwelling units for each 10-acre multi-family site.

i. Within each area designated Senior Housing/Multi-family Housing, either Multi-Family Housing or Senior Housing are allowed. If Multi-Family Housing is developed, the maximum density allowed is 26.75 dwelling units/gross acre, with a minimum density of 90% of the maximum density. If Senior Housing is developed, then the maximum density allowed is 50 dwelling units/gross acre.

The City has been working with the Stanislaus County Housing Authority to develop a 55-unit project in Village One, Precise Plan Area #20. The proposal consists of 20 unit apartment complex and 35 single-family residential units. The apartments will be affordable to lower income households. The above density requirements will not apply to the Housing Authority project.

j. It is desirable that the City and the property owners in this Precise Plan Area agree on the process for coordinated development of this Precise Plan Area in advance of initiating any development. In any case, a single development entity should manage the development process. This role should include coordinating all aspects of land assemblage and infrastructure improvements, construction of the buildings, and implementation of the sales and leasing programs. In addition, consistent and centralized ongoing management of the retail/commercial components of the Village Center should be maintained.
Figure III - 21
Precise Plan Area #20

- **VR**: Village Residential
- **MF**: Multi-Family
- **SH**: Senior Housing
- **VC**: Village Commercial Center

North
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-750

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: AMENDMENT TO THE VILLAGE ONE SPECIFIC PLAN AND PRECISE PLAN AREA NO. 20 SUB-AREA B TO REVISE THE LAND USE DESIGNATION FROM MULTI-FAMILY TO VILLAGE CENTER, PROPERTIES LOCATED ON THE EAST SIDE OF ROSELLE AVENUE, NORTH OF FLOYD AVENUE (BEST DEVELOPMENT GROUP, LLC)

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report ("EIR") (State Clearing House No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been amended and updated by the 1994 Supplemental EIR, adopted by Resolution No. 94-297 on May 24, 1994, and

WHEREAS, on May 6, 2003, the City Council adopted Resolution No. 2003-223 which adopted an Addendum to Village One Specific Plan Program Environmental Impact Report for the Village One Facilities Master Plan Update – May 2003 ("VI FMP"), and

WHEREAS, an application has been filed by Best Development Group, LLC for an amendment to the Village One Specific Plan and Precise Plan for Area No. 20, property located east of Roselle Avenue and north of Floyd Avenue, and
WHEREAS, the City's Community & Economic Development Department reviewed the proposed Project to determine if said Project might have a significant effect on the environment, and

WHEREAS, City staff has prepared a Written Checklist, Environmental Assessment No. EA/C&ED 2007-45, which concluded that the proposed Project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and the addendum to Village One Specific Plan Program Environmental Impact Report for the Village One Facilities Master Plan, and

WHEREAS, the Planning Commission, by Resolution Nos. 2007-51 and 2007-52, adopted on November 5, 2007, recommended to the City Council approval of an Amendment to the Village One Specific Plan and Precise Plan for Area No. 20, property located east of Roselle Avenue and north of Floyd Avenue, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on December 12, 2007, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Written Checklist, Environmental Assessment No. EA/C&ED 2007-45, entitled “Determination: Project within the Scope of the Village One Specific Plan Program Environmental Impact Report Initial Study EA/C&ED No. 2007-45 For the Proposed Amendment to the Village One Specific Plan and Precise Plan Area No. 20”, for the proposed project, and the Council hereby makes the following findings:
1. As per Sections 15168 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR, and no new environmental document or findings are required by CEQA, and

2. There are no substantial changes proposed in the project, which result in new significant environmental effects, or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Program EIR are required.

3. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and therefore, no major revisions to the Program EIR, are required.

4. There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence when the Program EIR, was adopted which shows any of the following:
   a. One or more significant effects which is not discussed in the Program EIR; or,
   b. Significant effects which were previously examined will be substantially more severe than previously shown; or,
   c. Previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the Project proponents decline to adopt the mitigation measure or alternative; or,
   d. Mitigation measures or alternatives which are considerably different from those analyzed in the Program EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

5. The Written Checklist, Environmental Assessment No. EA/C&ED 2007-45, provides the substantial evidence to support findings 1-4, noted above.

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 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 special meeting of the Council of the City of Modesto held on the 12th day of December, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, Acting/City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
EXHIBIT "A"

WRITTEN CHECKLIST

EA/C&ED NO. 2007-45
Determination:
Project within the Scope of the
Village One Specific Plan
Program Environmental Impact Report for the

Project

Prepared for:
City of Modesto
P.O. Box 642
Modesto, CA 95353
Contact: David Wage
209/577-5302

Prepared by:
David Wage, Assistant Planner
City of Modesto
Community & Economic Development Department
209/577-5267

9/24/07
EA/C&ED No. 2007-45

I. PURPOSE

This written checklist is prepared under the CEQA Guideline regulations regarding use of a Program EIR with Later Activities, where activities in the program must be examined in the light of the Program EIR to determine whether an additional environmental document must be prepared. Pursuant to CEQA Guidelines Section 15168 (C) (4), this checklist serves to make a determination where subsequent activities of a Program EIR involve site-specific operations, based on evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR. Based on a review of the project and the criteria in Section 15162(a), this determination would permit the lead agency (City of Modesto) to approve the activity as being within the scope of the project covered by the Program EIR. This determination includes whether any new environmental document is required beyond the adopted Village One Specific Plan Program EIR (SCH# 90020181) for the proposed Specific Plan Amendment, Precise Plan Amendment and Final Development Plan.

The 1994 Supplemental EIR that amended and superseded the 1990 Program EIR is the document reviewed for projects within the Village One Specific Plan area. A summary of significant impacts and their mitigation measures from the 1994 Supplemental EIR is attached as Exhibit "A". Where appropriate those feasible mitigation measures developed in the Supplement to the program EIR shall be incorporated into the proposed project.

II. PROJECT INFORMATION

1. Project Title: Specific Plan Amendment, Precise Plan Amendment and Final Development Plan for Walgreens

2. Lead Agency Name and Address: City of Modesto
3. Contact Person and Phone Number:  
David Wage  
Modesto Community & Economic Development Department  
209/577-5302

4. Project Location:  
Northeast corner of Roselle and Floyd  
APN Numbers: 085-050-007, 085-050-008, 085-050-006, 085-050-005, 085-050-004

5. Project Sponsor’s Name and Address:  
Best Development Group, LLC.  2580 Sierra Blvd. Suite E  
Sacramento, CA 95825

6. General Plan Designation:  
Village Residential

7. Zoning:  
Specific Plan Overlay SP-O

8. Description of Project:  
Pursuant to the adopted Village One Specific Plan, the applicant is proposing to amend the Village One Specific Plan and Precise Plan 20 to re-designate the permitted land uses for five parcels (4 acres) at the northeast corner of Roselle and Floyd. The site is currently designated for multi-family uses. The applicant is proposing to re-designate the property to allow “Village Center” uses, which can include commercial or office uses. The applicant has also submitted an application for a Final Development Plan for a 14,820 square-foot Walgreens on the three southernmost parcels.

9. Surrounding Land Uses and Setting:  
The Village One Specific Plan Area is over half built, as planned and approved by the 1990 Village One Specific Plan. The project area is surrounded by multi-Family land uses to the North, South and East, and West.

10. Other Public Agencies whose Approval Is Required:  
None

III. DETERMINATION:

Based on the analysis contained in this document, staff finds that pursuant to Guidelines Section 15168 ( c ) (4 ) the following is true for the proposed project:

1. There are no substantial changes proposed in the project which result in new
significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR are required.

2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR are required.

3. There is no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence when the Village One Program EIR, as amended by the 1994 Supplemental EIR, was adopted which shows any of the following:
   a. one or more significant effects which is not discussed in the Village One Program EIR, as amended by the 1994 Supplemental EIR; or,
   b. significant effects which were previously examined will be substantially more severe than previously shown; or,
   c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,
   d. mitigation measures or alternatives which are considerably different from those analyzed in the Village One Program EIR, as amended by the 1994 Supplemental EIR, would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

4. The Initial Study, Environmental Assessment No. EA/C&ED 2004-45, provides the substantial evidence to support findings 3-5, above, and the City hereby determines that no further environmental documentation is required for the proposed project.

Project Manager

Date

10/30/07
IV. PROJECT EVALUATION:

The following written Checklist based on Appendix G of the CEQA Guidelines serves to document the evaluation of the site and activity of the proposed project pursuant to CEQA Guidelines Section 15168 (c) (4) to determine whether the environmental effects of the operation were covered in the Program EIR.

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

I. AESTHETICS. Would the project:

a. Have a substantial adverse effect on a scenic vista?
   - Yes [☐]
   - No [☐]
   - Less than Significant [☐]
   - No Impact [☐]

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?
   - Yes [☐]
   - No [☐]
   - Less than Significant [☐]
   - No Impact [☐]

c. Substantially degrade the existing visual character or quality of the site and its surroundings?
   - Yes [☐]
   - No [☐]
   - Less than Significant [☐]
   - No Impact [☐]

d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?
   - Yes [☐]
   - No [☐]
   - Less than Significant [☐]
   - No Impact [☐]

Aesthetic and visual impacts are analyzed on pages III-100 through III-101 of the 1994 Supplement.

Responses to Checklist Questions

a. The Village One Specific Plan program EIR found that as the Specific Plan area is developed, it will eliminate views of the valley and the distant mountains from adjacent areas and reduce the area’s visual open space. However, the program EIR found the effects of buildout of Village One on scenic vistas to be less than significant because views from the project area are minimal. The proposed development would not change the extent or nature of construction in the Specific Plan area, or cause any other changes in the project area. Impacts on scenic vistas would therefore remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.

b. The Village One Specific Plan program EIR found that there are no scenic resources in the project area,
and that development within the Specific Plan area would therefore not result in significant impacts on scenic resources. This finding would not be affected by the proposed abandonment. There would be no impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that the development within the Specific Plan area would have a less-than-significant impact on the visual character of the area. The proposed development would not change the design or layout of the development proposed within the Village One Specific Plan. It is called for by the Specific Plan. For this reason, impacts on the visual character of the area would remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.

d. The proposed development is consistent with the Village One Specific Plan. For this reason, impacts associated with additional light and glare would remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.

II. AGRICULTURAL RESOURCES. In determining whether impacts on agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation. Would the project:

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?

c. Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

City of Modesto
Written Checklist 6

Initial Study
EA/C&ED No. 2007-45
9-27-07
Impacts on agricultural resources are analyzed on pages III-80 through III-94 of the 1994 Supplement.

Responses to Checklist Questions

a. The Village One Specific Plan program EIR found that land designated as Prime Farmland would be lost as a result of development in the Village One Specific Plan area. This impact was determined to be significant and not mitigable. The proposed development would not affect this finding because the project area would remain the same. There would be no additional impact. No mitigation is required.

b. The Village One Specific Plan program EIR presented information showing that any Williamson Act contracts in the Village One Specific Plan area would be automatically cancelled on annexation of the land to the City of Modesto, which has occurred, or would expire within 10 years of the time the original program EIR was prepared. The last Williamson Act contract covering land in the Village One Specific Plan area expired in 2001. There are no lands in the project area under Williamson Act contract. The Village One Specific Plan area has also been rezoned consistent with the specific plan, and no lands in the project area are now zoned for agricultural use. There would be no additional impact. No mitigation is required.

c. The Village One Specific Plan program EIR identified a potential land use conflict between new residential uses in the specific plan area and adjacent agricultural uses. Such conflicts can lead to conversion of adjacent farmlands to other uses. The program EIR proposed mitigation measures for this potential impact that would reduce the impact's significance, although the EIR noted that the mitigation measure might not fully mitigate the impact. No additional mitigation measures are available for this impact. This finding would not be affected by the proposed project because the project area and proposed land uses would remain the same. There would be no additional impact. No mitigation is required.

III. AIR QUALITY. When available, the significance criteria established by the applicable air quality management or air
pollution control district may be relied upon to make the following determinations. Would the project:

a. Conflict with or obstruct implementation of the applicable air quality plan? □ □ □ ✓

b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? □ □ □ ✓

c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? □ □ □ ✓

d. Expose sensitive receptors to substantial pollutant concentrations? □ □ □ ✓

e. Create objectionable odors affecting a substantial number of people? □ □ □ ✓

Impacts on air quality are analyzed on pages III-45 through III-54 of the 1994 Supplement.

Responses to Checklist Questions

a. / b. The Village One Specific Plan program EIR found that air pollution from project-related construction traffic and fireplaces & wood stoves in planned residential areas would violate air quality standards and contribute to an existing air quality violation. Construction traffic emissions would contribute to violation of the state and federal 8-hour carbon monoxide (CO) and particulate matter (PM10) standards and the federal ozone standard in the Modesto Urban Area and the San Joaquin Valley Air Basin. Urban traffic pollution would contribute to violations of the state ozone, CO, and PM10 standards in the Modesto Urban Area and San Joaquin Valley Air Basin. Residential pollution would contribute to violations of the pollutant standard index in the Modesto Urban Area. Partial mitigation for these impacts is included in the program EIR (Mitigation Measures 3–5), and the City of Modesto adopted a statement of overriding consideration for each impact. The proposed project would not change the amount of development and construction in the project area, so trips generated by the project would not be affected and the types of land uses would not change. There would be no additional impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that air pollutant emissions associated with traffic at buildout of Village One would exacerbate the existing ozone, PM10, and CO violations in the Modesto area and cause a significant
cumulative impact. Partial mitigation for these emissions is included in the program EIR (Mitigation Measures 4.5.3[a] and 4.5.3[b]), and the City of Modesto made a statement of overriding consideration for each impact. The proposed abandonment would not change the amount of traffic associated with buildout of Village One or the types of land uses, so trips generated by the project would not be affected. There would be no additional impact. No mitigation is required.

d. The Village One Specific Plan program EIR found that PM10 generated during construction would aggravate the respiratory problems of people living and working nearby, therefore exposing sensitive receptors in the area to pollutant concentrations and causing a significant impact. However, the program EIR outlines mitigation measures that will be implemented to reduce the impact to an acceptable level (Mitigation Measure 40). The proposed project would not change the level of construction emissions. There would be no additional impact. No mitigation is required.

e. The proposed commercial development a drive-through. The project site is adjacent to residential development. The drive-through could create potential orders.

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact</th>
<th>Less-than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

IV. BIOLOGICAL RESOURCES. Would the project:

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not
limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? ☐ ☐ ☐ ☑

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ☐ ☐ ☐ ☑

f. Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan? ☐ ☐ ☐ ☑

Impacts on biological resources are analyzed on pages III-68 through III-79 of the 1994 Supplement.

Responses to Checklist Questions

a. The Village One Specific Plan program EIR found that the buildout could result in the loss of foraging habitat for Swainson’s Hawk, a state-listed threatened species. However, this project is infill development of land not useful as foraging habitat. The development of the project site would result in a less than significant impact to foraging habitat for Swainson’s Hawk. Therefore, no mitigation is required.

b. The Village One Specific Plan program EIR did not find that any riparian habitat or other designated sensitive natural community was present in the project area, and so found that the project would have a less-than-significant impact. The proposed specific plan and precise plan amendments would not change the boundaries of the Specific Plan area. There would be no impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area would result in the loss of lands that might be classified as wetlands by the U.S. Army Corps of Engineers, but that, with mitigation, the impact would be less than significant. The proposed specific plan and precise plan amendments would not change the Specific Plan area boundaries or the areas that would be disturbed. There would be no additional impact. No mitigation is required.

d. The Village One Specific Plan program EIR did not identify any migratory corridors in the project area, nor did it find that the project would interfere with
the movement of any species. The project would not change the Specific Plan area boundaries. There would be no impact. No mitigation is required.

e. / f. No local biological resource protection policies, ordinances, habitat conservation plans, or natural community conservation plans apply to the Village One Specific Plan area. There would be no impact. No mitigation is required.

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
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<th>Less-than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

V. **CULTURAL RESOURCES.** Would the project:

a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d. Disturb any human remains, including those interred outside of formal cemeteries?

**Responses to Checklist Questions**

a.-d. Impacts on cultural resources resulting from the buildout of Village One (e.g., from construction of associated infrastructure) are addressed in the Opportunities/Constraints Report prepared for the Modesto Planning Commission (December 1, 1989). The report concluded that there are no known historic, archaeological, or paleontological resources in the Village One Specific Plan area. Based on the results of this report, (Cultural and Historic Resources Report, page 3) it was determined that the likelihood that the project would change or disturb human remains or significant historic, archaeological, or paleontological resources was low.

The proposed project would not change the locations or types of construction in the project area nor the boundaries of the project area. Development of the proposed project will not result in effects on scattered existing structures. A Cultural Resources Assessment was prepared to determine if any of these affected structures are considered historic resources. The Cultural Resources

City of Modesto Written Checklist 11

Initial Study EA/C&ED No. 2007-45 9-27-07
Assessment is attached to this document as Appendix A. No historic structures are located within the project area boundaries. Therefore, no mitigation measures are necessary.

Since no archaeological, or paleontological resources were found in the previous document to be located in the project area, and since the proposed project would not have a significant impact on historic structures, there would be no impact. No mitigation is required.

### VI. GEOLOGY AND SOILS.

Would the project:

**a.** Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

- Potentially Significant Impact
- Less than Significant Impact
- Less-than-Significant Impact
- No Impact

-Mitigation Incorporated

2. Strong seismic groundshaking?

3. Seismic-related ground failure, including liquefaction?

4. Landslides?

**b.** Result in substantial soil erosion or the loss of topsoil?

**c.** Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?

**d.** Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?

Impacts associated with geology and soils are analyzed on pages III-105 through III-108 of the 1994 Supplement.

Responses to Checklist Questions

a.-d. The program EIR, as supplemented, found that the project area is not subject to geologic or soil-related hazards that cannot be adequately mitigated through the implementation of existing city regulations, such as the building code. No significant impacts were identified, and no mitigation measures were required. The proposed project would not change the locations or types of construction in the project area nor the boundaries of the project area. There would be no additional impact. No mitigation is required.

e. The Village One Specific Plan included provisions for the project to be served by public sewers. No septic tanks or alternative wastewater systems were proposed. The proposed project would not change the proposed method of wastewater disposal. There would be no impact. No mitigation is required.

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VII. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

c. Emit hazardous emissions or involve handling
hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

d. Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

e. Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area?

f. Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area?

g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Impacts associated with hazards and hazardous materials are analyzed on pages III-80 through III-94 and III-109 through III-119 of the 1994 Supplement.

Responses to Checklist Questions

a.–c. The Village One Specific Plan does not allow any land uses that would use hazardous materials. The proposed specific plan and precise plan amendments would not change land uses contemplated by the Specific Plan. There would be no impact. No mitigation is required.

d. The Village One Specific Plan program EIR, as supplemented, found no hazardous materials were stored at or near the project site. No significant impacts were identified, and no mitigation measures were required. There would be no additional impact. No mitigation is required.

e. The Village One Specific Plan area is not located in an airport land use plan area or within 2 miles of a public airport. There would be no impact. No mitigation is required.
f. The Village One Specific Plan program EIR found that a private airstrip, the Eastside Mosquito Abatement District Airstrip, is located to the east of the Village One Specific Plan area. However, take-offs and landings were found to take place parallel to and outside the Specific Plan area boundaries, and flight patterns are generally situated to the east of the Specific Plan area. There would be no additional impact. No mitigation is required.

g. Since the adoption of the Village One Specific Plan, the Modesto General Plan has been updated to include development of Village One consistent with the specific plan. City emergency plans are developed with the assumption that the Village One Specific Plan will be implemented. The proposed project would not change construction, land use, or other physical attributes of the Right-of-Way Acquisition. There would be no additional impact. No mitigation is required.

h. The project site is located in an area of the City of Modesto planned for buildout of an urban neighborhood. Approximately 50% of the project area remains undeveloped, with a covering of dry brush and vegetation. The potential for wildland fires is low, and this potential will decrease further as buildout continues. There would be no additional impact. No mitigation is required.

VIII. HYDROLOGY AND WATER QUALITY.

Would the project:

a. Violate any water quality standards or waste discharge requirements?

b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite?  ☑

e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?  ☑

f. Otherwise substantially degrade water quality?  ☑

g. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  ☑

h. Place within a 100-year flood hazard area structures that would impede or redirect floodflows?  ☑

i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?  ☑

j. Contribute to inundation by seiche, tsunami, or mudflow?  ☑

Impacts associated with hydrology are analyzed on pages III-109 through III-119 of the 1994 Supplement.

Responses to Checklist Questions

a. The Village One Specific Plan program EIR did not find that buildout of the plan would violate any water quality standards or waste discharge requirements. The proposed project is consistent with the Village One Specific Plan, so there would be no additional impacts. No mitigation is required.

b. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area might interfere with local groundwater recharge. However, the impact was found to be less than significant because the Specific Plan area is not a major groundwater recharge area and it includes a recharge/discharge plan for disposal of stormwater runoff and recharge of groundwater. The proposed project would not change the amount of impervious
surface in the Specific Plan area or the proposed storm drain facilities. There would be no additional impact. No mitigation is required.

c.–e. The Village One Specific Plan program EIR found that development will substantially alter the existing drainage pattern of the area but, because the project will incorporate an urban storm drain system, will not result in any erosion impacts. The proposed project would not change the amount of impervious surface or the proposed storm drain facilities. There would be no additional impact. No mitigation is required.

f. The Village One Specific Plan program EIR did not find that development would substantially degrade water quality. The proposed project would not change water use or discharge associated with the buildout of the Village One Specific Plan area. There would be no additional impact. No mitigation is required.

g.–i. According to the Village One Specific Plan program EIR, the project site is not situated in a 100-year flood hazard area or downstream from a levee or dam. There would be no impact. No mitigation is required.

j. The project site is located in a flat, inland area not susceptible to seiche, tsunami, or mudflow. There would be no impact. No mitigation is required.

**IX. LAND USE AND PLANNING.** Would the project:

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<td>a. Physically divide an established community?</td>
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<td>b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
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<td>c. Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
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Impacts associated with land use and planning are analyzed on pages III-80 through III-94 of the 1994 Supplement.
Responses to Checklist Questions

a. The proposed project would not result in any physical changes to the environment beyond those described in the Village One Specific Plan. Village One would continue to be developed as a planned community; therefore, the project would not divide an established community. There would be no impact, and no mitigation is required.

b., c. The Village One Specific Plan has been adopted by the City of Modesto and has been incorporated into the Modesto General Plan. The proposed project includes a proposed amendment to the Village One Specific Plan. If approved, the project would be consistent with the Village One Specific Plan. There are no other applicable land use or conservation plans for the project area. There would be no impact. No mitigation is required.

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X. MINERAL RESOURCES. Would the project:

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? [ ] [ ] [ ] [ ]

b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? [ ] [ ] [ ] [ ]

Responses to Checklist Questions

a., b. No known mineral resources or important recovery sites are located in the Village One Specific Plan Area. There would be no impact. No mitigation is required.

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XI. **NOISE.** Would the project:

a. Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?  

b. Expose persons to or generate excessive groundborne vibration or groundborne noise levels?  

c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  

d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  

e. Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?  

f. Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?  

Impacts associated with noise are analyzed on pages III-55 through III-67 of the 1994 Supplement.

**Responses to Checklist Questions**

a., c. The Village One Specific Plan program EIR found that proposed residential housing in the project area would be exposed to noise levels exceeding general plan thresholds, but mitigation measures were incorporated to reduce the impact to a less-than-significant level. The proposed project would not change project-related noise-generating activities. There would be no additional impact. No mitigation is required.
b. The Village One Specific Plan program EIR found that the buildout of Village One would not expose people to, or generate excessive, groundborne vibration or groundborne noise levels. There would be no impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that construction of the proposed project would result in a substantial temporary increase in ambient noise levels for residential housing. However, mitigation measures were incorporated into the program EIR to reduce the impact to a less-than-significant level. The proposed project would not change construction activities. The proposed commercial development is adjacent to residences. The commercial activity, including a proposed drive-through could increase the ambient noise levels. No mitigation is required.

e. The Village One Specific Plan program EIR found that the Village One Specific Plan area is not located in an airport land use plan area or within 2 miles of a public airport. There would be no impact. No mitigation is required.

f. The Village One Specific Plan program EIR found that a private airstrip, the Eastside Mosquito Abatement District Airstrip, is located east of the Village One Specific Plan area. However, take-offs and landings take place parallel to and outside the Specific Plan boundaries, and flight patterns are generally situated east of the project area. There would be no additional impact. No mitigation is required.

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XII. POPULATION AND HOUSING. Would the project:

a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?

b. Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere?

c. Displace a substantial number of people, necessitating the construction of replacement housing elsewhere?
Impacts on population and housing are analyzed on pages III-95 through III-99 of the 1994 Supplement.

Responses to Checklist Questions

a.–c. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area would not result in significant adverse impacts on population and housing units. No mitigation is required.

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XIII. PUBLIC SERVICES. Would the project:

a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

- Fire protection? □ □ □ □ ☑
- Police protection? □ □ □ □ ☑
- Schools? □ □ □ □ ☑
- Parks? □ □ □ □ ☑
- Other public facilities? □ □ □ □ ☑

Impacts on public services are analyzed on pages III-120 through III-158 of the 1994 Supplement.

Responses to Checklist Questions

a. The Village One Specific Plan program EIR found that the only significant impact that buildout of the Village One Specific Plan area would have on public services would be in the areas of fire protection and law enforcement. Mitigation measures were identified in the program EIR to reduce the level of this impact to a less-than-significant level. No other significant impacts on public services were identified. The proposed project would not change the provision of public services. There would be no additional impact. No mitigation is required.
XIV. RECREATION. Would the project:

a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?  
   - Potentially Significant Impact
   - Less than Significant Impact
   - Less-than-Significant Impact
   - No Impact

b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?  
   - Potentially Significant Impact
   - Less than Significant Impact
   - Less-than-Significant Impact
   - No Impact

Impacts on recreation are analyzed on pages III-120 through III-158 of the 1994 Supplement.

Responses to Checklist Questions

a., b. No significant impacts on recreation were identified in the program EIR.

XV. TRANSPORTATION/TRAFFIC. Would the project:

a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?  
   - Potentially Significant Impact
   - Less than Significant Impact
   - Less-than-Significant Impact
   - No Impact

b. Cause, either individually or cumulatively, exceedance of a level-of-service standard established by the county congestion management agency for designated roads or
   - Potentially Significant Impact
   - Less than Significant Impact
   - Less-than-Significant Impact
   - No Impact
highways?

c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? ☐ ☐ ☐ ☐ ☐

d. Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ☐ ☐ ☐ ☐ ☐

e. Result in inadequate emergency access? ☐ ☐ ☐ ☐ ☐

f. Result in inadequate parking capacity? ☐ ☐ ☐ ☐ ☐

g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? ☐ ☐ ☐ ☐ ☐

Impacts on transportation and traffic are analyzed on pages III-40 – III-44 of the 1994 Supplement.

Responses to Checklist Questions

a., b. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system and would affect level of service at several intersections. Mitigation measures identified in the program EIR were identified to reduce impacts to a less-than-significant level for all intersections except the Brigsmore Avenue/Oakdale Avenue intersection. For that intersection, the impact was determined to be significant and not mitigable. The City of Modesto made a statement of overriding considerations for that impact at the time it certified the 1994 Supplement. The proposed project would not alter traffic patterns in the Specific Plan area or result in additional trips. There would be no additional impact. No mitigation is required.

c. The Village One Specific Plan program EIR did not find that the buildout of the Village One Specific Plan area would result in a change in air traffic patterns. The proposed project does not include any elements that would affect air traffic patterns. There would be no impact. No mitigation is required.

d. The Village One Specific Plan program EIR did not find that buildout of the Village One Specific Plan area included any hazardous design features or increased any incompatible uses for roads in the project area. The final development plan does propose to include the location of a driveway in a bus turnout. In addition the driveway does not meet the minimum distance requirements from the Roselle and Floyd roundabout. As a condition of approval, staff will require the relocation of the driveway when the property...
The north develops. Therefore, the project will have a less than significant effect on increasing hazards due to a design feature. No mitigation is required.

c. The Village One Specific Plan program EIR did not find that buildout of the Village One Specific Plan area would result in inadequate emergency access in the Specific Plan area. The Specific Plan includes provision of adequate roadways to serve the Village One development. Therefore, the impact on emergency service access is less than significant. No mitigation is required.

d. The Village One Specific Plan program EIR did not find that buildout of the Village One Specific Plan area would result in inadequate parking capacity in the Specific Plan area. There would be no impact. No mitigation is required.

g. The proposed project does not include any changes related to transportation policies, and would have no impact. No mitigation is required.

XVI. UTILITIES AND SERVICE SYSTEMS.
Would the project:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? ☑ ☐ ☐ ☑

b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ☑ ☐ ☐ ☑

c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ☑ ☐ ☐ ☑

d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed? ☑ ☐ ☐ ☑

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e. Result in a determination by the wastewater treatment provider that 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?

f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

g. Comply with federal, state, and local statutes and regulations related to solid waste?

Impacts on utilities and service systems are analyzed on pages III-120 through III-158 of the 1994 Supplement.

Responses to Checklist Questions

a. The City provides sewer services to the Village One area. All wastewater would be directed to city wastewater treatment facilities. No wastewater discharges would occur in the project area. The proposed project would not significantly increase the amount of wastewater that will be generated at buildout of the Specific Plan area. The project is subject to current wastewater fees, which are collected to complete infrastructure improvements needed to serve new development. There would be no additional impact. No mitigation is required.

b., e. The Village One Specific Plan program EIR discusses the changes and new facilities that will be needed to accommodate buildout of the Village One Specific Plan area. The EIR found that, with mitigation, there would be no significant impact on water or wastewater infrastructure. The project is subject to current wastewater fees, which are collected to complete infrastructure improvements needed to serve new development. There would be no additional impact as a result of the proposed project. No mitigation is required.

c. The Village One Specific Plan program EIR discusses the changes and new facilities that will be needed in order to accommodate buildout of the Village One Specific Plan area. The EIR found that, with mitigation, there would be no significant impact on stormwater drainage facilities. An update to the Storm Drainage Master Plan has been prepared and is under consideration by the City. An addendum to the Village One program EIR for the Storm Drainage Master Plan has also been prepared and is under consideration by the City. The project would not result in any additional impacts or the need for any additional mitigation beyond that assessed in the Addendum to the Village One Program EIR for the Storm Drainage Master Plan.

d. The Village One Specific Plan program EIR found that, with mitigation, the effects of buildout of the Village One Specific Plan area on water supply would be less than significant. The project is subject to current water fees, which are collected to complete infrastructure improvements needed to serve new development.
development. There would be no additional impact resulting from the proposed project. No mitigation is required.

f., g. The Village One Specific Plan program EIR found that the area’s landfills have sufficient permitted capacity to accommodate the project’s solid waste disposal needs. The proposed project would not result in any physical changes in the environment or the generation of any additional solid waste. There would be no impact. No mitigation is required.

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**XVII. MANDATORY FINDINGS OF SIGNIFICANCE.**

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

b. Does the project have impacts that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Cumulative impacts are analyzed on page III-161 of the 1994 Supplement.
Responses to Checklist Questions

a. As described above, the proposed Specific Plan and Precise Plan Amendments, and Final Development Plan would not result in any significant impacts on the environment over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.

b. As described above, the proposed project would not result in any significant impacts, either on a project or on cumulative level, over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR. Recent studies such as the Water and wastewater studies have identified the need for additional infrastructure to serve new development. The City has adopted new fee schedules to reflect the cost of needed improvements. The project is subject to current fees and thus there are no significant cumulative impacts.

c. As described above, the proposed project would not result in any significant impacts affecting humans over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.

V. MITIGATION APPLIED TO PROJECT

The following mitigation measures developed in the 1994 Village One Specific Plan Supplement to the Program EIR are appropriate to the project and will be incorporated into the project. Therefore, the environmental effects of the project were covered by the program EIR.

1. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

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

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

4. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.
5. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

6. Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

7. The developer shall implement measures to prevent carryout or trackout that may otherwise occur in conjunction with construction activities.

8. The City’s Noise Ordinance (Modesto Municipal Code Section 4-9.101) prohibits the “loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine.”

The Noise Ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or Federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

a. A hammer or any other device or implement used to pound or strike an object.

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

c. A hand-powered saw.

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

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

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

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

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

9. If archeological resources are discovered at any time during construction, all activity shall cease until the site is surveyed by a qualified archeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K of the MEIR.

10. The developer shall implement pre- and post-construction best management practices (BMP) to minimize pollutants entering the storm system.
A RESOLUTION AMENDING THE GENERAL FUND FISCAL YEAR 07/08 OPERATING BUDGET TO ALLOCATE ONE NEW CLERICAL POSITION AT AN ANNUAL COST OF APPROXIMATELY $58,206 (0100-140-1413) AND TO RECOGNIZE FUTURE FUNDING REQUIREMENTS RELATED TO THE TRANSITION OF LAND DEVELOPMENT FUNCTIONS AND INFRASTRUCTURE FINANCING PROGRAM TO THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT.

WHEREAS, on June 5, 2007, as part of the FY 07/08 budget adoption, the City Council approved the transfer of the land development functions and the Infrastructure Financing Program to the Community and Economic Development Department, and

WHEREAS, said move was part of the Council’s continuing efforts to improve the development review process and service delivery, and

WHEREAS, these functions/programs currently reside in the Community and Economic Development Department, and

WHEREAS, while existing operating budgets were transferred at the same time as the relocations occurred, no additional funding was allocated for transitional needs, and

WHEREAS, staff has subsequently identified various expenses necessary to successfully complete this relocation effort, including:

1. One new clerical position identified as a Senior Administrative Office Assistant pending classification review by the Clerical Committee;

2. Study of space needs and development of relocation plan;

3. City Engineer costs for professional dues, office furnishings, and technology, and

WHEREAS, said expenses for FY 07/08 are estimated to be $41,841 paid out of existing operating funds, and
WHEREAS, on-going costs related to the clerical position are estimated at $58,206 in FY 08/09 and will need to be allocated as new General Fund expenditures in FY 08/09, and

WHEREAS, it is also recognized that additional one-time and on-going costs may be forthcoming pending completion of the space needs study and relocation plan and will need to be addressed in future years, and

WHEREAS, this request was reviewed and approved by the Finance Committee at their meeting of November 26, 2007,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the General Fund operating budget for FY 07/08 to allocate a new Senior Administrative Office Assistant in the Community and Economic Development Department (0100-140-1413) with an annual cost of approximately $58,206.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 12th day of December 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: [Signature]
Stephanie López, Acting City Clerk

APPROVED AS TO FORM:

BY: [Signature]
Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-752

A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO PURCHASE AGENDA PLUS SOFTWARE FOR THE CITY OF MODESTO, BY ACCESSING THE TERMS OF THE COMPETITIVELY BID CONTRACT FROM THE CITY OF SAN DIEGO, FOR AN ESTIMATED COST OF $63,000

WHEREAS, the Information Technology Department encumbered $63,000 in FY 2006-07 for the purchase of Agenda Plus software, and

WHEREAS, the City has the opportunity to utilize piggyback language from a competitively bid contract between AlphaCorp/SIRE Technologies and the City of San Diego, and

WHEREAS, the implementation of this software product will greatly assist City staff in the creation and management of City Council agenda items and encourage interdepartmental coordination, and

WHEREAS, the Modesto Municipal Code, Section 8-3.203 generally requires all purchases, which meet or exceed $50,000.00 for material, equipment or contractual services to be formally bid, and

WHEREAS, there are exceptions to the rule set forth in the Modesto Municipal Code, and

WHEREAS, one exception, Modesto Municipal Code Section 8-3.204 (d) states, “Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality,” and

WHEREAS, acting within his discretion, the Purchasing Manager invoked that exception for this purchase, and
WHEREAS, by “accessing the terms” through the agreement set in place with the City of San Diego for the purchase of Agenda Plus software will ensure that the City will be paying the lowest cost commensurate with the desired quality, and

WHEREAS, this purchase will conform to Modesto Municipal Code Section 8-3.204 (d),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchasing Manager to purchase Agenda Plus software for the City of Modesto, by accessing the terms of the competitively bid contract from the City of San Diego, for an estimated cost of $63,000.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the use of $63,000 of encumbered funds to procure the Agenda Plus software.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 12th day of December 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Keating, O’Bryant

ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, Acting/City Clerk

APPROVED AS TO FORM:

BY: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-753

A RESOLUTION AMENDING THE PARKING FUND FISCAL YEAR 07/08 OPERATING BUDGET TO ALLOCATE A NEW MAINTENANCE WORKER I/II POSITION AT AN ANNUAL COST OF APPROXIMATELY $52,000.

WHEREAS, the Building Maintenance Division of the Parks, Recreation & Neighborhoods Department has identified the need for an additional Maintenance Worker position for the pressure washing crew, and

WHEREAS, the Finance Department has determined that there are sufficient resources within the Parking Fund to support the estimated $52,002 in annual cost for this position, and

WHEREAS, this request was reviewed and approved by the Finance Committee at their meeting of November 26, 2007,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Parking Fund operating budget for FY 07/08 to allocate a new Maintenance Worker I/II position in the Parking Fund (6000-350-3581).

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 12th day of December, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: ____________________________
Stephanie Lopez, Acting City Clerk

APPROVED AS TO FORM:
BY: ____________________________
Susana Alcala-Wood, City Attorney
A RESOLUTION AMENDING THE COMPOST FUND FISCAL YEAR 07/08 OPERATING BUDGET TO APPROPRIATE $46,088 FOR THE FIRST YEAR OF FUNDING OF A FIVE-YEAR LEASE/PURCHASE OF A “HURRIKAN” TYPE PLASTICS SEPARATOR AND TO RECOGNIZE THE FUTURE OBLIGATION OF APPROXIMATELY $41,088 THROUGH THE LIFE OF THE LEASE/PURCHASE AGREEMENT.

WHEREAS, the Solid Waste Division of the Parks, Recreation & Neighborhoods Department operates and maintains the City’s Composting Facility, and

WHEREAS, the facility processes and composes materials from a variety of sources, and

WHEREAS, this finished compost product is sold to nurseries, landscapers, soil amendment brokers, and the general public as a registered fertilizing material, and

WHEREAS, in order to maintain a high quality product it is critical that plastics be removed from the finished product prior to sale, and

WHEREAS, staff has identified the need for a plastics separator to be used in conjunction with other equipment to remove plastics from the compost product prior to sale, and

WHEREAS, most composting operations are now using the “Hurrikan” type plastics separator which can be obtained through a five-year lease/purchase at a cost of approximately $175,000 or $41,088 annually over a five-year period inclusive of financing costs, and

WHEREAS, this supplemental budget request was reviewed and approved by the Finance Committee at their meeting of November 26, 2007,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Compost Fund operating budget for FY 07/08 by
$46,088 to fund the first year of the lease/purchase of the “Hurrikan” plastics separator (6290-355-5222-0451/0452).

BE IT FURTHER RESOLVED, that additional funding of approximately $41,088 shall be necessary through Fiscal Year 2011-2012 to fully fund the lease/purchase of said equipment.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 12th day of December 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 
Stephanie Lopez, Acting City Clerk

APPROVED AS TO FORM:

BY: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-755

A RESOLUTION AMENDING THE 2007/2008 BUDGET TO APPROPRIATE $78,000 FROM THE SDEA ANTI-DRUG ABUSE PROGRAM GRANT (8850-190-1974-0255) TO THE INFORMATION TECHNOLOGY NETWORK DIVISION 7130-070-0743-0110 TO FULLY FUND THE ALLOCATION OF ONE SYSTEMS ENGINEER I/II TO SUPPORT THE STANISLAUS DRUG ENFORCEMENT AGENCY (SDEA) UNIT

WHEREAS, at the SDEA Board of Directors meeting of October 17, 2007, the SDEA Board elected to transfer technology support functions to the City’s Information Technology Department, and

WHEREAS, this position is dedicated to support the Modesto Police Department for information technology needs, and

WHEREAS, SDEA is a multi-agency; multi-jurisdictional unit of officers assigned the task of primary drug enforcement within Stanislaus County, and

WHEREAS, the increase of computer support requirements resulted in the need for one additional Systems Engineer staff member for the Information Technology Department, and

WHEREAS, the SDEA Board of Directors approved the transition of technology support to the Modesto City IT Department, and also committed to funding the additional staffing requirements, and

WHEREAS, funding commitment was approved for $78,000 for the remainder of FY07/08, and

WHEREAS, ongoing funding for future budget years was approved for $120,000 per year, and
WHEREAS, these funds will be provided from multiple SDEA funding sources including Grants, Asset Forfeitures, as well as Agency contributions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amending the 2007/2008 budget to appropriate $78,000 from the SDEA Anti-Drug Abuse Program Grant (8850-190-1974-0255) to the Information Technology Network Division (7130-070-0743-0110) to fully fund the allocation of one Systems Engineer I/II.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 12th day of December 2007, by Councilmember Olsen, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, Acting City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-756


WHEREAS, the Charter of the City of Modesto provides that if no candidate for an elective office of the City receives a majority vote at a regular municipal election, a second Regular Municipal Election shall be held at which the two candidates receiving the highest number of votes at the first election shall have their names on the ballot for the election to the office, and

WHEREAS, at said Regular Municipal Election on November 6, 2007 a majority vote was not cast for Councilmember for Chair 1 to the City Council, and

WHEREAS, the two candidates receiving the highest number of votes for Councilmember Chair No. 1, Robert Farrace and Dave Lopez, will have their names on the ballot for a run-off election to be held on Tuesday, December 11, 2007, and

WHEREAS, the Second Regular Municipal Election was held by mail ballot in the City of Modesto on Tuesday, December 11, 2007, to elect a Councilmember to the Chair No. 1, as mentioned above, and said election was held in accordance with the with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined and declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said Second Regular Municipal Election in accordance with law, and certified the results of the election to the
Council by a Certificate of Canvass and Statement of Votes dated December 19, 2007, a copy of which is hereto marked EXHIBIT “A” and made a part hereof,

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

SECTION 1. Said Canvass by the City Clerk as shown on said Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.

SECTION 2. That in accordance with Section 10264 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is attached hereto marked as EXHIBIT “A” and made a part hereof, shows a complete tabulation of the following:

(a) The whole number of votes cast in the city.
(b) The names of the persons voted for.
(c) The measures voted upon
(d) For what office each person was voted for.
(e) The number of votes given in the city for each person.

SECTION 3. That, at said Second Regular Municipal Election, held by mail ballot, the following named persons having received a majority of the votes cast for the elective offices, as designated on Exhibit “A”, are hereby declared to be duly and regularly elected to such office; and, the City Clerk is hereby directed to issue a Certificate of Election to each of said persons, certifying her/her election to the office appearing after his/her name, and to administer to each of said persons the oath of office prescribed by the Constitution and laws of the State of California, and the Charter of the City, to wit:
Dave Lopez  
Councilmember, for a term of four years, Chair No. 1, Modesto City Council

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 19th of December, 2007, by Councilmember Dubnar, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:       Councilmembers: None

ABSENT:     Councilmembers: None

ATTEST:     STEPHANIE LOPEZ, Acting City Clerk

(Seal)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

CITY OF MODESTO SECOND REGULAR MUNICIPAL ELECTION
December 11, 2007

I, Stephanie Lopez, Acting City Clerk of the City of Modesto, do hereby certify that I publicly canvassed the returns of the City of Modesto Second Regular Municipal Election held on December 11, 2007. The following are the results of said election:

<table>
<thead>
<tr>
<th>CANDIDATES</th>
<th>NUMBER OF VOTES</th>
<th>PERCENTAGE OF VOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chair 1, Modesto City Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Robert Farrace</td>
<td>8,569</td>
<td>46.3%</td>
</tr>
<tr>
<td>Dave Lopez</td>
<td>9,910</td>
<td>53.6%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TOTAL REGISTERED VOTERS</th>
<th>TOTAL TURNOUT</th>
<th>TURNOUT PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Modesto Council Seat</td>
<td>88,680</td>
<td>18,577</td>
</tr>
</tbody>
</table>

Stephanie Lopez
Acting City Clerk/Auditor
City of Modesto

December 19, 2007
STATEMENT OF THE VOTE

OF

CITY OF MODESTO
COUNTY OF STANISLAUS
STATE OF CALIFORNIA

-CAST AT THE-

CITY OF MODESTO
MUNICIPAL RUNOFF ELECTION

-HELD-

TUESDAY, DECEMBER 11, 2007

State of California
County of Stanislaus

I, STEPHANIE LOPEZ, Acting City Clerk & Auditor, of the above-named city, do hereby certify that the within is a true and correct statement of results of the votes cast in this county at the City of Modesto Municipal Runoff Election as determined by the official canvass of the returns of the said election.

Witness my hand and seal, this 19th day of December, 2007.

[Signature]

STEPHANIE LOPEZ
Acting City Clerk & Auditor
<table>
<thead>
<tr>
<th>Position</th>
<th>Citywide Registration</th>
<th>Vote by Mail Turnout</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Farrace</td>
<td>8569</td>
<td>18577</td>
</tr>
<tr>
<td>Dave Lopez</td>
<td>9910</td>
<td></td>
</tr>
<tr>
<td>Blank voted (ballots)</td>
<td>63</td>
<td>0.3</td>
</tr>
<tr>
<td>Over voted (ballots)</td>
<td>35</td>
<td>0.1</td>
</tr>
</tbody>
</table>

**Voter Statistics**

- Citywide Registration: 88680
- Vote by Mail Turnout: 18577

**City Council - Chair 1**

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Votes</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Farrace</td>
<td>8569</td>
<td>46.3</td>
</tr>
<tr>
<td>Dave Lopez</td>
<td>9910</td>
<td>53.6</td>
</tr>
</tbody>
</table>

**CITYWIDE REGISTRATION**

- Votes: 88680
- Turnout: 20.9%

**Blank voted (ballots):**

- 63 ballots (0.3%)

**Over voted (ballots):**

- 35 ballots (0.1%)