A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(575) (BRIJ GUPTA)

WHEREAS, a verified application for an amendment to Section 9-3-9 of the Zoning Map was filed by Brij Gupta on March 1, 2006, to reclassify from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(575), to allow development of medical and professional offices, property located on the west side of Coffee Road north of E. Rumble Road, described as follows,

R-1 to P-D(575)

All that portion of the east half of the southeast quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, particularly described as follows:

Commencing on the southeast corner of said Section 9; thence north 89° 37' west along the section line 20.00 feet; thence north 0° 50' 30" west along the west line of a 40 foot country road 657.00 feet to the true point of beginning of this description; thence continuing north 0° 50' 30" west along the west line of a 40 foot country road 158.00 feet; thence north 89° 37' west 278.00 feet; thence south 0° 50' 30" east 158.00 feet; Thence south 89° 37' east 278.00 feet to the true point of beginning of this description.

Excepting there from that portion deeded to the City of Modesto recorded June 11, 1990 as Instrument No. 051426, Stanislaus County Records.

Also including the west one-half of Coffee Road immediately adjacent to the above described property;

WHEREAS, after a public hearing held on June 19, 2006, in the Tenth Street Place Chambers, 1010 Tenth Street, Modesto, California, and continued to July 17, 2006, to allow sufficient time for the applicant and neighboring party to reach and draw up an Agreement to share in the costs and future maintenance of the shared driveway, it was found and determined by the Planning Commission, by its Resolution No. 2006-49,
The proposed Planned Development corresponds with Professional Office Zoning (P-O) for which the subject property is designated in the "Coffee Road Zoning & Development Policy" adopted by the Planning Commission on January 18, 1972 (Amended on February 6, 1989). The Policy calls for higher intensity land uses such as Professional Office (P-O) Zones along the Coffee Road frontage.

2. That the proposed Planned Development Zone, by reason of its plot plan design and conditions of approval, will be compatible with the surrounding land uses.

WHEREAS, the Planning Commission recommended approval to the City Council of the proposed rezoning from R-1 to P-D(575) to allow development of medical and professional offices on property located on the west side of Coffee road north of E. Rumble Road, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 5, 2006, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Brij Gupta for a Planned Development Zone, P-D(575), should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2006-49 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3425-C.S. on the 5th day of September, 2006, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(575).
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto

as follows:

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned
Development Zone, P-D(575), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and elevations
titled "Gupta Professional Office Complex Plot Plan" as amended
in red, stamped approved by the City Council on September 5,
2006.

2. Prior to the issuance of a building permit, a landscaping and
irrigation plan shall be approved by the Parks, Recreation and
Neighborhood Director or designee. Screen landscaping shall be
installed along the west property line. Landscaping and the
irrigation system shall be installed and maintained in accordance
with the approved plan.

3. Prior to the issuance of a building permit, the developer shall (a)
make a fair share contribution to the owners of the parcel
immediately to the south of the project site at APN: 013-068-035
for the development of the shared reciprocal driveway located on
APN: 013-068-035, consistent with the letter agreement dated June
29, 2006, and (b) enter into a reciprocal easement agreement
provide for a fair share contribution toward future ongoing
maintenance of the shared reciprocal driveway located on APN:
013-068-035 and (c) submit written documentation confirming its
compliance with this condition, in a form satisfactory to the
Community and Economic Development Director or designee.

4. Fences or walls shall be constructed prior to occupancy and shall
be as follows:

a. Install a seven-foot-high masonry wall along the
western and northern property lines.

5. All landscaping, fences, and walls shall be maintained and the
premises shall be kept free of weeds, trash, and other debris.

6. Street dedication consistent with Standard Specifications shall be
made prior to the issuance of a building permit or at any time
requested by the City Engineer or designee to alleviate a health,
safety, or traffic problem in the area.
7. The project shall dedicate ten feet of street right-of-way along Coffee Road and install street improvements per City Standards, including, but not limited to, curb, gutter, sidewalk, streetlights, and street pavement. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the City Engineer or designee to alleviate a health, safety, or traffic problem in the area.

8. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a Registered Civil Engineer and approved by the City Engineer or designee. Improvements shall be constructed in accordance with the approved plans. The project shall install street improvements per City Standards, including, but not limited to, curb, gutter, sidewalk, streetlights, and street pavement. New street improvements shall provide appropriate connection to existing curb, gutter, and sidewalk on adjacent properties as approved by the City Engineer or designee to alleviate health, safety, or traffic problem in the area.

9. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the City Engineer or designee.

10. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the City Engineer or designee. Easements for irrigation lines to remain shall be dedicated.

11. All outdoor lighting shall be shielded from adjacent residential properties as required by the City Engineer or designee.

12. Trash enclosures shall comply with the provisions of Public Resources Code Section 42911, to include adequate, accessible and convenient areas for the collection and loading of recyclable materials to be shown on the approved plans and in accordance with plans approved by the Public Works Director or designee. Enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community and Economic Development Department Director or designee.

13. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building and Development Services all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
14. Ten-foot-wide public utility easements, and planting easements located within the ten-foot-wide public utility easements, as required by the City Engineer or designee shall be dedicated along all street frontages.

15. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Chief Building Official.

16. All signs shall comply with the sign requirements of the P-O Zone.

17. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys’ fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

18. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this subdivision map shall be based on the rates in effect at time of issuance of the building permit.

19. The developer shall, in a manner approved by the City Attorney, provide a vehicular access way for future on-site traffic circulation for the benefit of the properties to the south; substantially as shown in red on the plot plan.

20. The onsite storm water will need to be mitigated in accordance with the current storm water standards in the “Guidance Manual for New Development – Storm-water Quality Control Measures.”

21. Wastewater facilities shall be sized and located to accommodate the peak flow rates according to the procedures and methodologies of the Sanitary Sewer System Design Standards (Section 5) of the City’s Standard Specifications.
22. Prior to issuance of a building permit, the applicant shall provide to the Chief Building Official a parking survey that depicts the overall building footage for medical and professional occupancy in relation to the required parking. The maximum parking permitted for medical is 66.6% and the maximum parking permitted for professional is 33.3%.

In addition, the following recommended Conditions of Approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report that should be applied to the project:

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

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

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

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

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

c. A hand-powered saw.

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

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

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

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

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

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(575):

The entire construction program to be accomplished in one phase, construction to begin on or before September 5, 2008 and completion to be not later than September 5, 2009.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(575), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2006, by Councilmember Marsh,
who moved its adoption, which motion being duly seconded by Councilmember O’Bryant was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By: Steve Mitchell

Community & Economic Development Department
Planning Division
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-566

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 1999082041): AMENDING SECTION 9-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(575), PROPERTY LOCATED AT 3125 COFFEE ROAD. (BRIJ GUPTA)

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

WHEREAS, Mid-Valley Engineering has proposed that the zoning designation for the property located on the west side of Coffee Road north of the Rumble Road/Coffee Road intersection, be amended to rezone from Low Density Residential, (R-1), to Planned Development Zone, P-D(575), to allow for the development of a 12,000 square foot medical and professional office building and associated off-street parking, and

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

WHEREAS, the City's Community and Economic Development Department by Environmental Assessment Initial Study EA/C&ED No. 2006-39 ("Initial Study") reviewed the proposed amendment to the Zoning Map and Planned Development project...
to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR ("Master EIR"), and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no or new additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines on August 14, 2006, the City caused to be published a 20-day notice of the City’s intent to make a finding that the proposed project conforms with the Master EIR, and

WHEREAS, the Planning Commission, by Resolution No. 2006-49 recommended to the City Council approval of the application of Mid-Valley Engineering to amend section 9-3-9 of the zoning map to rezone from Low-Density Residential, (R-1), to Planned Development Zone, P-D(575), for the property located on the west side of Coffee Road north of Rumble Road, to allow the future development of a medical and professional office building and associated parking as set forth in said Resolution No. 2006-49, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing, which was held on September 5, 2006, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezone to Planned Development Zone P-D(575) for medical and professional offices, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference,
and based on the substantial evidence included in said Initial Study makes the following findings:

1. The type of project is described in Chapter II of the Master EIR (SCH No. 1999082041).

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

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

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

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 regular meeting of the Council of the City of Modesto held on the 5th day of September, 2006, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study C&ED No. (2006-39)

For the proposed:

PDZ- Planned Development Zone
3125 Coffee Road - Gupta

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

06/01/06
I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master EIR. This Initial Study Checklist is used in determining whether the Planned Development Project is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 1999082041) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformity.

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

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

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

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

II. PROJECT DESCRIPTION

A. Title: PDZ – Gupta Professional Office Complex
B. Address or Location: 3125 Coffee Road
C. Applicant: Mid-Valley Engineering, 1117 "L" Street, Modesto, CA. 95354
D. City Contact Person: Rita Doscher

Project Manager: Rita Doscher
Department: Community and Economic Development Department
Phone Number: (209) 577-5267
E-mail address: rdoscher@modestogov.com

E. Current General Plan Designation(s): "MU" Mixed Use
F. Current Zoning Classification(s): R-1, Low-Density Residential Zone
G. Surrounding Land Uses: North: Residential Units (R-2 Residential) South: P-D(573) Professional Offices East: Residential & Apartments (R-1 & P-D (84)) West: Residential Dwellings (R-1 Residential)
H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

This is an application to rezone the above reference property from R-1 (Single Family Residential) to P-D (Planned Development Zone) in order to facilitate development of a medical and professional office complex. The proposed development will consist of two single story medical office buildings each 4,000 square feet in size, and two single story professional office buildings each 2,000 square feet in size. In addition the proposed development will provide on site parking, landscaping, and street improvements. The proposed buildings will front onto Coffee Road and access into the site shall be provided by way of a 30-foot wide off-site reciprocal driveway located on the parcel just to the south of the development. The parking area will be located to the rear of the property and will provide a total of 54 spaces exceeding the minimum requirement of 52 parking spaces.

I. Other Public Agencies Whose Approval is Required:
None.

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

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

   A. The type of project is described in Chapter II of the Master EIR.
   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
   C. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.
   D. Based on the Initial Study, the City of Modesto finds and determines:
      a) The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
      b) No new or additional mitigation measures or alternatives are required.
   E. The criteria for currency of the Master EIR were reviewed (section 5 below) and it was determined that the Master EIR is current for all areas of the Initial Study.

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

City of Modesto Finding of Conformance
General Plan Master EIR

Initial Study
EA/C&ED No. 2006-39
06/01/06
A. The type of project is described in Chapter II of the Master EIR.

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

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

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

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

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

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

Signed: Project Manager  
Assistant Planner  
June 1, 2006
4. Within the Scope Analysis of this Document:

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

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

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

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

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

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

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

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed sections 1 through 20 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "No" response must be discussed.

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

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

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

City of Modesto Finding of Conformance  Initial Study  
General Plan Master EIR 5  
EA/C&ED No. 2006-39  
06/01/06
(4) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available. X □

(5) Policies remain in place that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development. X □

IV. ENVIRONMENTAL ANALYSIS

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

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

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

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

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

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

This is an application to rezone the project site from R-1 (Single Family Residential) to P-D (Planned Development Zone) in order to facilitate development of a medical and professional office complex. The addition of the office complex is compatible with the existing surrounding mix use of residential development and professional office complexes located along this area of Coffee Road. Because the project is consistent with the surrounding mix use of professional office and residential developments, the use and activities will not change to a level that will cause a change to the existing road capacities or levels of service.

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

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

c. Project-Specific Effects

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

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

YES NO

(1) The project would contribute one hundred (100) or more peak hour trips to or from the site during the adjacent roadway's peak hour or the development's peak hour, to adjoining roads and generates more trips than assumed for their general plan land use category and zoning in the Master EIR. ☐ X

Note:

If a project exceeds an additional one hundred (100) or more peak hour trips contribution, a site access study may be conducted to determine to what extent the project would exceed the year 2025 level of service (LOS) expected for the adjoining roadways under the Master EIR. The site access study would recommend new, project-specific mitigation measures. If the project also exceeds the Master EIR's traffic generation assumption, as determined by Engineering & Transportation staff, a comprehensive traffic study would be required that will include off-site traffic impact analysis.
YES NO

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

(3) Result in inadequate emergency access. ☐ X

(4) Result in inadequate parking capacity. ☐ X

DISCUSSION:

(1) Engineering and Transportation Staff reviewed the proposed project and have the following comments:

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

(2) The project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). The City Engineering and Traffic Department has evaluated the project and has determined that the existing design layout of the project is in accordance to City standards. The previously approved site plan was designed to accommodate commercial uses and emergency access.

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

(4) The project has been evaluated for compliance to the City of Modesto Parking regulations. The parking area will be located to the rear of the property and will provide a total of 54 spaces exceeding the minimum requirement of 52 parking spaces. The design and layout of the proposed parking area will comply with both City standards and ADA (Americans with Disability Act) standards.

2. AIR QUALITY

a. Significant Effects Identified in the Master EIR

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

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

Effect: Projected City traffic levels will result in increased ROG and NOX levels in the project area. This is a significant and unavoidable impact.
b. Master EIR and/or New Mitigation Measures Applied to the Project

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

DISCUSSION:

Mitigation Measures appropriate to this project include: AQ-17

c. Project-Specific Effects

Section V-2.B of the MEIR provides analysis of Air Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

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

<table>
<thead>
<tr>
<th>Threshold</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project exceeds the emissions thresholds established for CO and NOx by the San Joaquin Valley Unified Air Pollution Control District's (SJVUAPCD) adopted CEQA Guidelines.</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>(2) The project does not incorporate the best management practices for PM10 reduction established by the SJVUAPCD.</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>(3) The project does not comply with the air quality policies of the Modesto Urban Area General Plan.</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>(4) The project would expose sensitive receptors to substantial pollutant concentrations.</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>(5) The project would create objectionable odors affecting a substantial number of people.</td>
<td></td>
<td>x</td>
</tr>
</tbody>
</table>

DISCUSSION:

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

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

(3) Applicable General Plan Policies have been applied to the previously approved project site. Therefore, project-specific effects will be less than significant for this impact (see mitigations measures above).
(4) The project is not a significant contributor to pollution levels in that it involves only a building addition for an existing church. PM10 emissions created through the construction phase will be mitigated as called for by the MEIR by the measures listed above.

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

3. **NOISE**

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

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

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

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

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

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-10 through V-3-15 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section IV, Mitigation Applied to Project:

**DISCUSSION:**

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

c. **Project-Specific Effects**

Section V-3.B of the MEIR provides analysis of noise impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

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

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

(1) The project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.

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

(3) The project will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
The project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

DISCUSSION:

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

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

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

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

4. AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

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

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

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

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

The site is not zoned for agriculture or designated on the General Plan for future agricultural use. The proposed project will not affect areas zoned for agriculture or designated on the General Plan for future agricultural use. The project site and the surrounding property are located within a fully developed urbanized area.
b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural Land mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-4-7 and V-4-8 MEIR. All feasible measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

**DISCUSSION:**

There are no mitigation measure applicable to this project.

c. Project-Specific Effects

Section V-4.B of the MEIR provides analysis of Agricultural Lands impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

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

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

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

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

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

(4) The project will Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.

**DISCUSSION:**

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

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

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

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

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

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

DISCUSSION:

There are no mitigation measures applicable to this project.

c. Project-Specific Effects

Section V-5.B of the MEIR provides analysis of Water Supply impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

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

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td>X</td>
</tr>
<tr>
<td>(2) Sufficient water supplies are not available to serve the project from existing entitlements and resources, new or expanded entitlements are needed.</td>
<td>X</td>
</tr>
</tbody>
</table>
DISCUSSION:

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

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

6. SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

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

DISCUSSION:

There are no mitigation measure applicable to this project.
c. Project-Specific Effects

Section V-6.B of the MEIR provides analysis of Sanitary Sewer Service impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

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

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

DISCUSSION:

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

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

7. SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

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

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

Effect: Requiring higher residential density than the suburban norm and a compact pattern of growth within the designated planning area to the year 2025 will minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

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

Wildlife and Plant Habitat mitigation measure pertinent to the project being analyzed in this Initial Study are found on pages V-7-19 through V-7-21. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:
DISCUSSION:

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

c. Project-Specific Effects

Section V-7.B of the MEIR provides analysis of Wildlife and Plant Habitat impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

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

YES NO

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

(2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on special status species. □ X

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

DISCUSSION:

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

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

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

8. ARCHAEOLOGICAL OR HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

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

Effect: If a site-specific project involves the modification or demolition of a qualifying structure more than 50 years in age, then the impact will be significant.
Effect: Areas of high probability for archaeological resources are located within the riparian corridors along the Tuolumne River, Dry Creek, and the Stanislaus River. There, the potential impact comes from earthmoving activities that could result in disturbance of resources or human remains. There is a low probability that archaeological resources will be uncovered in areas outside of the riparian corridors.

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

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

Archaeological or Historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-13 and V-8-14 MEIR. The project does not involve physical development and as a result no measures will be incorporated into or made conditions of approval of this project.

DISCUSSION:

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

c. Project-Specific Effects

Section V-8.B of the MEIR provides analysis of Archaeological/Historical impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

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

YES NO

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

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

DISCUSSION:

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

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

a. Significant Effects Identified in the Master EIR

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

Effect: The potential impacts on storm water drainage that could occur from the project were qualitatively evaluated with respect to several factors including: extent of the projected increase in urban surface area compared to undeveloped ground; magnitude of projected changes to hydrologic and physical site characteristics of the study area compared to existing conditions; regulatory criteria and guidelines; and professional judgment. Because the Urban Area General Plan includes policies that require new development in all three sections of the planning area to install approved drainage facilities, the potential impacts of the Urban Area General Plan on storm water drainage are considered less-than-significant.

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

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

Storm Drainage mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. The site is fully developed and this new proposal will only involve an amendment to the Planned development zone with no physical changes to the property. No measures will be incorporated into or made conditions of approval of this project.

DISCUSSION:

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

c. Project-Specific Effects

Section V-9.B of the MEIR provides analysis of Storm Drainage impacts of development of the General Plan; the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-than significant unless:
(1) The project is inconsistent with the Modesto Urban Area General Plan. □ X
(2) The project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite. □ X
(3) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. □ X

DISCUSSION:

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

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

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

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

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

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

Effect: The potential impacts of the project on surface-water quality are considered less-than-significant because the City policies and capital improvement projects for storm water drainage facilities would minimize discharges of urban pollutants to natural waterways. The City drainage program policies require new development to prepare drainage plans and implement urban runoff control measures; larger Specific Plan developments must have storm drainage systems designed to control pollutant runoff. The City's implementation policies for the municipal NPDES storm water permit require new development to implement an appropriate selection of permanent pollution control measures. Permanent erosion control measures such as seeding and planting vegetation for new cut-and-fill slopes, directing runoff through vegetation, or otherwise reducing the offsite discharge of particulates and sediment are the most effective method of controlling offsite discharges of urban pollutants.
Effect: The City's future development will contribute to cumulative water quality effects. EPA regulations for NPDES storm water permits and new proposed regulatory additions to the rules have become much more comprehensive in recent years and are being implemented to reduce pollutant runoff from both large- and small-scale activities. Implementation of NPDES-permitting programs throughout the county will reduce potential water-quality impacts to a less-than-significant level.

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

Flooding and Water Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 MEIR. All feasible measures appropriate to the project have been incorporated into or made conditions of approval of the previously approved development. This project will not involve any modification to the existing site that would require additional measures applied to the new proposal.

DISCUSSION:

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

c. Project-Specific Effects

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

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

YES NO

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

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

(3) The project does not comply with Modesto's Guidance Manual for New Development Storm water Quality Control Measures.    □ X

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

DISCUSSION:

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

(2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.
Mitigation Measures as called for by FWQ-14 will be applied to the project so that the project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures.

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

11. PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

DISCUSSION:

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

c. Project-Specific Effects

Section V-11.B of the MEIR provides analysis of Parks and Recreation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

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

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

City of Modesto Finding of Conformance
General Plan Master EIR
Initial Study
EA/C&ED No. 2006-39
06/01/06
DISCUSSION:

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

12. SCHOOLS

a. Significant Effects Identified in the Master EIR

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

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

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

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan). As long as all anticipated subsequent projects apply these policies, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995). The proposed additional school policy will address the situation that would arise should AB 50 be repealed. It will authorize impact fees or other methods to finance additional school facilities.

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

DISCUSSION:

There are no mitigation measures applicable to this project.

c. Project-Specific Effects

Section V-12.B of the MEIR provides analysis of Schools impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

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

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

DISCUSSION:

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

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

13. POLICE SERVICES

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

DISCUSSION:

No mitigation measures are applicable to this project.

c. Project-Specific Effects

Section V-13.B of the MEIR provides analysis of police services impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

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

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

DISCUSSION:

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

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

14. FIRE SERVICES

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

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

DISCUSSION:

No mitigation measures are applicable to this project.

City of Modesto Finding of Conformance
General Plan Master EIR  Initial Study
24  EA/C&ED No. 2006-39
06/01/06
c. Project-Specific Effects

Section V-14.B of the MEIR provides analysis of fire services impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

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

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

DISCUSSION:

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

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

15. SOLID WASTE

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

DISCUSSION:

No mitigation measures are applicable to this project.

c. Project-Specific Effects

Section V-15.B of the MEIR provides analysis of solid waste impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

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

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>The project is inconsistent with the Modesto Urban Area General Plan.</td>
</tr>
<tr>
<td>(2)</td>
<td>The County is unable to expand its solid waste disposal capacity and the project would result in waste stream levels that exceed disposal capacity.</td>
</tr>
</tbody>
</table>

DISCUSSION:

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

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

16. HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

DISCUSSION:

No mitigation measures are applicable to this project.

c. Project-Specific Effects

Section V-16.B of the MEIR provides analysis of hazardous materials impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

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

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

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

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

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

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

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

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

(4) The project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

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

(5) The project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.

DISCUSSION:

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

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

(3) The project site is not known to contain any contaminants.
The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste.

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

17. LANDSLIDES AND SEISMIC ACTIVITY

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

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

DISCUSSION:

No mitigation measures are applicable to this project.

c. Project-Specific Effects

Section V-17.B of the MEIR provides analysis of landslides and seismic impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.

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

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

(1) The project is inconsistent with the Modesto Urban Area General Plan.
The project would be located on soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

DISCUSSION:

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

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

18. ENERGY

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

DISCUSSION:

No mitigation measures are applicable to this project.

c. Project-Specific Effects

Section V-18.B of the MEIR provides analysis of energy impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.
Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-than significant unless:

YES NO

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

DISCUSSION:

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

19. PLANNING AND LAND USE

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

a. Project-Specific Effects

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

YES NO

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

(2) The project includes a substantive amendment to the Modesto Urban Area General Plan. □ X

(3) The project would physically divide an established community. □ X

Discussion:

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

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

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

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

a. Project-Specific Effects

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

YES NO

(1) The project is inconsistent with the Modesto Urban Area General Plan. ☐ X
(2) The project would have a substantial adverse effect on a scenic vista. ☐ X
(3) The project would substantially degrade the existing visual character or quality of the project site and its surroundings. ☐ X
(4) The project would create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area. ☐ X

DISCUSSION:

(1) The project is consistent with the General Plan MU (Mixed Use) designation in both land use and intensity.
(2) There are no Scenic Vistas from the location of the proposed development. It is completely surrounded by urbanization. Views to the Diablo and Sierra Mountain Ranges are already precluded from this site and its surroundings.
(3) The project would not substantially degrade the existing visual character or quality of the project site and its surroundings. This is an existing site, which had received previous City approval.
(4) The project would not create a substantial source of light or glare that would adversely affect daytime or nighttime views in the area. The existing site conforms to current City regulations regarding night glare to surrounding residences. These requirements shall remain in effect.

V. MITIGATION MEASURES APPLIED TO THE PROJECT

A. Master EIR Mitigation Measures Applied to the Project

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

All applicable and appropriate mitigation measures have been applied to the project.
Traffic and Circulation Measures:
N/A

Air Quality Measures:

1. All 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 & 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.

Noise Measures:

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

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

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

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

   C. A hand-powered saw.

   D. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
E. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.

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

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

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

Agricultural Land Measures:
N/A

Water Supply Measures:
N/A

Sanitary Sewer Service Measures:
N/A

Sensitive Wildlife and Plant Habitat Measures:
N/A

Archaeological or Historic Sites Measures:

1. If archaeological resources are discovered at any time during construction, all activity shall cease until the site is surveyed by a qualified archaeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K.
Storm Drainage Measures:
1. The developer shall implement pre- and post-construction best management practices (BMPs) to minimize pollutants entering the storm system.

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

Parks and Open Space Measures:
N/A

Schools Measures:
N/A

Police Services:
N/A

Fire Services:
N/A

Generation of Solid Waste
N/A

Generation of Hazardous Materials
N/A

Potential for Landslides and Seismic Activity
N/A

Energy
N/A

Planning and Land Use
N/A

Aesthetics
N/A
B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the specific thresholds defined for each environmental category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against those thresholds set forth in the Master EIR for all applicable categories in this Initial Study. The following project-specific mitigation measures are necessary to reduce the identified new significant effect: None.
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-567

A RESOLUTION AMENDING SECTIONS 1 & 2 OF RESOLUTION NO. 73-972
ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED-DEVELOPMENT ZONE, P-D(118) (JOHN QUARESMA – TULLY &
ROSEBURG)," (JEFF & HEATHER SUTTON)

WHEREAS, the City Council, by Ordinance No. 1303-C.S., adopted on
December 10, 1973, and which became effective on January 9, 1974, granted Planned
Development Zone, P-D(118) to allow for a mixture of professional offices, two-story
apartments, three one-story single family dwellings with two-car garages, utility and
maintenance buildings, a storage, laundry and recreation building, and swimming pool,
property located at Tully Road and Roseburg Avenue, and

WHEREAS, Modesto City Council Resolution No. 73-972, adopted by the City
Council on November 26, 1973, approved a development plan for Planned Development
Zone, P-D(118), and contained the conditions of approval thereof, and

WHEREAS, a verified application for an amendment to Planned Development
Zone, P-D(118), was filed by Jeff and Heather Sutton on May 31, 2006, to allow the
construction of a new two-story residence with a three-car garage, property located at
1124 Notre Dame Avenue, and

WHEREAS, after a public hearing held on July 17, 2006, in the Tenth Street
Place Chambers located at 1010 10th Street, Modesto, California, it was found and
determined by the Planning Commission, by its Resolution No. 2006-52, that the
amendment to Planned Development Zone P-D(118), as requested is required by public
necessity, convenience, and general welfare for the following reasons:
1. The requested P-D Amendment to P-D(118) to allow the building of up to three two-story residences with a maximum three-car garage is consistent with the current General Plan designation of R for Residential.

2. The proposed amendment to Planned Development Zone P-D(118) is categorically exempt from the California Environmental Quality Act under Section 15303(a) of the CEQA Guidelines, which include but are not limited to: the construction of up to three single-family residences in an urbanized area in a residential zone.

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 5, 2006, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Jeff and Heather Sutton for an amendment to Planned Development Zone, P-D(118) should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2006-52 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3426-C.S. on the 5th day of September, 2006, amending Section 2 of Ordinance No. 1303-C.S. to allow the construction of a new two-story residence with a three-car garage, to be established in Planned Development Zone, P-D(118),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 & 2 of Modesto City Council Resolution No. 73-972 entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-D(118), (John Quaresma – Tully & Roseburg)” is hereby amended to read as follows:
“SECTION 1. DEVELOPMENT PLAN. An amended development plan for Planned Development Zone, P-D(118), is hereby approved subject to the following conditions:

1. All development shall conform to the site plan and elevations titled “Sutton Residence – 1124 Notre Dame Avenue”, stamped approved by the Planning Commission on July 17, 2006.

2. Prior to the issuance of a building permit for construction of a two-story addition or new two-story construction, parcels 45 and 47 in Block 842, the two remaining single-family homes fronting on Notre Dame Avenue shall be subject to plot plan approval by the Director or designee in accordance with Article 27, and Article 5, Section 10-2.508 of the Modesto Municipal Code.

3. All conditions of City Council Resolution No. 73-972, and Planning Commission Resolution No. 2006-52, not in conflict with this action shall remain in full force and effect.

4. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys’ fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

5. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this development shall be based on the rates in effect at time of issuance of the building permit.

6. Prior to the issuance of a building permit and/or grading permit if required, the applicant shall provide a Phase I study (and Phase II study if necessary) to the satisfaction of the Stanislaus County Department of Environmental Resources (DER).”

“SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(118):
The entire construction program be accomplished in one phase, construction to begin on or before September 5, 2008, and completion to be not later than September 5, 2009.”

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until Ordinance No. 3426 C.S. amending Ordinance No. 1303-C.S becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 5th day of September, 2006, 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

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: Jean Morris, City Clerk

(SEAL)
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-568

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JONES AND STOKES ASSOCIATES FOR THE PREPARATION OF A MAINTENANCE UPDATE TO THE MODESTO URBAN AREA GENERAL PLAN AND AN UPDATE TO THE GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) IN AN AMOUNT NOT TO EXCEED $937,280 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, on March 7, 2006, the City Council by Motion directed staff to proceed with preparation of a Request For Proposals (RFP) for the consultant selection process/work program for a maintenance update to the Modesto Urban Area General Plan and update to the General Plan Master EIR (MEIR), and

WHEREAS, RFP's were sent to 14 firms on April 7, 2006, and

WHEREAS, City staff received two responses, and

WHEREAS, the selection committee consisted of management staff from the Planning Division, Community & Economic Development Department, and

WHEREAS, City staff recommends that Jones and Stokes Associates be accepted to prepare a Maintenance Update to the Modesto Urban Area General Plan and an update to the General Plan MEIR because of their extensive experience on similar projects in other jurisdictions, and

WHEREAS, City staff anticipates the project will involve one phase in an amount not to exceed $937,280,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement between the City of Modesto and Jones and Stokes Associates.
Associates to prepare a Maintenance Update to the Modesto Urban Area General Plan and an update to the General Plan MEIR in an amount not to exceed $937,280.

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 5th day of September, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST Jean Morris, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: Susana Alcala Wood, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 2006-2007 OPERATING BUDGET TO CREATE A MULTI-YEAR OPERATING ORGANIZATION 0800-140-1440 – GENERAL PLAN/MEIR UPDATE AND TO APPROPRIATE $625,000 TO THIS ACCOUNT FROM THE GENERAL FUND RESERVES (0100-800-8000-8003) FOR CONTRACT PROFESSIONAL SERVICES ($525,000) AND STAFF CHARGES ($100,000).

WHEREAS, on March 7, 2006, the City Council by motion directed staff to proceed with the consultant selection process/work program for a maintenance update to the Modesto Urban Area General Plan and update to the General Plan Master EIR (MEIR), and

WHEREAS, the City has entered into an Agreement with Jones and Stokes Associates for the General Plan/MEIR Update, in an amount not to exceed $937,280, for completion of the General Plan/MEIR Update, and

WHEREAS, staff time on the General Plan/MEIR Update is estimated at $100,000 through the end of Fiscal Year 2006/07, and

WHEREAS, funding currently available for the General Plan/MEIR Update, in the amount of $412,638 (Account No. 0800 140 1440 0235), is not sufficient to complete the work program, and

WHEREAS, funding for the work program will be drawn from the amount currently budgeted for the General Plan/MEIR Update in account No. 0800-140-1440 0235, and from a budget appropriation of $625,000 from the general fund reserve to org 0800-040-1440-0235 ($525,000) for contract professional expenses and 0255 ($100,000) for staff charges for time working on this project.
NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby amends the Fiscal Year 2006-2007 operating budget to create a multi-year operating organization 0800-140-1440 – General Plan/MEIR Update and to appropriate $625,000 to this account from the General Fund Reserves (0100-800-8000-8003) for contract professional services ($525,000) and staff charges ($100,000) for time working on this project.

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 regular meeting of the Council of the City of Modesto held on the 5th day of September, 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ____________________________

Susana Alcala Wood, City Attorney
A RESOLUTION REJECTING ALL APPLICATIONS/PROPOSALS FOR A CITY OF MODESTO NON-EXCLUSIVE, NON-CONSENSUAL FRANCHISE TOW PROGRAM

WHEREAS, the Modesto City Council authorized the issuance of a Request for Applications/Request for Proposal for a City of Modesto Non-Exclusive, Non-Consensual Franchise Tow Program, and

WHEREAS, on July 15, 2005, the City of Modesto solicited Requests for Application/Request for Proposal for the Franchise Tow Program, and

WHEREAS, on September 6, 2005, the City of Modesto received thirteen (13) applications for Non-Exclusive Franchise, and

WHEREAS, on February 14, 2006, the City Council was advised of the Franchise Tow Evaluation Committee’s recommendation for six (6) approved companies, and

WHEREAS, the City Council referred the recommendations to the City Manager for recommendation and report pursuant to Modesto Municipal Code Section 11-2.04, and

WHEREAS, the City Manager conducted a review and provided a report to the City Council, and

WHEREAS, the City Manager recommends that because of procedural flaws in the evaluation and rating process all proposals/applications received in response to the City of Modesto’s Request for Proposals/Application process, Specifications No. 0405-24 for City of Modesto generated Non-Exclusive, Non-Consensual Franchise Tow Program be rejected,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto in accordance with Modesto Municipal Code Title 11, Chapter 2, that all proposals/applications received in response to the City of Modesto's request for Proposal/Application process No. 0405-24 for the City of Modesto generated Non-Exclusive, Non-Consensual Franchise Tow Program be rejected.

The foregoing resolution was introduced at regular meeting of the Council of the City of Modesto held on the 12th day of September, 2006 by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Marsh, 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

APPROVED AS TO FORM:

BY: SUSAN ALCALA WOOD, City Attorney

ATTEST: JEAN MORRIS, City Clerk

(seal)
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-571

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BRUCE A. WHITACRE, SUCCESSOR TRUSTEE OF THE WHITACRE FAMILY 1993 TRUST DATED 12-16-93 (APN: 085-050-007; 085-050-008) FOR THE FLOYD-ROSELLE ROUNDABOUT PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the City Council of the City of Modesto directed staff to enter into negotiations with Bruce A. Whitacre, successor trustee of the Whitacre Family 1993 Trust dated 12-16-93 (APN: 085-050-007; 085-050-008) to purchase the necessary real property for the Floyd-Roselle Roundabout Project, and

WHEREAS, said real properties were appraised and City offered the appraised values, and

WHEREAS, said real properties need to be acquired for this roundabout project, and

WHEREAS, an agreement is needed for the acquisition of each parcel of the needed real property, and

WHEREAS, a Written Checklist Environmental Assessment (EA/PW No: 2006-09) has been prepared and is on file with the City of Modesto Community & Economic Development Department, and

WHEREAS, pursuant to said Environmental Assessment it has been determined that, pursuant to Sections 15168 (c) and 15182 of the California Environmental Quality Act Guidelines ("CEQA"), this Project is within the scope of the projects covered by the Village One Program EIR (SCH No. 90020181), as amended by the 1994 Supplemental EIR and the 2003 Addendum to the EIR, and no new environmental document or findings are required by CEQA,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an agreement between City of Modesto and BRUCE A. WHITACRE, SUCCESSOR TRUSTEE OF THE WHITACRE FAMILY 1993 TRUST DATED 12-16-93 (APN: 085-050-007; APN: 085-050-008) to purchase the necessary real property for the Floyd-Roselle Roundabout Project in the amount of $125,000 is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2006, 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: Jean Morris

JEAN MORRIS, City Clerk

Approved as to Form:

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-572

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ACCEPTANCE FORMS FOR GRANT DEEDS FOR THE ACQUISITION OF PROPERTIES OWNED BY BRUCE A. WHITACRE, SUCCESSOR TRUSTEE OF THE WHITACRE FAMILY 1993 TRUST DATED 12-16-93 (APN: 085-050-007; 085-050-008) FOR THE FLOYD-ROSELLE ROUNDBOUND PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire portions of the following parcels for right of way for the Floyd-Roselle Roundabout Project from BRUCE A. WHITACRE, SUCCESSOR TRUSTEE OF THE WHITACRE FAMILY 1993 TRUST DATED 12-16-93 (APN: 085-050-007; APN: 085-050-008),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or designee, is hereby authorized to sign an acceptance form on behalf of the City of Modesto for the Grant Deeds for the acquisition of portions of the properties owned by BRUCE A. WHITACRE, SUCCESSOR TRUSTEE OF THE WHITACRE FAMILY 1993 TRUST DATED 12-16-93 (APN: 085-050-007; 085-050-008) for the Floyd-Roselle Roundabout Project.

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The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2006, 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

APPROVED AS TO FORM:

SUSANA ALCALA WOOD, City Attorney

ATTEST: Jean Morris
JEAN MORRIS, City Clerk
A RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) NEW, CURRENT YEAR/MODEL, STENCIL PAINT TRUCKS BY “ACCESSING THE TERMS” OF A CONTRACT THROUGH LINE MASTER ENGINEERING, INC. OF LONG BEACH, CALIFORNIA FOR A TOTAL ESTIMATED COST OF $173,583.10.

WHEREAS, the Public Works Department-Fleet Services Division has requested the purchase of two (2) new, current year/model, stencil paint trucks, and

WHEREAS, the two (2) new stencil paint trucks will replace (2) current stencil paint trucks in the Traffic Engineering Department, and

WHEREAS, the old trucks are being replaced because they have reached the end of their useful life, and were on the schedule replacement list approved by Council, and

WHEREAS, Resolution No. 2005-381 authorized the Purchasing Manager to solicit bids for new vehicles and heavy equipment throughout FY 05/06 using various competitive processes, with the Purchasing Division coming back to Council for award authorization, and

WHEREAS, the Purchasing Division solicited formal bids for six (6) new, current year/model utility trucks, which included two (2) new, current year/model stencil paint trucks on Request for Bid 0506-29, with a bid opening date of May 16, 2006,

WHEREAS, twenty-eight (28) vendors were solicited of which five (5) were local vendors, and

WHEREAS, out of twenty-eight (28) vendors solicited, one (1) chose to respond to the RFB, and

WHEREAS, the sole bid received was for one (1) crew cab & chassis F550 truck with utility body, with the bid amount exceeding the budgeted amount of $70,000, and

WHEREAS, Resolution No. 2006-418 authorized the rejection of the sole bid for six (6) new, current year/model utility trucks, and
WHEREAS, the Public Works Department has an urgent need for the two (2) stencil paint trucks, and

WHEREAS, the Purchasing Division working in conjunction with the Public Works Department Fleet Service staff was able to identify a competitive bid contract made by the City of Ukiah with Line Master Engineering, Inc. of Long Beach, California for stencil paint trucks, and

WHEREAS, Line Master Engineering Inc. of Long Beach, California has extended the same base pricing for stencil paint trucks to other government agencies as quoted to the City of Ukiah, except for upgrades, and

WHEREAS, the City of Modesto may purchase these stencil paint trucks by “accessing the terms” through the City of Ukiah’s purchase order No. 036800 with Line Master Engineering Inc. of Long Beach, California, and

WHEREAS, the total estimated cost for the two (2) new, current year/model, stencil paint trucks is $173,583.10, and

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

WHEREAS, Pursuant to MMC Section 8-3.204(d) the Purchasing Manager may determine that a process other than the formal bid process set forth in Section 8-3.203 will result in procurements for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, by “accessing the terms” of the City of Ukiah, California contract, the purchase of this equipment will conform to MMC Section 8-3.204(d), and
WHEREAS, the City Council has appropriated funds in the following accounts:
7210-480-5814-5290 (Fleet Equipment, Replacement), 7210-480-5814-5292 (Fleet Equipment, Replacement), 0700-480-4622-0360 (Streets, Traffic & Forestry),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the purchase of two (2) new, current year/model, stencil paint trucks by “accessing the terms” of a competitively bid contract through the City of Ukiah’s purchase order No. 036800 with Line Master Engineering, Inc. of Long Beach, California for a total estimated cost of $173,583.10.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to issue a purchase order to Line Master Engineering, Inc. of Long Beach, California. for the estimated cost of $173,583.10.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2006, 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: 

Jean Morris, City Clerk

APPROVED AS TO FORM:

BY:  
Susana Alcala Wood, City Attorney
A RESOLUTION AMENDING THE FY 06-07 OPERATIONS BUDGET TO TRANSFER $23,583.10 FROM ACCOUNT NUMBER 0700-480-4622-0360 TO ACCOUNT NUMBER 7210-480-5814-5290 ($11,791.55), AND ACCOUNT NUMBER 7210-480-5814-5292 ($11,791.55) FLEET EQUIPMENT REPLACEMENT FUNDS

WHEREAS, the Public Works Department-Fleet Services Division has requested the purchase of two (2) new current year/model stencil paint trucks, and

WHEREAS, the two (2) new, current year/model stencil paint trucks will replace two (2) current stencil paint trucks in the Public Works Department Traffic Engineering Division, and

WHEREAS, the current two (2) stencil paint trucks have met their useful life expectancy and were on the scheduled vehicle replacement list approved by Council in the budget process, and

WHEREAS, an appropriation transfer in the amount of $23,583.10 from Streets, Traffic & Forestry will allow better account monitoring of the capitalization process,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Finance Director, or his designee, is hereby authorized to amend the FY06-07 operating budget to transfer $23,583.10 from 0700-480-4622-0360 Streets, Traffic & Forestry to account number 7210-480-5814-5291 ($11,791.55) and account number 7210-480-5814-5292 ($11,791.55), Fleet Equipment Replacement Funds.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 12th day of September, 2006, 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

APPROVED AS TO FORM:
BY: ________________
Susana Alcala Wood, City Attorney

ATTEST: ________________
JEAN MORRIS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-575

A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF WATER VALVES AND FIRE HYDRANTS FOR AN INITIAL TWO (2) YEAR PERIOD, WITH THREE (3) ADDITIONAL ONE-YEAR CONTRACT EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, TO THE FOLLOWING VENDORS: AMERICAN AVK COMPANY OF FRESNO, CA. FOR AN ESTIMATED ANNUAL COST OF $169,065.09; FERGUSON ENTERPRISES OF MODESTO, CA. FOR AN ESTIMATED ANNUAL COST OF $21,925.10; AND GROENIGER & COMPANY OF MODESTO, CA. FOR AN ESTIMATED ANNUAL COST OF $8,375.25, FOR THE TOTAL ESTIMATED ANNUAL COST OF APPROXIMATELY $200,000.

WHEREAS, the Finance Department-Central Stores Division has requested the purchase of water valves and fire hydrants, and

WHEREAS, water valves and fire hydrants are used exclusively by the Public Works Department-Water Division, and

WHEREAS, the City’s fire hydrants are being replaced at a rate of thirty (30) per week, and

WHEREAS, the water valves are used to replace existing valves which may be non-operable, to extend existing water lines, and for new service laterals to new businesses, and

WHEREAS, the new hydrants have a four and one half-inch (4\(\frac{1}{2}\))" outlet, which allows for greater flow of water in the event of a fire, and

WHEREAS, hydrants are also used in new developments, and

WHEREAS, Resolution No. 2006-335 authorized the Purchasing Manager to solicit bids for water valves and fire hydrants for an initial two (2) year period, with three (3) additional one-year contract extension options, at the sole discretion of the City, and

WHEREAS, the Purchasing Division solicited formal bids for water valves and
fire hydrants on Request for Bid (RFB) 0506-33, with a bid opening dated of July 11, 2006, and

WHEREAS, thirty-one (31) vendors were solicited of which two (2) were local vendors, and

WHEREAS, out of the thirty-one (31) vendors solicited three (3) chose to respond, and

WHEREAS, the Purchasing Division and Finance Department-Central Stores staff evaluated bids, and

WHEREAS, based on the evaluation of bids American AVK Company of Fresno, CA. was deemed to be the lowest responsive and responsible bidder for line items 1-2, 4-5, and 10-14 for an estimated annual cost of $169,065.09; Ferguson Enterprises of Modesto, CA. was deemed to be the lowest responsive and responsible bidder for line items 3, 6-9, 15-19 and 21 for an estimated annual cost of $21,925.10; and Groeniger & Company of Modesto, CA. was deemed to be the lowest responsive and responsible bidder for line item 20 for an estimated annual cost of $8,375.25; and

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

WHEREAS, Section 8-3.203 (a) of the MMC states that purchases whose total maximum cost to the City exceeds $50,000 shall require preliminary approval of Council, and

WHEREAS, this requirement for the purchase of water valves and fire hydrants received said approval by Resolution No. 2006-335, and
WHEREAS, this Request for Bids (RFB) process conforms to the Modesto Municipal Code, and

WHEREAS, the water valves and fire hydrants are purchased through Central Stores-7110-120-8311-0439 (Inventory Purchases) and are sold as needed to the Water Division, and

WHEREAS, the Water Division has budgeted and made available funds for the purchase of water valves and fire hydrants in account number 6100-480-5012-0360-50 Real Property Maintenance and Repair Supplies,

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 water valves and fire hydrants for an initial two (2) year period, with three (3) additional one-year contract extension options, at the sole discretion of the City, for the total estimated annual cost of $200,000 to the following vendors:

- American AVK Company of Fresno, California for an estimated annual cost of $169,065.09;
- Ferguson Enterprises of Modesto, California for an estimated annual cost of $21,925.10;
- Groeniger & Company of Modesto, California for an estimated annual cost of $8,375.25

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to issue a purchase order to the following vendors:
- American AVK Company of Fresno, California for an estimated annual cost of $169,065.09;
- Ferguson Enterprises of Modesto, California for an estimated annual cost of $21,925.10;
- Groeniger & Company of Modesto, California for an estimated annual cost of $8,375.25

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2006, 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: ________________________________

Jean Morris, City Clerk

APPROVED AS TO FORM:

BY: ________________________________

Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-576

A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF JANITORIAL PAPER PRODUCTS FOR AN INITIAL THREE (3) YEAR PERIOD, WITH TWO (2) ADDITIONAL ONE-YEAR CONTRACT EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, TO THE FOLLOWING VENDORS: CENTRAL SANITARY SUPPLY OF MODESTO, CA. FOR AN ESTIMATED ANNUAL COST OF $45,694.40 AND RANDIK PAPER COMPANY OF MODESTO, CA. FOR AN ESTIMATED ANNUAL COST OF $105,718.68; FOR A TOTAL ESTIMATED ANNUAL COST OF $151,413.08.

WHEREAS, the Finance Department-Central Stores has requested the purchase of janitorial paper products, and

WHEREAS, departments purchase the janitorial paper products from Central Stores with accounts designated for that purpose, and

WHEREAS, Resolution No. 2006-109 authorized the Purchasing Manager to solicit bids for janitorial paper supplies for an initial three (3) year period, with two (2) additional one year contract extension options at the sole discretion of the City, and

WHEREAS, the Purchasing Division solicited formal bids for janitorial paper supplies on Request for Bid 0506-11, with a bid opening date of June 27, 2006, and

WHEREAS, sixteen (16) vendors were solicited of which two (2) were local vendors, and

WHEREAS, Out of sixteen (16) vendors solicited four (4) chose to respond to the RFB, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 requires all purchases which meet or exceed $50,000 for material and equipment or contractual services to be formally bid, and
WHEREAS, the MMC Section 8-3.203 (a) states that purchases whose total maximum cost to the City exceeds $50,000 shall receive preliminary approval of Council, and

WHEREAS, the janitorial paper products received said approval with Resolution No. 2005-572, and

WHEREAS, this Request for Bid (RFB) process conforms to the MMC, and

WHEREAS, the funds for inventory purchases have been appropriated in account number 7110-120-8311-0439 (INVENTORY PURCHASES STORES), and

WHEREAS, material is purchased using these funds and recouped through sales to City divisions, and

WHEREAS, the Purchasing Division has coordinated the solicitation and evaluation of bids for janitorial paper supplies with the Finance Department-Central Stores Division staff, and

WHEREAS, Central Sanitary Supply of Modesto, CA. was deemed to be the lowest responsive and responsible bidder for line items 2-4, 8, 11, 14-18 and 20-21 for an estimated annual cost of $45,694.40, and

WHEREAS, Randik Paper Company of Modesto, CA. is deemed to be the lowest responsive and responsible bidder for line items 1, 5-7, 9-10, 12-13, and 19 for an estimated annual cost of $105,718.68,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for janitorial paper products for an initial three (3) year period, with two (2) additional one-year contract extension options,
at the sole discretion of the City, for an estimated annual cost of $151,413.08 to the following vendors:

- Central Sanitary Supply of Modesto, CA. for an estimated annual cost of $45,694.40;
- Randik Paper Company of Modesto, CA. for an estimated annual cost of $105,718.68.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to issue a purchase order to the following vendor: Central Sanitary Supply of Modesto, CA. for an estimated annual cost of $45,694.40; and Randik Paper Company of Modesto, CA. for an estimated annual cost of $105,718.68.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2006, 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:

Jean Morris, City Clerk

APPROVED AS TO FORM:

BY: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-577

A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF CONCRETE BOXES AND COVERS, AND CAST IRON COVERS AND FRAMES FOR AN INITIAL TWO (2) YEAR PERIOD, WITH THREE (3) ADDITIONAL ONE-YEAR CONTRACT EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, TO THE FOLLOWING VENDORS: FERGUSON ENTERPRISES OF MODESTO, CA. FOR AN ESTIMATED ANNUAL COST OF $134,817.64; A.C.E. FABRICATIONS OF FREMONT, CA. FOR AN ESTIMATED ANNUAL COST OF $2,265.73; AND KENKO UTILITY SUPPLY, INC, OF TRACY, CA. FOR AN ESTIMATED ANNUAL COST OF $2,099.59, FOR AN ESTIMATED TOTAL ANNUAL COST OF $139,182.96.

WHEREAS, the Finance Department-Central Stores Division has requested the purchase of concrete boxes and covers, and cast iron covers and frames, and

WHEREAS, the Central Stores Division of the Finance Department inventories various materials for use by the Public Works Department and Parks, Recreation and Neighborhoods Department for City projects, and

WHEREAS, concrete boxes and covers, and cast iron covers and frames are used to house water valves and meters, and

WHEREAS, Resolution No. 2006-336 authorized the Purchasing Manager to solicit bids for concrete boxes and covers, and cast iron covers and frames for an initial two (2) year period, with three (3) additional one-year contract extension options, at the sole discretion of the City, and

WHEREAS, the Purchasing Division solicited formal bids for concrete boxes and covers, and cast iron covers and frames on Request for Bid 0506-34, with a bid opening date of July 11, 2006, and

WHEREAS, twenty-two (22) vendors were solicited of which five (5) were local vendors, and
WHEREAS, out of twenty-two (22) vendors solicited, five (5) chose to respond to the RFB, and

WHEREAS, one bid response was a no bid, and

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

WHEREAS, MMC Section 8-3.203 (a) states that purchases whose total maximum cost to the City exceeds $50,000 shall require preliminary approval of Council, and

WHEREAS, the concrete boxes and covers, and cast iron covers and frames received said approval with Resolution No. 2006-336, and

WHEREAS, this Request for Bid (RFB) process conforms to the MMC, and

WHEREAS, the funds for inventory purchases have been appropriated in account number 7110-120-8311-0439 (Inventory Purchase Stores), and

WHEREAS, material is purchased using these funds and recouped through sales to City divisions, and

WHEREAS, the Purchasing Division has coordinated the solicitation and evaluation of bids of bids for concrete boxes and covers, and cast iron covers and frames with Central Stores staff, and

WHEREAS, Ferguson Enterprises of Modesto, CA. is deemed to be the lowest responsive and responsible bidder for line items 1-25, 28, and 31-33 for an estimated annual cost of $134,817.64, and
WHEREAS, A.C.E. Fabrication of Fremont, CA was deemed to be the lowest responsive and responsible bidder for line items 26 and 27 for an total annual cost of $2,265.73, and

WHEREAS, Kenko Utility Supply, Inc. of Tracy, CA was deemed to be the lowest responsive and responsible bidder for line items 29 and 30 for an estimated annual cost of $2,099.59,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for concrete boxes and covers, and cast iron covers and frames for an initial two (2) year period, with three (3) additional one-year contract extension options, at the sole discretion of the City, for an estimated annual cost of $139,182.96 to the following vendors:

- Ferguson Enterprises of Modesto, California for an estimated annual cost of $134,817.64;
- A.C.E. Fabrications of Fremont, California for an estimated annual cost of $2,265.73;
- Kenko Utility Supply, Inc. of Tracy, California for an estimated annual cost of $2,099.59.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to issue a purchase order to the following vendors:

- Ferguson Enterprises of Modesto, California for an estimated annual cost of $134,817.64;
- A.C.E. Fabrications of Fremont, California for an estimated annual cost of $2,265.73;
- Kenko Utility Supply, Inc. of Tracy, California for an estimated annual cost of $2,099.59.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2006, by 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

APPROVED AS TO FORM:

BY: Susana Alcala Wood, City Attorney

ATTEST: Jean Morris, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-578

A RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF A FIRE DEPARTMENT AUTOMATED INSPECTION PROGRAM FOR A TOTAL COST OF $40,300.

WHEREAS, the Modesto Fire Department's Fire Prevention Bureau is responsible for the fire and life safety inspections in the City of Modesto, and

WHEREAS, the Fire Prevention Bureau conducts over 1900 inspection activities per year, and

WHEREAS, the Automated Inspection Program will improve efficiency and life safety through increase quantity and quality inspections, and

WHEREAS the Safety and Communities Committee approved this request on July 31, 2006 for recommendation to the full Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of a Fire Department Automated Inspection Program for a total cost of $40,300.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2006, 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:  

JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney
WHEREAS, pursuant to Chapter 6 of Title 11 of the Modesto Municipal Code, 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, on June 27, 2006, by Resolution No. 2006-410, the Council approved making quarterly adjustments to the component of the maximum rates for residential and commercial service that is attributable to the cost of fuel, and

WHEREAS, the methodology approved by the Council uses the average diesel fuel prices from the Department of Energy/Energy Information Agency (DOE/EIA) for a prior quarter to set the fuel component for a subsequent quarter, and

WHEREAS, for this quarter’s adjustment, which would become effective October 1, 2006, average diesel fuel prices for April-June were used, and
WHEREAS, the maximum allowable fuel component for residential rates is therefore $1.00 per month, and the new maximum residential rate for standard container service is therefore $19.75 per month, and

WHEREAS, the maximum allowable fuel component for commercial customers for the quarter beginning October 1, 2006, is $0.20 per cubic yard, and

WHEREAS, the maximum rate for a one (1) yard bin collected once a week is $33.47, which includes the $0.87 per month fuel allocation, and

WHEREAS, the Economic Development Committee met on June 12, 2006, and supported the recommendation to implement adjustments to the maximum rate schedule for City solid waste collection services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the quarterly fuel adjustment to the maximum rate schedule for City residential and commercial solid waste collection services as shown on Exhibit “1” attached hereto and incorporated herein by reference.

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

BE IT FURTHER RESOLVED that Resolution No. 2006-410 is hereby rescinded, effective October 1, 2006.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2006, 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:  
JEAN MORRIS, City Clerk

(SEAL)

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 $19.75 per month regardless of size of container. **A fuel component of $1.00 per month is included in the maximum rate for the quarter beginning October 1, 2006 and ending December 31, 2006.** The fuel component may be adjusted quarterly.
   b. The maximum rate for each additional garbage container shall be $14.62 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 $16.70 per month. **A fuel component of $1.00 per month is included in the maximum rate for the quarter beginning October 1, 2006 and ending December 31, 2006.** The fuel component may be adjusted quarterly.
   b. The maximum rate for each additional garbage container shall be $14.62 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></td>
<td>1</td>
</tr>
<tr>
<td>1 CY</td>
<td>$33.47</td>
</tr>
<tr>
<td>1½ CY</td>
<td>$44.99</td>
</tr>
<tr>
<td>2 CY</td>
<td>$56.45</td>
</tr>
<tr>
<td>3 CY</td>
<td>$79.40</td>
</tr>
<tr>
<td>4 CY</td>
<td>$102.37</td>
</tr>
<tr>
<td>5 CY</td>
<td>$125.34</td>
</tr>
<tr>
<td>6 CY</td>
<td>$148.31</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 ($0.87 per month for a 1 cubic yard container collected once a week) is included in the maximum rate for the quarter beginning October 1, 2006, and ending December 31, 2006. 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** - $202.10 per pick up
2. **Rental** - $0.85 per day up to 7 day maximum rental  
   - $3.00 per day for boxes kept 7 or more days without servicing  
   - $10 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.
COMPACTORS
Maximum Monthly Rates

Front Loader Type:

<table>
<thead>
<tr>
<th>Compactor Size</th>
<th>NUMBER OF COLLECTIONS PER WEEK</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td>3 CY</td>
<td>$152.12</td>
</tr>
<tr>
<td>4 CY</td>
<td>$201.72</td>
</tr>
</tbody>
</table>

Roll-Off Type:
1. 6 CY to 40 CY $202.10 per pickup
2. Medical waste compactors $265.00 per pickup
3. Washing compactor $30.00
4. Disposal Charge: Actual charge to be paid by customer

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>
</tr>
</thead>
<tbody>
<tr>
<td></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>
</tbody>
</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 11-6.15(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.
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-580

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

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

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

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

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

SECTION I. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the job specification for the classification of Recreation Coordinator. The job specification for this classification is being amended to update the essential functions and certification requirements to more accurately reflect the job requirements. The job specification for the classification of Recreation Coordinator, as shown on the attached Exhibit “A,” which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after September 12, 2006.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2006, 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: 

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RECREATION COORDINATOR

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

DEFINITION

To plan, organize and supervise major recreational programs such as adult and youth recreation activities, social services, sports and aquatics, special events, camps and classes.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from a Recreation Supervisor II.

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

Essential Functions:

Plan, organize, supervise and evaluate recreation programs.

Assist with hiring of part-time personnel necessary for programs, special events, camps and classes.

Conduct orientation meetings for part time staff; assign and train part-time staff; and work with part time employees to correct performance and/or program deficiencies.

Schedule specific program hours. Schedule and assign staff to provide program coverage, including contacting off-duty employees to make necessary adjustments in schedules.

Maintain and submit reports and records.

Monitor the certification of instructor-lifeguards in the aquatics programs; monitor first aid certification of recreation leaders in the park program.

Maintain close contact with school officials and community groups regarding program offerings and coordination of services.

Exhibit A
Essential Functions: (Continued)

Participate in training recreation staff and volunteers in procedures and the use of equipment as required.

Monitor and coach assigned staff ensuring all rules, policies and procedures are enforced; follow up on problems and complaints; participate in selection of hourly staff.

Track expenditures and provide input for program budget needs.

Marginal Functions:

Perform other related work as may be assigned.

QUALIFICATIONS:

Knowledge of:

Principles and techniques used in developing a well-balanced recreation program.

Principles and practices of office management, fiscal record keeping and scheduling.

Personal computers including word processing and spreadsheets.

Recreational, social and cultural needs of the community.

Ability to:

Communicate in a clear and concise manner.

Train and coach hourly and volunteer staff.

Write concise reports and maintain accurate records.

Think clearly, quickly and accurately in emergencies.

Identify and analyze potential problems, situations and needs; accurately and quickly carry out solutions.

Perform medium manual labor, meaning lifting and carrying up to fifty (50) pounds of weight.
Ability to: (Continued)

Establish and maintain cooperative-working relationships with those contacted during work.

Coordinate, organize and implement recreation and leisure activities and special events.

Operate programs within allocated budget.

Monitor programs to ensure compliance with related regulations, policies and procedures.

Experience and Training Guidelines

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

Experience:

Three (3) years of increasingly responsible experience in development, administration or facilitation of a related program (such as aquatics, sports, senior activities, special population, after school activities, physical education), including experience in supervision of part-time staff.

Training:

Equivalent to an Associates of Arts degree with an emphasis in recreation, physical education, social services or a related field.

License or Certificate

Possession of valid Class C drivers' license issued by California Department of Motor Vehicles at the time of appointment.

When Assigned to Aquatics

Possession of American Red Cross Water Safety Instructor Certificate is required within six months of appointment. Failure to obtain the license within this period shall be grounds for release from probation or termination.

Exhibit A
When Assigned to Aquatics (Continued)

Possession of American Red Cross Lifeguard Certificate, or comparable certificate accepted by the department, is required within six months of appointment. Failure to obtain the license within this period shall be grounds for release from probation or termination.

Possession of American Red Cross Standard First Aid certificate is required within six months of appointment. Failure to obtain the license within this period shall be grounds for release from probation or termination.

Possession of Cardiopulmonary Resuscitation (CPR) certificate is required within six months of appointment. Failure to obtain the license within this period shall be grounds for release from probation or termination.

WORKING CONDITIONS

Environmental Conditions:

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

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.
A RESOLUTION APPROVING AN AGREEMENT WITH PHILIP S. TROMPETTER, Ph.D., A PSYCHOLOGICAL CORPORATION, AND JOCELYN E. ROLAND, PSYCHOLOGIST, IN THE AMOUNT OF $51,336.20, TO PROVIDE COUNSELING AND PSYCHOTHERAPY SERVICES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT.

WHEREAS, Philip S. Trompetter, Ph.D., A Psychological Corporation, and Joycelyn E. Roland, Psychologist, can provide counseling/therapy to all full-time, regular sworn officers and reserves, participate in Modesto Police SWAT activations and hostage negotiations, consult on cases with the Investigative Services Division and Administration, and provide crisis debriefing, and

WHEREAS, the Memorandum of Understanding between the City of Modesto and the Modesto Police Officers’ Association provides for mental health services for sworn police officers, and

WHEREAS, Philip S. Trompetter, Ph.D., is the only psychological corporation in the area that offers this service, and

WHEREAS, the term of this agreement is for one year commencing on July 1, 2006, and ending June 30, 2007, and

WHEREAS, sufficient funds are budgeted in the Police Department’s budget account 010-190-1921-0235 for Services, Professional and Other,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Philip S. Trompetter, Ph.D., A Psychological Corporation, and Jocelyn E. Roland, Psychologist, in the amount of $51,336.20, to provide counseling and psychotherapy services.
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 September, 2006, 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 Ridneour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-582

A RESOLUTION APPROVING THE 2006/2007 FISCAL YEAR ANNUAL ANTICIPATED DBE PARTICIPATION LEVEL (AADPL) GOAL OF 7.5%, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) RACE-NEUTRAL IMPLEMENTATION AGREEMENT AND PROGRAM PLAN FOR FEDERALLY FUNDED STREET, AIRPORT, AND TRANSIT PROJECTS

WHEREAS, the City of Modesto, in order to receive federal financial assistance from the U.S. Department of Transportation (DOT) through the California Department of Transportation (Caltrans) and as a condition of receiving this assistance, is required to sign the California Department of Transportation’s Disadvantaged Business Enterprise Race-Neutral Implementation Agreement for federally funded street, airport, and transit projects, and

WHEREAS, the City of Modesto wishes to enter into a Disadvantaged Business Enterprise (DBE) Race-Neutral Implementation Agreement, and adopt the required Annual Anticipated DBE Participation Level (AADPL) goal of 7.5%.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it is the goal of the City of Modesto that if any United States Department of Transportation funds are used for contract services, it will assure that no portion of the projected goal will be attained by using race-and gender-conscious means in accordance with 49 CFR Part 26 and other applicable statutes, regulations, and executive orders.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that an Annual Anticipated DBE Participation Level (AADPL) goal of 7.5% is hereby established for the City of Modesto for the 2006/2007 Fiscal Year.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his designee is authorized to execute the DBE Race-Neutral Implementation Agreement and Program Plan with the Federal Transit Administration.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2006, 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: 

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-583

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PAY UP TO $2,000 FOR PARTICIPATION IN THE "UNIFIED CERTIFICATION PROGRAM" (UCP) FOR CERTIFYING DISADVANTAGED BUSINESS ENTERPRISE (DBE) CONTRACTORS

WHEREAS, Federal regulations (49 CFR Part 26) necessitate that the City participate in the California Unified Certification Program (UCP), and

WHEREAS, this program is the vehicle for certifying Disadvantaged Business Enterprise (DBE) contractors, and

WHEREAS, Federal regulations require that all jurisdictions receiving federal funds must participate in training costs for the certifying agencies, and

WHEREAS, in order to continue receiving federal funding on street, airport, and transit projects, the City must adopt a Unified Certification Program (UCP) consistent with federal regulations and receive approval, and

WHEREAS, financial participation in the Unified Certification Program is also required in order to continue receiving Federal funding on street projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to pay up to $2,000 for participation in the "Unified Certification Program" (UCP) for certifying DBE contractors.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2006, 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: [Signature]
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AMENDING THE ADOPTED CAPITAL IMPROVEMENT PROGRAM BUDGET FOR FISCAL YEAR 2006-07 AND APPROPRIATING $285,000 IN FEDERAL AVIATION ADMINISTRATION GRANT FUNDING (95%) AND $15,000 IN PASSENGER FACILITY CHARGES REVENUE (5%) TO ESTABLISH A CAPITAL IMPROVEMENT PROJECT TITLED “NOISE STUDY” (6320-430-A803).

WHEREAS, Modesto City-County Airport’s Master Plan includes the requirement for a Noise Study, and

WHEREAS, the future use levels of the airport will impact the noise levels in the areas adjacent to the airport, and

WHEREAS, the Federal Aviation Administration (FAA) made a Grant Offer to the City of Modesto of $285,000 for funding of “airport development or noise program implementation”, and

WHEREAS, on July 11, 2006, by Resolution No. 2006-445, the City Council accepted the $285,000 Grant Offer from the FAA for funding of “airport development or noise program implementation”, and

WHEREAS, Passenger Facility Charges (PFC) Revenue will cover the additional $15,000 to fully fund this project,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto, that an amendment to the adopted Capital Improvement Program Budget for fiscal year 2006-07 is hereby approved, establishing a Capital Improvement Project titled “Noise Study” (6320-440-A803).

BE IT FURTHER RESOLVED that The Council hereby authorizes the Finance Director, or his designee, to make the necessary amendments to the
budget in coordination with the Finance Department to appropriate funding in the amount of $285,000 from FAA grant funds and $15,000 in PFC Revenue to Account No. 6320-440-A803.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September 2006, 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: [Signature]
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: [Signature]
SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING A REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND KAISER PERMANENTE HOSPITAL IN AN AMOUNT NOT-TO-EXCEED $180,880 FOR THE CITY’S SHARE OF CONSTRUCTION COST FOR PELANDALE AVENUE/DALE ROAD INTERSECTION EAST LEG IMPROVEMENTS, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE AGREEMENT, AND FINDING THAT THE PROPOSED PROJECT IS CONSISTENT WITH AND COVERED BY THE KAISER MODESTO MEDICAL CENTER-CORNERSTONE BUSINESS PARK PROJECT EIR

WHEREAS, Council Resolution No. 2004-541 adopted the 2004/2005 Capital Improvement Program, and

WHEREAS, the 2004/2005 Capital Improvement Program included a project titled, “CIP H422 Pelandale Avenue/Dale Road Intersection Improvements”, and

WHEREAS, the intersection improvements at Pelandale Avenue and Dale Road are scheduled to commence in fiscal year 2006, and

WHEREAS, the construction plans for the intersection improvements consist of Kaiser Build Remote Off-Site capacity and operational improvements on the north, south, and west legs of the intersection, and City Build CIP H422 capacity and operational improvements on the east leg, and

WHEREAS, the overall improvements to the intersection include the addition of a second westbound left-turn lane, addition of two additional eastbound lanes at the departure leg of the intersection, three westbound through lanes, and a westbound right turn lane with a northbound transition lane in the northeast quadrant of the intersection, and
WHEREAS, the City has evaluated the cost and time benefit of combining the construction of the Kaiser Build and City Build improvements to allow construction at the same time under the same construction contract, and

WHEREAS, the construction of Kaiser Build and City Build improvements under one construction contract will avoid the traffic disruption resulting from two projects at the same location at different times, will eliminate the need to sawcut and remove newly constructed pavement to establish join lines, and will offer the most effective cost and time alternative for both Kaiser and the City, and

WHEREAS, a reimbursement agreement between the City and Kaiser to compensate Kaiser for the City’s portion of the construction is necessary in order to combine the projects and facilitate construction of the subject improvements, and

WHEREAS, the potential impacts of this project have been adequately addressed within the context of a previously completed and certified Environmental Impact Report, or Negative Declaration SCH No. 2003072085. No changes have been proposed in this project subsequent to the just referenced action, which would require important revisions of the environmental document. No substantial changes have occurred in the circumstances under which the project is undertaken which would require such changes. Pursuant to Section 15070 of the CEQA Guidelines, no new environmental review need be completed, and this subsequent activity is entirely consistent with the anticipated project(s) that are analyzed in the previous environmental determination,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Reimbursement Agreement between the City of Modesto and Kaiser Permanente Hospital for construction of the East Leg of the Pelandale
Avenue/Dale Road Intersection Improvement in an amount not-to-exceed $180,880 for providing complete and in-place east leg improvements to the Pelandale Avenue/Dale Road intersection in accordance with the final plans, specifications, and cost estimates dated March 7, 2006, and identified as Kaiser Modesto Remote Off-Site Improvements as approved by the City Engineer April 5, 2006.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2006, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

APPROVED AS TO FORM:

By SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006 – 586

A RESOLUTION APPROVING AN AGREEMENT WITH FORD AVIATION CONSULTING, INC., FOR AN AMOUNT NOT TO EXCEED $35,000, TO PREPARE A NEW PASSENGER FACILITY CHARGE (PFC) APPLICATION TO OBTAIN PFC FUNDING FOR MODESTO CITY-COUNTY AIRPORT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT.

WHEREAS, the Passenger Facility Charge (PFC) Program, administered by the Federal Aviation Administration (FAA), allows for collection of PFC fees for every enplaned passenger at commercial airports controlled by public agencies, and

WHEREAS, the Modesto City-County Airport is controlled by public agencies and is therefore eligible for PFC funds, and

WHEREAS, PFC funds are used to pay for FAA-approved projects that enhance safety, security, or capacity; reduce noise; or increase air carrier competition, at airports, and

WHEREAS, in order to collect the PFC payments, a new PFC Application for Modesto City-County Airport must be submitted to and approved by the FAA, and

WHEREAS, there is a need for technical expertise to draft and submit the new PFC Application, and

WHEREAS, Ford Aviation Consultants, Inc., has submitted a proposal to prepare a new PFC Application for Modesto City-County Airport, and

WHEREAS, the Economic Development Committee endorsed support for approval of this Agreement at its August 7, 2006 meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Ford Aviation Consultants, Inc., for an amount not to exceed $35,000, to prepare a new Passenger Facility Charge Application to obtain PFC funding for the Modesto City-County Airport.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2006, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn was upon roll call carrier and the resolution adopted by the following vote:

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

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: [Signature]
JÉAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

by [Signature]
SUSANA ALCALA WOOD, City Attorney
A RESOLUTION ADOPTING THE DESIGN GUIDELINES FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT, DIRECTING STAFF TO BEGIN A WORK PROGRAM TO IMPLEMENT THE DESIGN GUIDELINES FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT, DIRECTING STAFF TO ANNUALLY REVIEW AND UPDATE THE DESIGN GUIDELINES AS NEEDED, AND DIRECTING STAFF TO PROVIDE QUARTERLY REPORTS TO THE PLANNING COMMISSION REGARDING PROJECTS BEING CONSIDERED UNDER THE DESIGN GUIDELINES

WHEREAS, the City is experiencing a substantial increase in requests for non-residential development resulting in concerns that new development should have some guidance to meet acceptable design standards, and Strategy V.A.4, which promotes the creation of walkable communities, and

WHEREAS, the 2001-2004 Strategic Plan, adopted October 23, 2001, includes Strategy V.A.5, which promotes the fostering of distinctive, attractive communities with a strong sense of place, and

WHEREAS, Action V.A.5.a of the 2001-2004 Strategic Plan, which promotes the establishment of aesthetic criteria for evaluation of projects, supports Strategy V.A.5 of the Strategic Plan, and

WHEREAS, the Urban Area General Plan provides that, “...The Urban Area General Plan presents a blueprint for the preservation of Modesto’s ‘quality of life’ while providing direction for the growth of business and industry to meet the needs of the future generations...”, which supports the concept of Design Guidelines, and

WHEREAS, Title 10 of the Modesto Municipal Code establishes regulations for the use of land and buildings for the public health, safety and general welfare and to
provide the physical, economic and social advantages resulting from an orderly, planned use of land resources, and

WHEREAS, the proposed “Design Guidelines for Commercial and Industrial Development” for commercial and industrial development in order to:

A. Help keep Modesto architecturally distinctive and not allow it to become “anywhere USA”
   1. Maintain a high quality of craftsmanship in development through use of building styles, design elements, and materials that are found in the architectural vernacular of Modesto.
   2. Integrate local cultural and historical themes into building and site design where appropriate.
   3. Enhance and bring greater attention to gateways and key corridors to enhance the overall city image, beautify its entrances, visual corridors, and vistas to attract visitors and improve the overall experience for citizens.
   4. Design for surrounding context and scale of urban form and land uses.
   5. Require design excellence for infill and redevelopment sites.
   6. Minimize the use of “stock” plans and design in corporate and franchise architecture.
   7. Integrate public squares, public space and art that respond to local cultural and historical themes in development.

B. Design for the pedestrian scale in appropriate areas.
   1. Encourage pedestrian oriented buildings and site planning in commercial development.
   2. Incorporate design elements that respond to, and take advantage of environmental conditions such as wind, sun, shade, et cetera, to improve the pedestrian experience, and that will provide an enjoyable pedestrian experience.
   3. Encourage an appropriate scale of building height to street width in commercial areas and minimize parking between buildings and the street.
   4. Respect the natural environment by protecting natural resources and integrating the natural environment and open space into building and site planning, wherever possible.
   5. Continue and improve streetscape landscaping
   6. Control outdoor lighting to provide necessary security, but not create spillage onto adjacent properties or interfere with views of night skies, and
C. Assist in guiding the style and appearance of future development by giving potential developers a very good idea of what style of development is acceptable and desirable to the City.

D. Providing a comprehensive set of guidelines early in the development process regarding City development expectations for builders, investors and residents so the “rules” are known up front. This will allow expedited City review of development proposals.

E. Ensuring new development is consistent and compatible with the design and character of existing neighborhoods.

F. Providing flexibility to encourage distinctive design themes in various areas of the community.

WHEREAS, the proposed “Design Guidelines for Commercial and Industrial Development” is intended to be implemented in all commercial and industrial zones; and

WHEREAS, public workshops were held by the Planning Commission on July 6, 2006, at 7:00 p.m. and July 27, 2006, at 7:00 p.m. in Room B300, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which time public comments were received and considered, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 21, 2006, at 7:00 p.m., in the, Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which time and place comments were received and evidence, both oral and documentary, was received and considered, and

WHEREAS, at said meeting, the Planning Commission voted unanimously to recommend that the City Council adopt the “Design Guidelines for Commercial and Industrial Development” and to direct staff to begin a work program for implementation, and

WHEREAS, at said meeting, the Planning Commission further unanimously voted to add to the original recommendation that said “Design Guidelines for
Commercial and Industrial Development” be reviewed and updated, as needed to ensure they reflect the City’s vision for itself, and

WHEREAS, the Planning Commission desires to be informed about design review on a continuing basis and desires that staff prepare and present a list of projects being considered under the “Design Guidelines for Commercial and Industrial Development” on a quarterly basis, and

WHEREAS, a public hearing was held by the City Council of the City of Modesto on September 12, 2006, at 5:30 p.m. in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which time and place comments were received and evidence both oral and documentary was received and considered, and

WHEREAS, “Design Guidelines for Commercial and Industrial Development” is a policy document and therefore is not a project pursuant to Section 15378(b)(2) of the CEQA Guidelines,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby adopts the “Design Guidelines for Commercial and Industrial Development,” a copy of which is on file with the City Clerk’s office.

BE IT FURTHER RESOLVED that City staff is hereby directed to (1) begin a work program for Implementation Option C, which would amend all commercial and industrial zones to require staff review of site plans and elevations for all commercial and industrial development, (2) annually review the Design Guidelines and update the Design Guidelines as needed, and (3) provide a list of projects being considered under the “Design Guidelines for Commercial and Industrial Development,” on a quarterly basis.
The foregoing resolution was introduced at the regular meeting of the Council of the City of Modesto held on the 12th day of September, 2006, by Councilmember Olsen, who moved its adoption, which motion being duly seconded by Councilmember Marsh was upon roll call carried and the resolution adopted by the following vote:

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

Noes: Councilmembers: Keating

Absent: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: Jean Morris, City Clerk
MODesto CITY COUNCIL
RESOLUTION NO. 2006-588

A RESOLUTION ACCEPTING THE WALKER PARKING CONSULTANTS PARKING ASSESSMENT REPORT AND, AS RECOMMENDED BY THE CITY COUNCIL FINANCE COMMITTEE, DIRECTING STAFF TO: A) IMPLEMENT RECOMMENDATIONS #2 (ENFORCE PENALTIES FOR EMPLOYEE MISUSE OF PARKING); #3 (INCREASE MONTHLY PASSES AND EQUALIZE RATES TO SURFACE LOTS); #7 (INCREASE RESPONSIBILITY OF LEAD GARAGE ATTENDANTS); AND #8 (CONDUCT BOOTH AUDITS); B) INCLUDE A PORTION OF RECOMMENDATION #4 IN THE FISCAL YEAR 2006-07 CAPITAL IMPROVEMENT PROGRAM (AUTOMATED PAY STATIONS); C) INCLUDE IN THE SUPPLEMENTAL REQUESTS FOR FISCAL YEAR 2006-07 THE REQUESTS FOR NEW POSITIONS IN RECOMMENDATIONS #4, #5 AND #6 (6 PARKING SERVICE REPRESENTATIVES, 1 PARKING SUPERVISOR AND 1 ADMINISTRATIVE ANALYST); AND D) PLACE ON HOLD PENDING FURTHER STUDY RECOMMENDATIONS #1 (AMEND TIME ALLOWANCES FOR VALIDATIONS ) AND #9 (INSTALL ON-STREET METERS), INCLUDING THE ADDITION OF REVIEWING ALTERNATE PLACES FOR CITY AND COUNTY EMPLOYEE.

WHEREAS, the City of Modesto Parks, Recreation and Neighborhoods Department’s Parking Services Division operates and services the City’s parking garages and surface parking lots, and

WHEREAS, more specifically, the Division is responsible for operation, maintenance and collections of fees for 2,434 parking spaces located in three parking structures and ten surface lots, and

WHEREAS, on September 13, 2005, following the City’s established three-bid process, the City hired Walker Parking Consultants to complete an assessment of the City-owned parking facilities (the Walker Report), and
WHEREAS, Walker’s assessment included the financial condition of the Parking Services Division, a review of the current parking agreements, rates, equipment, management, administration and operations, and the feasibility of privatization of the parking system, and

WHEREAS, the specific recommendations in the Walker Report are to:

1. Implement a structured validation system at Tenth Street Place, involving time limits based on type of retail tenant and/or tenant need and supply retail tenants with Valometer® machines and track and monitor validation usage;

2. Amend the enforcement of City/County employee parking to provide penalties for misuse or taking advantage of City provided parking that are consistent with the agreement with the Doubletree Hotel;

3. Implement a rate increase of $20 per month to bring the monthly parking pass rate from $40 to $60; implement annual rate increases of 3% for monthly passes until they are equivalent to 50% of the regular hourly parking fee for 160 hours a month; and standardize parking rates, resulting in the surface lots having the same per hour charge as the garages;

4. Install automated pay stations at 9th, 10th and 11th Street Garages, and the Centre Plaza and other surface lots;

5. Designate a Parking Supervisor;

6. Create an Administrative Analyst position, to perform the daily and monthly auditing of all parking activity;

7. Increase responsibilities of the Lead Garage Attendants to assist with ensuring revenue integrity;

8. Perform a booth audit for each parking facility; and

9. Install on-street meters and implement rate structure of 25¢ per 12-minute increment ($1.25 per hour), and

WHEREAS, on July 24, 2006, and August 9, 2006, the recommendations in the Walker Report were presented to the Finance Committee, and

WHEREAS, at its August 9, 2006, meeting, the Finance Committee recommended that staff proceed with implementation of: enforcement of penalties for employee misuse of parking;
increasing monthly passes and equalization of rates to surface lots; installation of automated pay stations; increasing responsibility of Lead Garage Attendants; conducting booth audits; and hiring of Parking Service Representatives, a Parking Supervisor and an Administrative Analyst, and

WHEREAS, the Finance Committee further recommended that amending the time allowances for validations and installation of on-street meters be placed on hold pending further study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts the Walker Parking Consultants Parking Assessment Report.

BE IT FURTHER RESOLVED that the Council hereby directs staff to implement the recommendations to: enforce penalties for employee misuse of parking; increase monthly passes and equalize rates to surface lots; increase responsibility of Lead Garage Attendants; and conduct booth audits.

BE IT FURTHER RESOLVED that the Council hereby directs staff to include purchase and installation of automated pay stations in the Fiscal Year 2006-07 Capital Improvement Program.

BE IT FURTHER RESOLVED that the Council hereby directs staff to include the requests for 6 Parking Service Representatives, 1 Parking Supervisor and 1 Administrative Analyst in the supplemental requests for Fiscal Year 2006-07.

BE IT FURTHER RESOLVED by the Council that the recommendations to amend the time allowances for validations and install on-street meters are hereby placed on hold pending further study.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2006, 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

APPROVED AS TO FORM:

Attest: 
JEAN MORRIS, City Clerk

By: 
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-589


WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 26, 2006 considered the adoption of amended conflict of interest codes for various City departments, including the Office of the City Attorney.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Office of the City Attorney of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2002-448 adopted by the Council is hereby rescinded.

RESCINDED
DEC 2 2006

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2006-589
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September 2006, 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

APPROVED AS TO FORM

By: ____________________________
    SUSANA'ALCALA WOOD, City Attorney

ATTEST: ________________________
    JEAN MORRIS, City Clerk
CONFLICT OF INTEREST CODE OF THE
OFFICE OF THE CITY ATTORNEY OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Office of the City Attorney.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
OFFICE OF THE CITY ATTORNEY
CONFLICT OF INTEREST CODE
EXHIBIT "A"

<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant City Attorney</td>
<td>2</td>
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<tr>
<td>City Attorney</td>
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<tr>
<td>Community-Facilities-District-Administrator 2</td>
<td>3</td>
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<tr>
<td>Consultant</td>
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<tr>
<td>Deputy City Attorney I, II</td>
<td>2</td>
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<tr>
<td>Senior Deputy City Attorney I, II</td>
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<tr>
<td>Paralegal/EEO Investigator</td>
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</tbody>
</table>

09/26/06/City Clerk/S Lopez/Item 03
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: The City Attorney is required, pursuant to Government Code Section 87200, to disclose investments, interests in real property and income. No other or additional disclosure requirements are imposed by this Conflict of Interest Code.

Group 2: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-590

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN
AMENDED CONFLICT OF INTEREST CODE FOR THE OFFICE OF THE CITY
MANAGER OF THE CITY OF MODESTO AND RESCINDING RESOLUTION NO.
2004-474

WHEREAS, pursuant to Government Code Section 87300, every local agency must
adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City
agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code
reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 26, 2006 considered the adoption
of amended conflict of interest codes for various City departments, including the Office of the
City Manager.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto
hereby adopts an amended Conflict of Interest Code for the Office of the City Manager of the
City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2004-474 adopted by the Council is
hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September 2006, 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

APPROVED AS TO FORM

By: SUSANA ALCALA WOOD, City Attorney
CONFLICT OF INTEREST CODE
OF THE
OFFICE OF THE CITY MANAGER
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Office of the City Manager.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
Designated Positions | Disclosure Category
---|---
City Manager | 1 & 2
Consultant(s) | 3
Deputy City Manager (1) | 2
CFD Administrative Officer | 2
*Management Analyst* | 2
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: The City Manager is required, pursuant to Government Code Section 87200, to disclose investments, interests in real property and income. No other or additional disclosure requirements are imposed by this Conflict of Interest Code.

Group 2: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-591

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN
AMENDED CONFLICT OF INTEREST CODE FOR THE COMMUNITY &
ECONOMIC DEVELOPMENT DEPARTMENT OF THE CITY OF MODESTO AND
RESCINDING RESOLUTION NO. 2004-475

WHEREAS, pursuant to Government Code Section 87300, every local agency must
adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City
agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code
reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 26, 2006 considered the adoption
of amended conflict of interest codes for various City departments, including the Community &
Economic Development Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto
hereby adopts an amended Conflict of Interest Code for the Community & Economic
Development Department of the City of Modesto as submitted, a copy of which Code is
attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2004-475 adopted by the Council is
hereby rescinded.

09/26/06/City Clerk/S Lopez/Item 03
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September 2006, by Councilmember Hawn who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM

By: Susana Alcala Wood, City Attorney
CONFLICT OF INTEREST CODE

OF THE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) that contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Community Development Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor who will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "A"

<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
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<td>Administrative Analyst I, II</td>
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<td>Administrative Services Officer</td>
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<td>Business Analyst</td>
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<td>Business Development Division Manager</td>
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<td>Chief Building Official</td>
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<td>Community &amp; Economic Development Director</td>
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<td>Deputy Chief Building Official</td>
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<td>Senior Civil Engineer</td>
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<td>Senior Planner</td>
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<td>Supervising Building Inspector</td>
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</table>
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the Modesto Urban Area General Plan.)

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department that hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest the consultant is required to file with the City Clerk on beginning and ending the job.
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-592

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN
AMENDED CONFLICT OF INTEREST CODE FOR THE FINANCE DEPARTMENT
OF THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 2004-476

WHEREAS, pursuant to Government Code Section 87300, every local agency must
adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City
agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code
reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 26, 2006 considered the adoption
of amended conflict of interest codes for various City departments, including the Finance
Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto
hereby adopts an amended Conflict of Interest Code for the Finance Department of the City of
Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2004-476 adopted by the Council is
hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM

By: SUSANA ALCALA WOOD, City Attorney
CONFLICT OF INTEREST CODE
OF THE
FINANCE DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Finance Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
FINANCE DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "A"

<table>
<thead>
<tr>
<th>Designated Employee Positions</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounting Division Manager</td>
<td>2</td>
</tr>
<tr>
<td>Assistant Buyer (Purchasing Division)</td>
<td>2</td>
</tr>
<tr>
<td>Buyer/Senior Buyer</td>
<td>3</td>
</tr>
<tr>
<td>Customer Services Division Manager</td>
<td></td>
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<tr>
<td>Customer Services Supervisor</td>
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</tr>
<tr>
<td>Deputy Finance Director (2)</td>
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</tr>
<tr>
<td>Information Services Manager</td>
<td>4</td>
</tr>
<tr>
<td>Development Services Coordinator</td>
<td>2</td>
</tr>
<tr>
<td>Director of Finance</td>
<td>1</td>
</tr>
<tr>
<td>Financial/Investment Officer</td>
<td>2</td>
</tr>
<tr>
<td>GIS Coordinator</td>
<td>2</td>
</tr>
<tr>
<td>Information Services Manager</td>
<td>2</td>
</tr>
<tr>
<td>Manager of Budget and Financial Analysis</td>
<td>2</td>
</tr>
<tr>
<td>Purchasing Manager</td>
<td>2</td>
</tr>
<tr>
<td>Stores Manager</td>
<td>3</td>
</tr>
<tr>
<td>Systems Analyst</td>
<td>2</td>
</tr>
<tr>
<td>Systems Engineer</td>
<td>2</td>
</tr>
<tr>
<td>Consultants</td>
<td>5</td>
</tr>
</tbody>
</table>

09/26/06/Clerk/S Lopez/Item 03 4 2006-592
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

**Group 1:** The Director is required, pursuant to Government Code Section 87200, to disclose investments, interests in real property and income. No other or additional disclosure requirements are imposed by this Conflict of Interest Code.

**Group 2:** Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**Group 3:** Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction.

**Group 4:** Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction which manufacture, sell or design data processing equipment or related services.

**Group 5:** A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-593


WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 26, 2006 considered the adoption of amended conflict of interest codes for various City departments, including the Fire Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Fire Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2000-493 adopted by the Council is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September 2006, 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

APPROVED AS TO FORM

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: JEAN MORRIS, City Clerk

2006-593
CONFLICT OF INTEREST CODE
OF THE
FIRE DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Fire Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
## Designated Positions

<table>
<thead>
<tr>
<th>Position</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Analyst</td>
<td>1</td>
</tr>
<tr>
<td>Apparatus Committee Members</td>
<td>2</td>
</tr>
<tr>
<td>Buyer Business Services Analyst</td>
<td>1</td>
</tr>
<tr>
<td>Consultant</td>
<td>3</td>
</tr>
<tr>
<td>Deputy Fire Marshal</td>
<td>2</td>
</tr>
<tr>
<td>Fire Chief</td>
<td>1</td>
</tr>
<tr>
<td>Fire Division Chief</td>
<td>1</td>
</tr>
<tr>
<td>Fire Battalion Chief</td>
<td>1</td>
</tr>
<tr>
<td>Fire Marshal</td>
<td>1</td>
</tr>
<tr>
<td>Senior Fire Mechanic</td>
<td>2</td>
</tr>
</tbody>
</table>
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction which manufacture or sell fire-related equipment or parts.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-594


WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 26, 2006 considered the adoption of amended conflict of interest codes for various City departments, including the Information & Technology Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Information & Technology Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2004-477 adopted by the Council is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September 2006, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None:

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM

By: 
SUSANA ALCALA WOOD, City Attorney
CONFLICT OF INTEREST CODE

OF THE

INFORMATION TECHNOLOGY DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Information Technology Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultant</td>
<td>5</td>
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<tr>
<td>Chief Information Officer</td>
<td>1</td>
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<tr>
<td><strong>Deputy Chief Information Officer</strong></td>
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<tr>
<td>Information Technology Unit Manager</td>
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<tr>
<td>Software Analyst IV</td>
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<tr>
<td>Software Analyst III</td>
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<tr>
<td>System Engineer III</td>
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</tr>
<tr>
<td>System Engineer II</td>
<td>2</td>
</tr>
<tr>
<td>Development and Operations Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>GIS Coordinator</td>
<td>2</td>
</tr>
<tr>
<td>Information Technology Manager</td>
<td>2</td>
</tr>
<tr>
<td>GIS Analyst</td>
<td>2</td>
</tr>
<tr>
<td>Systems Analyst</td>
<td>2</td>
</tr>
<tr>
<td>Systems Engineer</td>
<td>2</td>
</tr>
</tbody>
</table>
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: The Director is required, pursuant to Government Code Section 87200, to disclose investments, interests in real property and income. No other or additional disclosure requirements are imposed by this Conflict of Interest Code.

Group 2: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction.

Group 4: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction which manufacture, sell or design data processing equipment or related services.

Group 5: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.
A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN
AMENDED CONFLICT OF INTEREST CODE FOR THE PARKS, RECREATION &
NEIGHBORHOODS DEPARTMENT OF THE CITY OF MODESTO AND
RESCINDING RESOLUTION NO. 2004-478

WHEREAS, pursuant to Government Code Section 87300, every local agency must
adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City
agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code
reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 26, 2006 considered the adoption
of amended conflict of interest codes for various City departments, including the Parks,
Recreation & Neighborhoods Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto
hereby adopts an amended Conflict of Interest Code for the Parks, Recreation & Neighborhoods
Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2004-478 adopted by the Council is
hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September 2006, 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

APPROVED AS TO FORM

By: SUSANA ÁLCALA WOOD, City Attorney

ATTEST: JEAN MORRIS, City Clerk
CONFLICT OF INTEREST CODE
OF THE
PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Parks, Recreation and Neighborhoods Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
### Designated Positions

<table>
<thead>
<tr>
<th>Position</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Analyst II</td>
<td>2</td>
</tr>
<tr>
<td>Administrative Analyst I</td>
<td>2</td>
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<tr>
<td>Administrative Services Officer</td>
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<tr>
<td>Building Maintenance Superintendent</td>
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<td>Building Maintenance Supervisor</td>
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<tr>
<td>Code Enforcement Officer I, II</td>
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<tr>
<td>Compost Facility Supervisor</td>
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<tr>
<td>Community Development Program Specialist II</td>
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<td>Consultant</td>
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<tr>
<td>Cultural Services Manager</td>
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<tr>
<td>Custodian Supervisor</td>
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<tr>
<td>Customer Services Supervisor</td>
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<tr>
<td>Deputy Director – Cultural and Enterprise Services</td>
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<tr>
<td>Deputy Director – Recreation &amp; Neighborhood Services</td>
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<tr>
<td>Events Supervisor I Coordinator</td>
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<tr>
<td>Events Supervisor II</td>
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<tr>
<td>Housing Financial Specialist</td>
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<td>Housing Program Supervisor</td>
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<tr>
<td>Housing Rehabilitation Specialist II</td>
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<tr>
<td>HUD Programs Manager</td>
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<tr>
<td>Integrated Waste Specialist</td>
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<tr>
<td>Neighborhood Preservation Supervisor</td>
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<tr>
<td>Operations &amp; Maintenance Supervisor</td>
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<tr>
<td>Operations Supervisor</td>
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<tr>
<td>Parks Operations Superintendent</td>
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<tr>
<td>Parks Planning and Development Manager</td>
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<tr>
<td>Project Coordinator</td>
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<tr>
<td>Parks, Recreation and Neighborhoods Director</td>
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<tr>
<td>Recreation Superintendent Program Manager</td>
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</tr>
</tbody>
</table>

**Disclosure Category**

- 1: Conflict of Interest Known
- 2: Conflict of Interest Unknown
- 3: Conflict of Interest Disclosed

*09/26/06/Clerk/S Lopez/Item 03*
<table>
<thead>
<tr>
<th>Position</th>
<th>Quantity</th>
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</thead>
<tbody>
<tr>
<td>Recreation Supervisor II</td>
<td>2</td>
</tr>
<tr>
<td>Recycling Program Coordinator</td>
<td>1</td>
</tr>
<tr>
<td>Senior Building Inspector</td>
<td>2</td>
</tr>
<tr>
<td>Senior Community Development Program Specialist</td>
<td>2</td>
</tr>
<tr>
<td>Senior Housing Rehabilitation Specialist</td>
<td>2</td>
</tr>
<tr>
<td>Solid Waste Program Manager</td>
<td>1</td>
</tr>
</tbody>
</table>
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction which manufacture, sell or supply equipment, including but not limited to horticulture, construction, craft, office and safety supplies and/or equipment.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.
MODESTO CITY COUNCIL
RESOLUTION NO. 2006-596

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 26, 2006 considered the adoption of amended conflict of interest codes for various City departments, including the Personnel Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Personnel Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2000-495 adopted by the Council is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September 2006, 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

APPROVED AS TO FORM

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: JEAN MORRIS, City Clerk
The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Personnel Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
### Designated Positions

<table>
<thead>
<tr>
<th>Position</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Personnel Director</td>
<td>1</td>
</tr>
<tr>
<td>Assistant Risk Manager</td>
<td>1</td>
</tr>
<tr>
<td>Consultant</td>
<td>3</td>
</tr>
<tr>
<td>Deputy Director of Personnel</td>
<td>1</td>
</tr>
<tr>
<td>Personnel Director</td>
<td>1</td>
</tr>
<tr>
<td>Risk Manager</td>
<td>1</td>
</tr>
<tr>
<td>Workers’ Compensation Claims Examiner</td>
<td>2</td>
</tr>
</tbody>
</table>
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

**Group 1:** Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**Group 2:** Designated employees in this group shall report all business positions, all investments, income, loans or gifts - Schedules A, C, D, E and F - from all individuals or businesses involved in healthcare or vocational rehabilitation, which are located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**Group 3:** A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 26, 2006 considered the adoption of amended conflict of interest codes for various City departments, including the Police Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code for the Police Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2000-496 adopted by the Council is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September 2006, 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

APPROVED AS TO FORM

By: ____________________________

SUSANA ÁLCALA WOOD, City Attorney
CONFLICT OF INTEREST CODE

OF THE

POLICE DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Police Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
## Designated Positions

<table>
<thead>
<tr>
<th>Position</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Analyst</td>
<td>2</td>
</tr>
<tr>
<td>Administrative Technician</td>
<td>1</td>
</tr>
<tr>
<td>Chief of Police</td>
<td>1</td>
</tr>
<tr>
<td>Assistant Chief of Police</td>
<td>1</td>
</tr>
<tr>
<td>Police Captain (3)</td>
<td>1</td>
</tr>
<tr>
<td>Police Lieutenant (12)</td>
<td>2</td>
</tr>
<tr>
<td>Senior Deputy City Attorney I, II</td>
<td>2</td>
</tr>
</tbody>
</table>
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction selling, manufacturing, or distributing equipment and supplies for office, personnel or vehicles.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.