A RESOLUTION APPROVING THE PROPOSAL BY DAN MACHADO TO REPAIR, REBUILD AND INSTALL THE ROGERS DRINKING FOUNTAIN IN A NEW PLAZA IN THE TRIANGLE PARCEL OF CITY LAND AT THE INTERSECTIONS OF L STREET, 14TH STREET AND NEEDHAM AVENUE USING DONATIONS AND PRIVATE FUNDS, AND DIRECTING STAFF FROM THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT TO WORK WITH MR. MACHADO TO BRING THIS PROJECT TO FRUITION.

WHEREAS, City of Modesto staff has been contacted by Dan Machado, a local Landscape Architect, with a plan of rebuilding the Rogers Drinking Fountain to its original grandeur and installing it in a new plaza on the parcel of City land bordered by L Street, 14th Street and Needham Avenue, and

WHEREAS, the Rogers Drinking Fountain, a donation to the City from Mrs. Caroline Rogers DeYoe, is a piece of Modesto’s history, and

WHEREAS, Mr. Machado is interested in forming a group to rebuild the fountain and then install it in a new plaza on the triangle of land across the street from Graceada Park using donations and private funds, and

WHEREAS, the Safety and Communities Committee met on October 4, 2004, and supported the recommendation to restore the fountain and install it across from Graceada Park,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the proposal by Dan Machado to repair, rebuild and install the Rogers Drinking Fountain in a new plaza in the triangle parcel of City land at the intersections of L Street, 14th Street and Needham Avenue using donations and private funds.
BE IT FURTHER RESOLVED that the Council directs staff from the Parks, Recreation and Neighborhoods Department to work with Mr. Machado to bring this project to fruition.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember O’Bryant, 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, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

Attest: JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-544

A RESOLUTION APPROVING THE 2004-2005 LEGISLATIVE PLATFORM FOR THE CITY OF MODESTO.

WHEREAS, the City Manager's Office is tasked with maintaining a legislative program to provide Council with a more proactive approach for influencing policy and other governmental entities, and

WHEREAS, the key component of this approach is development of a legislative platform that contains policy statements adopted by Council on an annual basis, based on the "Strategic Plan", and

WHEREAS, in addition to providing a proactive approach to policy, the platform allows the City's position on bills to be expressed without the need for Council action on individual legislative measures, and

WHEREAS, historically, the City of Modesto's City Council has adopted an annual legislative platform to assist City staff and lobbyists in their work with federal and state legislatures, and

WHEREAS, the platform items were coordinated with the City Manager's Office, the Community and Economic Development Department, the Personnel Department, the City Attorney's Office, the Fire Department, the Police Department, the Finance Department, the Parks, Recreation & Neighborhoods Department, and Public Works, and

WHEREAS, on August 11, 2004 the Finance Committee considered this item and recommended approval by the full Council, and

WHEREAS, on September 8, 2004 the Safety and Communities Committee considered this item and recommended approval by the full Council, and
WHEREAS, on September 13, 2004 the Economic Development Committee considered this item and forwarded this item to full Council with suggested language changes to the General Goals section of the document,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Modesto hereby approves the 2004-2005 Legislative Platform.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2004, 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: Council members: Dunbar, Hawn, Jackman, Keating, Marsh, O’Bryant
NOES: Council members: None
ABSENT: Council members: Mayor Ridenour

ATTEST: Jean Zahr

APPROVED AS TO FORM:
By Michael D. Milich, City Attorney
Modesto: A healthy, safe, attractive, economically vibrant, socially diverse and culturally rich city with a strong sense of identity and pride, a community engaged in the practice of citizenship with governance based on the principle of stewardship.

City of Modesto
Legislative Platform

Approved 9/3/02
#2002-433
General Goals

The Modesto City Council and employees are committed to our Vision of:

Modesto: A healthy, safe, attractive, economically vibrant, socially diverse and culturally rich city with a strong sense of identity and pride, a community engaged in the practice of citizenship with governance based on the principle of stewardship.

The City’s Legislative Platform reflects the City’s Vision and Council’s goals, as outlined in the Strategic Plan.

In 2002, the City Council will, as a top priority, support legislation that supports and finances public safety as well as facilitates and encourages attractive economic development, including infrastructure funding. The Council will support measures that retain local control over land use and annexation decisions. The Council will also oppose measures limiting the annexation and growth potential of the City but strive to preserve open space, farmland, natural beauty, historic buildings, and critical environmental areas, and oppose measures that limit the annexation and growth potential of the City.

At the same time, Council will continue to support legislation that brings health and safety funding to the City. The Council endorses the continuance of technology and other funding for public safety. Council also supports local authority to determine which ambulance companies operate in our jurisdiction.

As in past years, the Council will continue to oppose measures imposed by the state or federal government that serve as unfunded mandates or which threaten local control. Council will also support measures that bring increased federal and state funding to the City for projects that support the City’s Vision and Strategic Plan.

This platform was prepared by the following City Council Committees: Finance Committee, Economic Development Committee and Health and Safety Committee. It forms the cornerstone of Council’s policy direction and provides a proactive approach to influencing policy and other governmental entities.

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Preamble

Whereas, the City of Modesto's legislative agenda is to promote the general welfare for citizens of California and specifically improve the quality of life for residents of Modesto, it shall be the policy of the Modesto City Council to: Support legislation that protects individual rights and to oppose legislation that infringes, denies, or restricts individual rights established in the Constitution of the United States and its amendments and the Constitution of the State of California.
# Legislative Platform

## 1. Housing and Neighborhoods

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<tr>
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| V.A.3. Create housing opportunities and choices for a range of household types, family sizes and incomes. | **Issue:** 1.1. Community Development Block Grant (CDBG) program funding, Federal Low Income Housing Tax program funding, and HOME Investment Partnership program funding target the affordable housing production needs of the local community, which would be difficult to address without the continued support of focused Federal housing program dollars. Loss of these program funds would eliminate or reduce qualified activities and/or areas qualifying for assistance.  
**Action:** 1.1. Support continued funding of the CDBG program as provided by the U.S. Department of Housing and Urban Development. Support continued funding of the Federal Low Income Housing Tax program. Support continued funding of the HOME Investment Partnership program. Oppose changes to, or defunding of, the CDBG program, Low Income Housing Tax program, or HOME program. |
| H.II.C.1. Increase opportunities for home ownership. |  |
| H.IV.A.6. Resolve issues and identify a site for a Day Center for Homeless individuals. | **Issue:** 1.2. As pressures increase on local housing supply and costs, the issue of potential homelessness should be addressed proactively rather than reactively, before significant problems arise locally.  
**Action:** 1.2 Support continued funding for programs such as the Emergency Shelter Grant fund programs and McKinney Homeless Act fund program to address the problem of homelessness. |
### 1. Housing and Neighborhoods

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<tr>
<td><strong>V.A.2.</strong> Promote compact building design. <strong>V.A.3.</strong> Create housing opportunities and choices for a range of household types, family sizes and incomes.</td>
<td><strong>Issue:</strong> 1.3. Affordable housing production for low-income persons is often made more difficult as a result of political interest groups who advance a Not-In-My-Backyard (NIMBY) philosophy. <strong>Action:</strong> 1.3. Support development of state programs that would fund tax incentives to neighboring property owners in order to encourage neighborhood development of affordable housing. Support funding to provide incentives to residential developers who elect to include a fixed percentage of affordable housing within each subdivision development permit.</td>
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<tr>
<td><strong>IX.D.</strong> Promote high density housing in the downtown core.</td>
<td><strong>Issue:</strong> 1.4. Bringing high density housing back downtown will diversify housing stock available within the City, will not contribute to urban sprawl and degradation of agricultural lands, and will stimulate the continued revitalization of the downtown area by creating a mixed-use environment with both peak and off-peak hours usage. <strong>Action:</strong> 1.4. Support development of state and federal funding sources to provide financing for high density housing projects in core downtown areas. Support legislation that would create incentives to developers who create high density housing in core downtown areas.</td>
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<tr>
<td><strong>V.A.3.</strong> Create housing opportunities and choices for a range of household types, family sizes and incomes. <strong>V.A.3.b.</strong> Increase multi-family residential and affordable housing inventory.</td>
<td><strong>Issue:</strong> 1.5. As the price of housing increases, fewer residents can afford to buy houses and the inventory of available multi-family housing diminishes. An adequate housing inventory to meet the City’s varied and diverse housing needs is critical. <strong>Action:</strong> 1.5. Support development of state and federal funding sources to provide incentives to encourage construction of multi-family housing.</td>
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## 2. Land Use and Planning

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<tr>
<td>V.A.6. Preserve open space, farmland, natural beauty, historic buildings, and critical environmental areas.</td>
<td><strong>Issue:</strong> 2.1 Sustaining California’s economy and environment in a way that ensures quality-of-life for all residents requires innovative thinking and a balanced, integrated, and inclusive approach. A statewide Growth Management Policy should be considered. <strong>Action:</strong> 2.1 Encourage the State Legislature to adopt a statewide policy for growth management.</td>
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<td>V.A.7. Reinvest in and strengthen existing communities and achieve more balanced regional development.</td>
<td><strong>Issue:</strong> 2.7 Reinvest in and strengthen existing communities and achieve more balanced regional development.</td>
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<tr>
<td>I.B.1.b. Form regional partnerships for water and wastewater development. I.B.1.b.(1) Assemble water and wastewater Task Forces with area agencies and seek funding/buy-in from governing bodies.</td>
<td><strong>Issue:</strong> 2.2. Unrestrained and/or inadequately planned-for urban growth will stretch current water resources to the limit in the not-too-distant future. Finite water resources will soon play a much larger role in land use planning. It is imperative that local government entities and regional government entities work together to ensure we will have adequate water resources for our future. <strong>Action:</strong> 2.2. Support federal and state funding targeted towards regional and inter-regional water resource planning efforts and related land use planning.</td>
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<td>III.A.2. Incorporate Smart Growth principles as part of transportation planning.</td>
<td><strong>Issue:</strong> 2.3. New demographic and economic realities pose challenges and opportunities for more efficiently linked land use and transportation strategies. When planned in concert with other regional strategies, transportation infrastructure can be used to channel growth in a more efficient and environmentally sensitive manner. <strong>Action:</strong> 2.4. Support a statewide study to strengthen the linkages between regional transportation planning and land use planning that seeks recommendations from local governments.</td>
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<tr>
<td>V.B.1. Achieve an equitable jobs-housing balance and avoid fiscal strains of leapfrog development. X.A.2.c.(2). Attract new industries that are &quot;commuter employers&quot;.</td>
<td><strong>Issue:</strong> 2.5. The Central Valley has an imbalance in the ratio of jobs available compared with increasing residential growth. This jobs-housing imbalance exerts pressure on both transportation infrastructure, as local residents must commute outside of the local area to find employment, and upon air quality. <strong>Action:</strong> 2.5. Support federal and state funding targeted towards correcting the imbalance in jobs available compared with residential growth locally and in the Central Valley.</td>
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# 2. Land Use and Planning

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| III.B.2. Address transportation funding issues. | **Issue:** 2.6. Increasing demands for local residential housing production place a heavy burden on existing transportation infrastructure.  
**Action:** 2.6. Support development of state programs that would provide funding for construction of new transportation infrastructure and upgrades within communities experiencing explosive residential growth. |
| V.A.8. Make development decisions predictable, fair and cost-effective.  
V.I.A. Seek external funding sources to improve revenue stream. | **Issue:** 2.7. Local governments often plan and approve land uses that compete with other jurisdictions (1) in order to increase tax revenues to meet growing demands for social and other municipal services, and (2) because of unreliable alternative sources of funding.  
**Action:** 2.7. Support changes in state legislation to provide local government with a stable revenue base in order to reduce the fiscalization of local land use policies. |
| V.I.A.1. Develop an equitable distribution of revenues in a mutually beneficial binding agreement. | **Issue:** 2.8. Local jurisdictions are in the best position to judge appropriate land uses within their own spheres of influence (SOI). Development that occurs within a city’s SOI prior to annexation, without approval from the city, often results in a conflict with the city’s General Plan and/or zoning standards upon annexation. The development of commercial and/or industrial uses within a city’s SOI can also result in the inadequate distribution sales tax revenues.  
**Action:** 2.8. Support legislation which would prohibit the issuance of building permits or land use approval in a city’s sphere of influence without an agreement between the city and the county. |
| V.A.6. Preserve open space, farmland, natural beauty, historic buildings, and critical environmental areas.  
V.A.7. Reinvest in and strengthen existing communities and achieve more balanced regional development.  
V.A.7.a. Upgrade infrastructure and target infill areas for development. | **Issue:** 2.9. To preserve agriculture and reduce urban sprawl, residential growth should be directed to the incorporated areas within each county.  
**Action:** 2.9. Support legislation that would allow a city to control any increase in the intensity of land use within a city’s general plan area. Support legislation that would grant LAFCO the jurisdiction over new development in unincorporated areas of county. |
## City of Modesto 2004-2005 Legislative Platform

### 3. Finances

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<tr>
<td>VI.I.A.1. Proactively seek state and federal funding for local projects.</td>
<td><strong>Issue:</strong> 3.1. Timely and accurate receipt of revenues and grants from the county, state and federal agencies protects the financial stability of and revenue projections for municipalities.&lt;br&gt;&lt;br&gt;<strong>Action:</strong> 3.1.a. Support efforts that would provide greater accountability on the part of counties, state and federal agencies for the distribution of funds to municipalities, including but not limited to fines and forfeitures.&lt;br&gt;&lt;br&gt;<strong>Action:</strong> 3.1.b. Support legislation to improve collection capabilities for cities and counties.</td>
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<td>Issue: 3.2. State law authorizes counties to charge property tax administration fees. These fees reduce revenues for cities.&lt;br&gt;&lt;br&gt;<strong>Action:</strong> 3.2. Support the repeal or reimbursement of property tax administration collection fees.</td>
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<td>Issue: 3.3. In the recession of the early 1990s, the state of California reduced property tax distributions to cities and counties. To make up for part of the shortfall, counties passed along costs to cities. Some counties, including Stanislaus County, charged cities booking fees for prisoners placed in county jail facilities. These additional fees were difficult for cities to afford. In addition, these fees are unfair, as residents of cities are charged for booking services, while residents of unincorporated areas are not.&lt;br&gt;&lt;br&gt;<strong>Action:</strong> 3.3. Support legislation to increase reimbursement and funding necessary for the management and booking of prisoners.</td>
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<td>Issue: 3.4. Local governments pay millions of dollars annually to support the Public Employees’ Retirement System (PERS). This fund should not serve as a slush fund for state government and the policies which govern distribution should be determined by the agencies which pay into the fund, not by the state.&lt;br&gt;&lt;br&gt;<strong>Action:</strong> 3.4. Oppose legislation or actions by the Public Employees’ Retirement System (PERS) Board which change PERS programs to benefit the state at the financial expense of local agencies.</td>
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### 3. Finances

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| VII.A.2. Reevaluate sales tax agreement with County to increase revenue base. | **Issue**: 3.5. Local agency control over policy and resource decisions is vital so that citizens may have an active voice in local government and local agencies can serve as stewards of public resources.  
**Action**: 3.5.a. Oppose any further shift that would make local agencies more dependent on the state for financial stability and policy direction.  
**Action**: 3.5.b. Oppose the shift of any city taxes or fees to any other jurisdiction. |
|  | **Issue**: 3.6. Unfunded mandates by the state and federal government add to local costs and can impact our ability to perform essential government services.  
**Action**: 3.6. Oppose state and federal programs [unfunded mandates] unless funding is provided to support these programs. |
|  | **Issue**: 3.7. Local governments rely upon fees, taxes and other revenue sources for fiscal solvency.  
**Action**: 3.7. Oppose any change in tax allocations or limitations/restrictions on local control which would negatively effect local government, including potential loss of franchise fees due to Federal efforts to deregulate the utility industry. |
|  | **Issue**: 3.8. Annexations and tax sharing agreements are matters of local interest and authority and are best addressed at the local level.  
**Action**: 3.8. Oppose any requirement that there be a mutual agreement for cities and counties for tax distribution for all annexation proposals. |
|  | **Issue**: 3.9. Over the course of the past 25 years, voter initiatives and state and federal government programs and policies have limited the financial ability of local governments to provide city services. Sales tax has replaced property tax as the primary revenue source for most local agencies.  
**Action**: 3.9. Support comprehensive long-term reform efforts to return to local governments their historical discretionary use of local revenues. Such efforts would include amending or permanently ameliorating the impacts of ERAF, property tax shifts and unfunded mandates. |
## 4. Fire and Emergency Response

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<td>Issue: 4.1. Many older essential building (police and fire stations, hospitals) in California may not survive serious earthquakes because they do not meet necessary construction standards. Local agencies do not have the funding needed to retrofit these buildings. Modesto Fire Station 1 is an example.</td>
<td><strong>Action:</strong> 4.1. Support legislation providing cities and counties with state funding for retrofitting essential buildings (e.g. hospitals, fire, and police) to current earthquake building standards.</td>
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<tr>
<td>H.III.A. Improve levels of emergency response.</td>
<td>Issue: 4.2. During the past 30 years cities have assumed a large role in delivering emergency medical services. In many cases citizens and cities could benefit from public/private partnerships or public delivery systems. However, in most cases counties have the authority and responsibility to determine how emergency medical services are provided and which ambulance companies operate in cities.</td>
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<td>H.IV.A. Improve community access to health services.</td>
<td>Issue: 4.3. Funding enhancements and improvements to public safety systems is difficult for local providers because of the competing demands for the resources that are available. The Federal FIRE act and AB 1022 (Pacheco) are two fire/emergency service examples of pending legislation.</td>
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<td>H.II.K.1.a. Expand the use of Automatic Fire Sprinklers and other prevention technology.</td>
<td>Issue: 4.4. Design and construction standards for schools is a responsibility of the State. Many new schools are being built that do not have automatic fire sprinkler systems. Automatic fire sprinklers are an effective way to reduce fire losses and enhance the safety of students. SB 575 (O’Connell) is a current bill that would require sprinklers. This bill is identical to AB 2115 (Lempert, 2000) that was vetoed by the Governor last year.</td>
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## 5. Economic Development & Business Attraction

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| VIII.A.3.a. Expand and enhance a workforce training and development program. | **Issue:** 5.1. An educated, literate and skilled workforce is an economic stimulant that fosters business attraction and economic development.  
**Action:** 5.1.a. Support funding by the California Department of Education for funding for public adult schools and for worker literacy programs at work sites.  
**Action:** 5.1.b. Support legislation to ensure and coordinate continued funding for programs providing training and job preparation. |
| I.A.1. Our infrastructure is modern, efficient, effective, attractive and cost competitive. | **Issue:** 5.2. Adequate public infrastructure is critical to successful business attraction.  
**Action:** 5.2. Support legislation that provides additional funds for infrastructure or which provides options for financing developer requirements. |
| I.A.2.a. Assure design, installation and maintenance of attractive infrastructure. | **Issue:** 5.3. The state gives a competitive advantage [self help] for state highway funds to jurisdictions which have a sales tax for transportation projects.  
**Action:** 5.3. Support legislation giving cities/counties which have adopted developer fees “Self Help” status. |

**Issue:** 5.4. Additional parking is needed to stimulate economic development in the City’s Downtown Core area.  
**Action:** 5.4. Seek federal funding to assist with the construction of additional parking facilities in the Downtown.
## 5. Economic Development & Business Attraction

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| V.B.1. Achieve an equitable jobs-housing balance and avoid fiscal strains of leapfrog development. | **Issue:** 5.5. The City of Modesto has a jobs-housing imbalance, providing more housing than jobs for our residents. In recent years, this imbalance has been aggravated by escalated Bay Area housing prices that have forced residents to the more affordable Central Valley housing market. The Inter-Regional Partnership was established to seek state funding and other avenues to address this issue.  
**Action:** 5.5.a. Support legislation to increase funding and local flexibility to design and develop economic development programs that would increase job opportunities.  
**Action:** 5.5.b. Support legislation to encourage business creation and expansion.  
**Action:** 5.5.c. Support legislation providing tax credit priority for job generating projects in areas with a jobs-housing imbalance.  
**Action:** 5.5.d. Support legislation that will create a “jobs-housing opportunity zone” eligible for infrastructure incentives and tax-exemption incentives. |
### 5. Economic Development & Business Attraction

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<td>XII.A. Leverage private and public funds to enhance redevelopment.</td>
<td><strong>Issue:</strong> 5.6. Use of redevelopment funds outside of the project area are necessary in order to retain local authority over redevelopment expenditures for housing. <strong>Action:</strong> 5.6. Support legislation to continue receiving credit for redevelopment outside of the project area.</td>
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<tr>
<td>XII.A.5. Evaluate and explore expansion of the Redevelopment Area to include declining / underdeveloped portions of the City (i.e. Yosemite Corridor).</td>
<td><strong>Issue:</strong> 5.7. Local communities such as the City of Modesto rely on the tax base generated by private development in order to fund provision of services for the community. Enterprise Zone designation is an economic development tool that provides regulatory, tax, and other incentives for private investment and employment. <strong>Action:</strong> 5.7. Support legislation designating an enterprise zone within the County of Stanislaus.</td>
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<td><strong>Issue:</strong> 5.8. The California Infrastructure and Economic Development Bank promotes economic revitalization and job creation by issuing tax-exempt and taxable revenue bonds providing financing to public agencies for infrastructure projects (e.g., essential infrastructure for business park developments). Current application procedures are cumbersome and difficult; local communities must often hire a consultant just to get through the application process. In addition, the state legislature has proposed cutting funding to this program. <strong>Action:</strong> 5.8. Support legislation that would make the application process for CIEDB funds easier. Oppose legislation that would cut funding for the CIEDB program.</td>
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# City's Strategic Plan Element

## 5. Economic Development & Business Attraction

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<td><strong>XII.A. Leverage private and public funds to enhance redevelopment.</strong></td>
<td><strong>Issue: 5.9.</strong> Redevelopment activities have proven to be a vital economic development tool in Modesto. Redevelopment Law currently requires redevelopment agencies to use not less than 20% of all tax revenue for low- and moderate-income housing. There have been recent discussions at the State level regarding increasing the affordable housing expenditure requirement to not less than 25% of all tax revenue. A mandatory increase in required deposits to the L&amp;M Housing fund would decrease the amount of funding available for redevelopment purposes by a corresponding amount, thus slowing down the progress that Modesto is making in redevelopment. The L&amp;M Housing Fund grows only when assessed value in the project area increases as the result of revitalization and public investment in infrastructure, and the attraction of new employers, land developers, business tenants, and retail development. In addition, the 20% set-aside is usually a much greater percentage of the “net” amount of tax increment available to an agency after pass-through of a portion of the tax increment to other taxing entities. The housing set-aside is 20% of the “gross” tax increment, but it can be a greater amount of the “net” tax increment after deducting the amount of tax increment shared with pass-through agencies. <strong>Action: 5.9.</strong> Oppose legislation that would amend Redevelopment Law to require any increase in the amount of tax revenue that must be set aside for low- and moderate-income housing.</td>
</tr>
<tr>
<td><strong>XII.A. Leverage private and public funds to enhance redevelopment.</strong></td>
<td><strong>Issue: 5.10.</strong> California Redevelopment Law gives local communities the authority and financing tools to be able to attack problems of urban blight and decay. As such, legislation designed to place unnecessary and burdensome restrictions on local redevelopment efforts should be opposed; and legislation designed to give local redevelopment agencies flexibility and control over how best to utilize tax increment should be supported. <strong>Action: 5.10.</strong> Oppose additional or expanded mandates on redevelopment activities or local authority to allocate redevelopment dollars; Support legislation that provides local redevelopment agencies with flexibility and local control over tax increment allocation.</td>
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## 6. Employee Relations/Workers Compensation

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| **Issue: 6.1.** | In order for the City to prudently plan for the future and remain fiscally healthy, local authority over employee benefit and compensation decisions is necessary.  
**Action: 6.1.** Oppose any measure that would grant employee benefits that would be more properly decided at the local bargaining table. |
| **Issue: 6.2.** | The City desires to maintain local control over all employee disputes.  
**Action: 6.2.** Oppose any efforts that would reduce local control over public employee disputes and impose regulations of an outside agency. |
| **Issue: 6.3.** | Current law provides extensive rights and protections to police officers in the areas of administrative investigations and discipline.  
**Action: 6.3.a.** Oppose efforts to make disciplinary proceedings for police officers similar to criminal proceedings, making it impossible to prove an administrative violation.  
**Action: 6.3.b.** Oppose any expansion to the California Public Safety Officers Procedural Bill of Rights or creation of new Federal “Police Officers Bill of Rights.” Oppose extending these rights to firefighters or to other non-peace officers. |
| **Issue: 6.4.** | The City of Modesto does not participate in Social Security. The associated cost savings allows us to offer competitive salaries and attract well-qualified employees to our workforce.  
**Action: 6.4.** Oppose any form of mandatory Social Security Coverage for local government employees, who already enjoy superior retirement benefits. |
| **Issue: 6.5.** | Current law only requires local governments to pay for Medicare coverage for employees hired on or after April 1, 1986. The City does not pay coverage for any employee hired prior to this date. Our fiscal planning does not include the added costs of providing this benefit to non-covered employees.  
**Action: 6.5.** Oppose expansion of requirement for local governments to pay Medicare coverage for local employees beyond the current requirement of coverage for employees hired after April 1, 1986. |
# City of Modesto
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## 6. Employee Relations/Workers Compensation

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<tr>
<th>City’s Strategic Plan Element</th>
<th>Legislative Issue</th>
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<tbody>
<tr>
<td><strong>Issue: 6.6.</strong> Workers compensation benefits can be cost prohibitive if not monitored, defined and appropriately managed.</td>
<td><strong>Action: 6.6.a.</strong> Support legislation that manages costs of workers compensation benefits for occupational injuries/illnesses. <strong>Action: 6.6.b.</strong> Oppose legislation that expands or extends any presumptions of occupational injury or illness.</td>
</tr>
<tr>
<td><strong>Issue: 6.7.</strong> The Fair Labor Standards Act was originally enacted as a protection for employees in the private sector. For public agencies, it does not take into consideration the nature of public accountability, the generous leave benefits, nor the disciplinary process for exempt employees (particularly supervisors and managers).</td>
<td><strong>Action: 6.7.</strong> Support federal legislation to modify or eliminate FLSA requirements on public agencies.</td>
</tr>
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</table>

## 7. General Government

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<tr>
<th>City’s Strategic Plan Element</th>
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<tbody>
<tr>
<td><strong>Issue: 7.1.</strong> With limited funding for roadway maintenance, cities need to take measures to protect their right of way.</td>
<td><strong>Action: 7.1.</strong> Support legislation to protect the public right of way.</td>
</tr>
<tr>
<td><strong>Issue: 7.2.</strong> Consumers who purchase items through the Internet and via mail order are not charged local sales taxes on their purchases. This practice gives Internet and mail order companies a competitive advantage and, at the same time, restricts the amount of sales tax revenues for local jurisdictions.</td>
<td><strong>Action: 7.2.</strong> Support legislation that fairly assesses local sales taxes for all methods of transaction.</td>
</tr>
<tr>
<td><strong>Issue: 7.3.</strong> In today’s litigious environment, it is critical for public agencies to limit their liability exposure.</td>
<td><strong>Action: 7.3.</strong> Support measures to reform California’s tort system to curtail unreasonable liability exposure for public agencies and restore the ability of public agencies to obtain affordable insurance.</td>
</tr>
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# 8. Transportation & Infrastructure

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<thead>
<tr>
<th>City’s Strategic Plan Element</th>
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<tbody>
<tr>
<td>VII.A.1. Proactively seek state and federal funding for local projects.</td>
<td><strong>Issue:</strong> 8.1. The City of Modesto has hundreds of miles of underground water, sanitary sewer and storm drain pipelines that require maintenance and replacement. In addition, $20 million a year is needed to maintain the City roadways; approximately $5 million a year is budgeted. Federal and State money is needed to assist in maintaining the existing infrastructure and for its operation. <strong>Action:</strong> 8.1.a. Support legislation that enhances resources for local jurisdiction to maintain and operate their infrastructure. <strong>Action:</strong> 8.1.b Proposition 42 devotes sales taxes paid on gasoline to highway and transit improvements but this proposition contains a loophole which allows for the State to borrow from these funds. Support legislation that will close this loophole and make it impossible for the State to borrow from these funds.</td>
</tr>
<tr>
<td><strong>Issue:</strong> 8.2. Federal and State funding is allocated to the City, but can only be spent on specific streets with large volumes of traffic, and restricted corridors cannot be widened. <strong>Action:</strong> 8.2. Support legislation that provides increased local control over spending on streets and highways.</td>
<td></td>
</tr>
<tr>
<td><strong>Issue:</strong> 8.3. Contractors have the ability to file construction claims on a project due to additional work, time of days, profit loss, etc. Some claims are filed only to negotiate a settlement. If the City wins the claim, the contractor shall pay for legal fees defending the City. <strong>Action:</strong> 8.3. Support State legislation that would make contractors financially responsible for costs incurred by local agencies in response to defending frivolous construction claims.</td>
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</tr>
<tr>
<td><strong>Issue:</strong> 8.4. When the City secures property in Stanislaus County, the County must approve of the acquisition, and if necessary allow the City the right to proceed with eminent domain. <strong>Action:</strong> 8.4. Support legislation amending Section 1810 of the Streets &amp; Highway Code relating to acquisition of property outside boundaries in unincorporated areas, deleting the requirement that counties must consent to such acquisition, and thereby “leveling the playing field” for cities.</td>
<td></td>
</tr>
<tr>
<td>VII.A.1. Proactively seek state and federal funding for local projects.</td>
<td><strong>Issue:</strong> 8.5. A new and expanded Bus Maintenance Facility is needed to replace the existing one, which is undersized and in very poor condition. Approximately half of the funds needed for the new facility have been earmarked in the federal budget. City staff is planning to begin construction in May 2002 Summer 2004. However, construction cannot proceed unless the project is fully funded.</td>
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### 8. Transportation and Infrastructure

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<thead>
<tr>
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<tbody>
<tr>
<td><strong>Issue:</strong> 8.5.</td>
<td>Support measures to finance local transportation facilities including the balance for the Bus Maintenance facility.</td>
</tr>
<tr>
<td><strong>Action:</strong> 8.5.</td>
<td></td>
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<tr>
<td><strong>Issue:</strong> 8.6.</td>
<td>The Modesto/City County Airport is updating the Airport Master Plan to consider the extension of runway RW10L/28R. Wilson and Orville Wright Elementary schools are approximately one-half mile from the airport runways, and Wilson Elementary will be closer if the runway is extended.</td>
</tr>
<tr>
<td><strong>Action:</strong> 8.6.</td>
<td>Oppose legislation that prohibits airport expansion when the existing facility is within close proximity (e.g., two miles) of a proposed or established public school site.</td>
</tr>
<tr>
<td><strong>Issue:</strong> 8.7.</td>
<td>When property is listed for sale, property owners should be required to include a disclosure on the property deed, when a parcel is within Modesto City/County Airport’s area of influence. The area of influence should not be smaller than suggested in the Caltrans Aeronautics’ Airport Land Use Planning Handbook.</td>
</tr>
<tr>
<td><strong>Action:</strong> 8.7.</td>
<td>Support legislation that requires property owners to provide a Notice of Public Disclosure of the proximity of an airport if the property is next to or near an airport. In addition, support Caltrans’ Airport Land Use Planning Handbook’s latest edition to prevent incompatible property development when the property lies within an airport’s Runway Protection Zones, Inter Safety Zones, Inter Turning Zones, Outer Safety Zones, Sideline Safety Zones, and/or Traffic Pattern Zones.</td>
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<tr>
<td><strong>Issue:</strong> 8.8.</td>
<td>Aviation fuel is taxed. These taxes should be used at the airport for airport services and aviation.</td>
</tr>
<tr>
<td><strong>Action:</strong> 8.8.</td>
<td>Oppose legislation that would allow taxes collected from aviation fuel sales to be used for any other purpose than airport and aviation.</td>
</tr>
<tr>
<td>VII.A.1.</td>
<td>Proactively seek state and federal funding for local projects.</td>
</tr>
<tr>
<td><strong>Issue:</strong> 8.9.</td>
<td>City growth requires new transportation corridors and utility extensions. An expressway/beltway will provide efficient travel around the perimeter of the City. In addition, existing improvements, such as water, sanitary sewer, storm drains, streets, public transit and lighting, need to be operated and maintained. Improvements to these facilities are needed to continue their required functions.</td>
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<tr>
<td><strong>Action:</strong> 8.9.</td>
<td>Support legislation that provides additional funding to improve transportation, public transit and the existing infrastructure in the City and region.</td>
</tr>
<tr>
<td>III.B.2.</td>
<td>Address transportation funding issues.</td>
</tr>
<tr>
<td><strong>Issue:</strong> 8.10.</td>
<td>Adequate funds are necessary for the proper development of Modesto City-County Airport. Legislation at both the federal and state level should promote the maximum use of funds available in the aviation trust fund and state funds derived from aviation sources and services.</td>
</tr>
</tbody>
</table>
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### Issues.

**Action:** 8.10. Support a comprehensive national air transportation strategy that includes adequate, predictable and long-term funding necessary to sustain the planning and financing of airport development and provide adequate aviation facilities for an orderly and safe flow of air traffic.

### 8. Transportation & Infrastructure

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<tr>
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<tbody>
<tr>
<td>III.B.2. Address transportation funding issues.</td>
<td><strong>Issue:</strong> 8.11. The City competes with other jurisdictions for funding that provides traffic signalization, medians, public transit and designated turn lanes.</td>
</tr>
<tr>
<td>VII.A.1. Proactively seek state and federal funding for local projects.</td>
<td><strong>Action:</strong> 8.11. Support legislation to increase transportation funding sources and financial programs to ensure local government receives a reasonable share of competitive funds for congestion relief and transportation systems.</td>
</tr>
<tr>
<td>III.B.3.a. Provide connections from conveniently located park and ride lots to ACE train.</td>
<td><strong>Issue:</strong> 8.12. Modesto City-County Airport has a low activity tower that is staffed by professional air traffic controllers through the Federal Aviation Administration’s Contract Control Tower Program.</td>
</tr>
<tr>
<td>VII.A.1. Proactively seek state and federal funding for local projects.</td>
<td><strong>Action:</strong> 8.12. Support the Federal Aviation Administration’s contract control tower program in order to insure that the safety of the airport, its users and local community is maximized.</td>
</tr>
<tr>
<td>III.B.6. Reduce transportation impacts on air quality</td>
<td><strong>Issue:</strong> 8.13. Currently a proposal is being reviewed to bring the Altamont Commuter Express (ACE) train to Modesto. The state budget includes $8 million specifically for an extension of ACE to Stanislaus County. The City of Modesto currently provides shuttle bus service to the ACE train Station in Lathrop/Manteca.</td>
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<td><strong>Action:</strong> 8.13. Support legislation and funding to extend the Altamont Commuter Express Train to Modesto.</td>
</tr>
<tr>
<td></td>
<td><strong>Issue:</strong> 8.14. The California Air Quality Board has adopted regulations restricting and controlling public transit operations with increasingly rigid air quality standards. These regulations can and will impact the operational costs of providing public transit service.</td>
</tr>
<tr>
<td></td>
<td><strong>Action:</strong> 8.14. Support legislation that provides additional funding to assist public transit systems in meeting air quality standards. Oppose legislation that will mandate any single operational practice or use of fuel. Support legislation that allows city transit agencies flexibility in meeting air quality standards.</td>
</tr>
</tbody>
</table>
City of Modesto  
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</table>
| VII.A.1. Proactively seek state and federal funding for local projects. | **Issue**: 8.15. The most difficult to predict operational cost for public transit operations is the cost of fuel.  
**Action**: 8.15. Support legislation to provide supplemental funding to transit agencies to cover unexpected increases in fuel prices. |
| VIII.A.1. Proactively seek state and federal funding for local projects. | **Issue**: 8.16. The City of Modesto Transit Services is dependent upon federal and state funds for capital and operating expenses. Expansion of service is dependent on federal and state funds.  
**Action**: 8.16. Support legislation and funding that protects existing transit revenues from both state and federal budget cuts. Support appropriations of addition federal and state funds to public transit systems. |
| | **Issue**: 8.17. Protection of existing and future water sources.  
**Action**: 8.17. Support legislation, which enhances resources for local jurisdiction to maintain and operate their infrastructure. |
| | **Issue**: 8.18. Local governing bodies are in the best position to understand local circumstances. Decisions regarding land use should be based upon local criteria such as public safety, aesthetics, and economic and community development.  
**Action**: 8.18. Support legislation that provides increased local control over spending on streets and highways. |
| | **Issue**: 8.19. Every effort should be made to discourage frivolous lawsuits against municipalities.  
**Action**: 8.19. Support State legislation, which would make contractors financially responsible for costs incurred by local agencies in response to defending frivolous construction claims. |
| | **Issue**: 8.20. Section 1810 of the Streets & Highway Code provides that a City may acquire, or purchase or eminent domain, property outside its boundaries, if it is necessary to connect or widen the existing streets of the city and if the county consents to the acquisition.  
**Action**: 8.20. Support legislation amending Section 1810 of the Streets & Highway Code deleting the requirement that counties must consent to such acquisition and thereby “leveling the playing field” for cities which can be required to accept such streets. |
### 9. Environment

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<tr>
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<tbody>
<tr>
<td><strong>Issue:</strong> 9.1.</td>
<td>Air quality credits impact a region’s ability to attract and retain business.</td>
</tr>
<tr>
<td><strong>Action:</strong> 9.1.</td>
<td>Oppose air quality legislation for the San Joaquin Basin which gives a competitive edge or any particular advantage to any individual county in regards to offset credits.</td>
</tr>
</tbody>
</table>

| I.C.1.b. Protect water supply from storm drainage contamination. | **Issue:** 9.2. | Stormwater pollution prevention efforts such as best management practices and maximum extent practicable are effective water quality protective measures. |
| **Action:** 9.2. | Support amendments to the 1987 Clean Water Act that would clarify that numerical effluent standards do not apply to NPDES Stormwater Discharge Permits and that “Maximum Extent Practicable” (MEP) is the standard for stormwater discharges. |

| **Issue:** 9.3. | Remediation of groundwater contamination should be the financial responsibility of the entity responsible for the upstream-contaminated discharge. |
| **Action:** 9.3. | Support legislation, which amends the Porter Cologne Water Quality Act in such a way that the local governments would not be held accountable to assess and remediate water contamination (such as PCE in the case of Turlock) by the sole virtue of being the discharger of water contaminated by a second party. |

| **Issue:** 9.4. | Environmental fees should be based on the service levels provided by the revenue-seeking agency. |
| **Action:** 9.4. | Support legislation, which repeals Fish and Game filing fees, unless these fees are clearly related to the level of service provided by the Department of Fish and Game in promptly reviewing environmental documents. |

| **Issue:** 9.5. | Current CEQA rules and regulations are sufficient for adequate protection of the environment. |
| **Action:** 9.5. | Support legislation, which minimizes, or streamlines, project level environmental review (particularly cumulative effects and growth inducing effects), if key issues have already been adequately addressed at the “Master EIR” or “Program EIR level. |
### 9. Environment

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<tr>
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| II.B.2. Establish a city/county hazardous waste team to coordinate the use and disposal of hazardous materials, particularly in the case of emergencies. | **Issue:** 9.6. State and local governments must have an influence on the designation of hazardous material sites since the local level is most impacted.  
**Action:** 9.6. Support legislation such as HR 3000 to provide a role for state and local government for designation of hazardous waste sites. |

### 10. Solid Waste

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| II.C. Maximize recycling and recovery participation through education and program assessment and development. | **Issue:** 10.1. The Waste-to-Energy Facility generates electricity by diverting garbage that otherwise would be disposed of in the landfill and converting it into power.  
**Action:** 10.1. Oppose legislation, which would limit or reduce recycling credits for Waste-to-Energy projects in California. |
| II.C.3. Develop and implement new programs which will increase resource recovery and diversion. | **Issue:** 10.2. To assist in meeting diversion goals, local recyclers must have end markets for their products.  
**Action:** 10.2. Support legislation, which would enhance or provide market incentives for recycling materials (e.g., plastics, compost). |
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### 10. Solid Waste

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<tbody>
<tr>
<td><strong>II.D.</strong> Develop market for co-compost materials to allow for all biosolids to be utilized in the co-compost product.</td>
<td><strong>Issue:</strong> 10.3. The recycling and composting of greenwaste and bio-solids increases waste diversion from landfills, and its reuse provides an excellent source of viable material for land and beautification use. <strong>Action:</strong> 10.3. Oppose legislation limiting reuse of greenwaste, bio-solids, or compost material.</td>
</tr>
<tr>
<td><strong>II.D.1.</strong> Continue use of green waste materials in co-composting operation to dispose of biosolids and expand markets for the co-compost.</td>
<td><strong>Issue:</strong> 10.4. In order to continue to provide quality service and to keep costs as low as possible for the rate payers, local jurisdictions must have flow control authority. <strong>Action:</strong> 10.4. Oppose legislation that would limit the local jurisdiction’s authority by the County to regulate or direct municipal solid waste.</td>
</tr>
</tbody>
</table>
| **II.C.2.** In accordance with AB939 regulations, prepare a resource recovery assessment that includes:  
  - reevaluation of recycling program  
  - green waste strategies  
  - composting | **Issue:** 10.5. The land application of bio-solids and bio-solids compost has been demonstrated to be safe when done in accordance with State and Federal regulations. **Action:** 10.5. Support legislation which would prohibit counties from imposing outright bans or overly restrictive ordinance that would impose de-facto bans on the land application of bio-solids or bio-solids composts. |
| | **Issue:** 10.6. Waste diversion, through recycling and source reduction, should be monitored for consistency according to each jurisdiction’s existing programs and demographics. **Action:** 10.6. Oppose legislation, which would increase diversion mandates above 50%. |
## 10. Solid Waste

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<td></td>
<td><strong>Issue:</strong> 10.7. Hazardous electronic discards are an increasing problem, with over a million computers becoming obsolete in California each year. Cathode ray tubes from computers, televisions, camcorders, and other items contain lead and other materials that can pose hazards to human health and the environment and are prohibited from disposal in Class III landfills.</td>
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<td><strong>Action:</strong> 10.7. Support legislation requiring computer and other hazardous electronics producers to operate or fund comprehensive programs whereby products are sustainably designed and labeled, as well as legislation that creates a convenient collection infrastructure that will result in a high rate of recovery and maximizes environmentally sound reuse and recycling of such hazardous electronics products.</td>
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## 11. Water Supply/Management

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<td><strong>Issue:</strong> 11.1. The City’s ability to protect its groundwater reserves is impacted by the ability to secure rights to surface water and groundwater reserves.</td>
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<td><strong>Action:</strong> 11.1. Support measures, which increase water supply or improve water quality within the city/region.</td>
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<td><strong>Issue:</strong> 11.2. Conservation of resources is a responsibility of all, including local government.</td>
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<td><strong>Action:</strong> 11.2. Support legislation that will encourage the use of drought tolerant plant material and water conservation techniques.</td>
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<td><strong>Issue:</strong> 11.3. Support water management strategies that are financially as well as scientifically responsible.</td>
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<td><strong>Action:</strong> 11.3. Oppose mandatory groundwater management unless it is reasonable and the management reflects the representative views of all agencies which will be regulated, particularly local government.</td>
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### City’s Strategic Plan Element

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#### Issue: 11.4. Water providers must comply with drinking water standards established at both the State and Federal level.

**Action:** 11.4. Support a fiscally and environmentally responsible reauthorization of the Safe Drinking Water Act.

#### VII.A.1. Proactively seek state and federal funding for local projects.

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#### Issue: 11.5. Support water management strategies that are financially as well as scientifically responsible.

**Action:** 11.5. Support measures that will fund water management improvements.

#### Issue: 11.6. Proposed legislation, Assembly Bill No. 2572, requires urban water suppliers to install water meters by 2025 on all service connections constructed before 1992. It further requires urban water suppliers to charge customers who have meters installed based upon the volume of water deliveries. This charge must be set in place by 2010. The bill provides no state funding mechanism for meter installation, but provides for urban water providers to recover these costs from rates, fees or charges.

**Action:** 11.6. Support AB No. 2572. Citywide metering extends the life of the water system, promotes conservation and eliminates inequities associated with a flat rate structure.

### 12. Communication/Technology

#### City’s Strategic Plan Element

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#### IV.B.1. Seek state, federal and private grant funding for technology.

**Issue:** 12.1. Cities must have the authority to zone and plan for the deployment of telecommunications infrastructure and to maintain and manage the public rights-of-way and receive compensation for its use.

**Action:** 12.1. Support State and Federal legislation to reaffirm home rule in oversight and revaluation of telecommunication entities, using public right-of-ways and affecting conditions addressed by local planning and land use policies.

#### IV.B.2. Identify potential public/private technology partnerships.

**Issue:** 12.2. Technology fuels economic development. That said, it is unlikely that local funding alone will accomplish the level of investment necessary to recognize all the benefits of the “information superhighway.”

**Action:** 12.2. Support legislation to fund telecommunication planning and implementation.
IV.B.1. Seek state, federal and private grant funding for technology.

IV.B.2. Identify potential public/private technology partnerships.

<table>
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<tr>
<th>Issue: 12.3. Geographic Information Systems (GIS) is a computerized mapping system that allows for the computerized inventory of infrastructure and other city assets. It provides an easy means for graphically presenting information, enhances the planning process, and promotes the sharing of information between agencies.</th>
</tr>
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<tbody>
<tr>
<td>Action: 12.3. Support legislation to fund GIS to better manage regional resources, respond to emergencies and plan for growth.</td>
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### 13. Energy

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<tbody>
<tr>
<td>VII.A.1. Proactively seek state and federal funding for local projects.</td>
<td><strong>Issue:</strong> 13.1. Numerous bills have been introduced during the 2001 legislative session to deal with the energy situation facing California consumers. Earlier this year, the League of California Cities adopted policy positions related to this issue. These policy statements will focus the League’s efforts as all of these bills start moving through the process. The Modesto City Council, at their meeting of April 10, 2001, agreed to adopt these policy statements as part of their legislative platform when it is brought forward. The following Actions summarize the aforementioned policy statements.</td>
</tr>
<tr>
<td></td>
<td><strong>Action:</strong> 13.1.a. Support conservation recommendations proposed by the League and California State Association of Counties.</td>
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<td><strong>Action:</strong> 13.1.b. Support legislation that provides direct funding for conservation and demand reduction projects in city facilities; seek grant or loan funding for essential services (i.e., police/fire, water/wastewater) to purchase new or replace existing back-up generators that are more energy efficient and less polluting.</td>
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<td><strong>Action:</strong> 13.1.c. Support incentives that stimulate development and siting of more energy generation facilities.</td>
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<td><strong>Action:</strong> 13.1.d. Support legislation that increases the threshold at which a city is the lead permitting agency for an energy facility from 50 to 100 MW (or above) and oppose legislation which decreases the threshold.</td>
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<td><strong>Action:</strong> 13.1.e. Support not getting directly involved with proposals to streamline the facility approval process except to suggest revisions which reflect technical comments from city experts on local government review and comment related provisions.</td>
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<td><strong>Action:</strong> 13.1.f. Support actions to exempt cities with municipal utilities completely from the Energy Commission review process for all power plant proposed within their jurisdiction, regardless of the size of the facility.</td>
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<td></td>
<td><strong>Action:</strong> 13.1.g. Support not getting directly involved in legislative discussions and take no position on legislation to relax, suspend, or eliminate environmental regulations except to ensure that cities do not bear the burden of meeting the shortfall in environmental protection.</td>
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<td></td>
<td><strong>Action:</strong> 13.1.h. Support all bills that enhance the public power options available to cities and counties.</td>
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</tbody>
</table>
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**Action:** 13.1.i. Support attempts to ensure that resolution of the energy shortage seeks equity for ratepayer classes and communities.

**Action:** 13.1.j. Ensure that police and fire facilities are appropriately protected either legislatively or administratively if the range of exempted facilities is expanded; seek legislation or administrative resolution to giving advance notification to those businesses that use hazardous materials which could pose a danger if the plant is not shut down properly.

**Action:** 13.1.k. Support efforts to determine whether market abuse occurred and asking that appropriate action be taken to remedy the problem if illegal activity did occur.

14. Public Safety

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<tr>
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<tr>
<td>Issue: 14.1. The Modesto Police Department, like other municipal law enforcement agencies, spends an inordinate amount of time enforcing federal and state drug laws. In many drug cases, assets of responsible can be seized and after due process can be sold, with the proceeds going to local criminal justice agencies involved in the responsible’s arrests and prosecutions.</td>
<td><strong>Action:</strong> 14.1. Support measures which would provide a greater share of seized assets to localities.</td>
</tr>
<tr>
<td>Issue: 14.2. Driving under the influence of alcohol/drugs constitutes a dangerous crime to the Modesto citizenry and DUI laws are strictly enforced by the Modesto Police Department. Each and every DUI arrest by the Modesto Police Department is a significant drain on public safety resources for the City.</td>
<td><strong>Action:</strong> 14.2. Support efforts which allow local agencies to recover from the guilty party in accidents involving driving under the influence of drugs and/or alcohol.</td>
</tr>
<tr>
<td>Issue: 14.3. Fines and forfeitures are a traditional source of revenue for local law enforcement. These revenues have been eroded for municipal government through the passage of State law that allow numerous state or county charges, penalties or assessments to be levied against those fines and forfeitures.</td>
<td><strong>Action:</strong> 14.3.a. Oppose attempts to transfer more fine and forfeiture funds to counties. <strong>Action:</strong> 14.3.b. Oppose legislation which allows state or county charges, penalties or assessments to be levied in lieu of or to replace actual fines and forfeitures.</td>
</tr>
<tr>
<td>Issue: 14.4. Illegal drug trafficking, manufacture, sales and use are crimes in themselves and are also linked to other crimes that consume vast amounts of law enforcement resources. Prevention of illegal drug use is the most cost effective and efficient method to reduce drug and drug-related crime.</td>
<td><strong>H.I.B.6. Assess Drug Enforcement Efforts and minimize duplication of</strong></td>
</tr>
</tbody>
</table>

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City of Modesto
2004-2005 Legislative Platform

minimize duplication of efforts (SDEA, MNET, etc.).

| Action: 14.4. Support legislation encouraging, establishing, or enhancing drug use prevention programs and policies. |

---

14. Public Safety

<table>
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<tr>
<th>City’s Strategic Plan Element</th>
<th>Legislative Issue</th>
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| **Issue: 14.5.** Graffiti is a blight to Modesto’s community appearance; it is a crime of vandalism; and, it may incite gang action and/or retaliation. | **Action: 14.5.** Support additional legislation to fight graffiti which would:  
1) Expand parental responsibility.  
2) Prohibit the issuance of a driver’s license to anyone under the age of 18 who has been convicted of graffiti offenses.  
3) Require publication of names to anyone arrested for graffiti offenses. |
| **Issue: 14.6.** The City of Modesto currently faces the cost of retrofitting the old Police Building into a patrol operations facility. The costs for this remodel/retrofit are high, in part due to the state requirements to bring the building to current earthquake building standards. | **Action: 14.6.** Support legislation providing cities and counties with State funding for retrofitting essential buildings (for examples: hospitals, fire and police buildings) to current earthquake standards. |
| VII.A.1. Proactively seek state and federal funding for local projects. | **Issue: 14.76.** City of Modesto law enforcement costs continue to escalate due to the costs of necessary police personnel, the need for more sophisticated technological police equipment, the need for effective juvenile crime prevention programs and the existence of clandestine methamphetamine labs in the area.  
**Action: 14.76.a.** Support Federal legislation to continue funding the Omnibus Crime Bill for the benefit of Modesto communities (for law enforcement officers and equipment).  
**Action: 14.76.b.** Support legislation that will increase funding for public safety technology improvement.  
**Action: 14.76.c.** Support legislation and increased funding for juvenile crime prevention and abatement programs.  
**Action: 14.76.d.** Support legislation that will reimburse agencies responsible for identifying, tagging and removing waste from illegal drug labs. |
<table>
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<tr>
<th>City’s Strategic Plan Element</th>
<th>Legislative Issue</th>
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<tbody>
<tr>
<td><strong>Action: 14.76.e</strong> Support legislation that would make Bureau of Narcotics Enforcement Task Force labs available to our jurisdiction for evidence process and drug lab clean-up.</td>
<td></td>
</tr>
<tr>
<td><strong>Action: 14.76.f</strong> Support legislation that would mandate revenue reporting of the State’s 911 Fund, mandate revenue use for 911 systems only, and mandate distribution of all or a finite percentage of the funds to local governmental jurisdictions or communications centers.</td>
<td></td>
</tr>
<tr>
<td><strong>Action: 14.87.g</strong> Support State legislation that protects current City revenues: SLESF (State Law Enforcement Services Fund) CLEEP (California Law Enforcement Equipment Program) Payment of Booking Fees Vehicle License Fees Property Taxes Sales Taxes</td>
<td></td>
</tr>
<tr>
<td>Issue: 14.8</td>
<td>California Proposition 36 also known as the “Substance Abuse and Crime Prevention Act of 2000” currently allows 1st and 2nd time nonviolent, simple drug possession to receive drug treatment instead of incarceration. In a sense this decriminalize drug use and needs to be either repealed or modified. The Drug Court Model is a proven method that has been weakened by Proposition 36.</td>
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<td>---</td>
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<tr>
<td>Action: 14.8a</td>
<td>Support legislation that repeals or significantly modifies Proposition 36.</td>
</tr>
<tr>
<td>Action: 14.8b</td>
<td>Support legislation that facilitates the implementation of the Drug Court Model.</td>
</tr>
<tr>
<td>Issue: 14.9</td>
<td>California’s Three Strike Law is intended to keep repeat violent and serious felony offenders off the streets. The proposed Proposition 66 weakens that law and gives criminals more avenues to avoid life term incarcerations.</td>
</tr>
<tr>
<td>Action: 14.9</td>
<td>Oppose legislation that weakens California’s Three Strike Law</td>
</tr>
<tr>
<td>Issue: 14.10</td>
<td>The current process that local law enforcement agencies must go through to acquire Federal Homeland Security funds is difficult and cumbersome.</td>
</tr>
<tr>
<td>Action: 14.10</td>
<td>Support legislation that facilitates local law enforcement ability to acquire the needed Federal Homeland Security funds.</td>
</tr>
<tr>
<td>Issue: 14.11</td>
<td>Legislation reducing the immunity of local public safety entities for public safety actions such as pursuits, SWAT activities, negotiations, fire suppression and other emergency responses will hinder the ability of City of Modesto public safety departments to protect and to serve the community.</td>
</tr>
<tr>
<td>Action: 14.11</td>
<td>Oppose legislation that reduces immunity for public safety actions i.e. pursuits, SWAT activities, negotiations, fire suppression and general emergency responses.</td>
</tr>
<tr>
<td>Issue: 14.12</td>
<td>There are occasions when the Modesto Police Department works on extreme or extraordinary criminal cases. An example of this is the Scott Peterson murder investigation. These investigations are very costly and can deplete the funds in the department’s budget very quickly.</td>
</tr>
<tr>
<td>Action: 14.12</td>
<td>Support legislation that provides funding support to local law enforcement agencies who work on extreme or extraordinary criminal investigations.</td>
</tr>
</tbody>
</table>
### 15. Parks and Open Space

<table>
<thead>
<tr>
<th>City’s Strategic Plan Element</th>
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</table>
| I.A.2.a (10) Preserve existing park infrastructure, such as tennis courts, buildings, swimming pools, etc. | **Issue:** 15.1 Many of the City’s older parks and facilities are in need of renovation, and some infrastructure has been removed due to its unsafe condition. In addition, many facilities in need of rehabilitation contain asbestos and other toxic materials.  
**Action:** 15.1 Support/encourage legislation that includes funding for general facility rehabilitation and asbestos/toxic material abatement. |
| III.B.5.c Develop the Virginia Corridor as a priority Class I Bikeway | **Issue:** 15.2 The City of Modesto is aggressively trying to meet the regulations on accessibility to its existing facilities. The City is now relying on the use of CDBG funding, which could be better redirected into programs and services.  
**Action:** 15.2 Encourage inclusion to any park related legislation, per capita funds to renovate public recreation facilities to conform to Federal Americans with Disabilities Act (ADA) regulations. |
| IX.B.4. Physically and visually link downtown amenities to the Tuolumne River Regional Park Gateway parcel. C.I.A.4. Seek funding for, and implement the Tuolumne River Regional Park Master Plan | **Issue:** 15.4 The Tuolumne River Regional Park Joint Powers Authority has completed the Master Plan and Environmental Impact Report for the 700+ acre park. The next step is to develop specific plans and related environmental assessments for each park segment. Recently, state funding originally identified for the Tuolumne River Parkway was re-allocated to other projects. In addition, Proposition 40 contains funding for river parkways that has yet to be specifically allocated.  
**Action:** 15.4 Seek support from the City’s lobbyists and legislators to specifically identify the Tuolumne River Regional Park as a line item in Proposition 40 as well as other legislation providing funding for riparian habitat restoration and river parkways. |
A RESOLUTION OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO.2004-1 (VILLAGE ONE #2) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN (ANNEXATION No. 5)

WHEREAS, pursuant to Chapter 3.5 Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”), proceedings for the annexation of territory to an existing community facilities district may, pursuant to Chapter3.5 of the Act, be instituted by the adoption by the legislative body of a resolution of intention to annex such territory; and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-199, adopted on April 6, 2004 (the “Resolution of Formation”), establish the City’s Community Facilities District No. 2004-1 (Village One #2) (“the District”); and

WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation of certain territory to the District; and

WHEREAS, the territory to be annexed is within the City limits;

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto, California, that:

SECTION 1. The above recitals are true and correct.

SECTION 2. The boundaries of the District are shown on a map entitled “Proposed Boundaries of Community Facilities District No. 2004-1 (Village One #2) of the City of Modesto, County of Stanislaus, State of California” on file with the County
Recorder of the County of Stanislaus, at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 85; the map entitled "Proposed Boundaries of Annexation #1 to City of Modesto CFD No. 2004-1 (Village One #2)," on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at page 86 (as amended by the map entitled "Annexation Map No. 1 of Community Facilities District No. 2004-1 (Village One #2)," on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at page 90); the map entitled "Annexation Map No. 2 of Community Facilities District No. 2004-1 (Village One #2)," on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 91; the map entitled "Annexation Map No. 3 of Community Facilities District No. 2004-1 (Village One #2)," on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 96; and the map entitled "Annexation Map No. 4 of Community Facilities District No. 2004-1 (Village One #2)," on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 99.

SECTION 3. The territory proposed to be annexed to the District (the "Territory") is described in Exhibit A.

SECTION 4. The boundaries of the Territory are also shown on the map thereof, entitled "Annexation Map No. 4 of Community Facilities District No. 2004-1 (Village One #2) of the City of Modesto, County of Stanislaus, State of California," on file in the office of the City Clerk, hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of
this Resolution, file the original in her office and, not later than ten days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code, including a reference to the title, book, page and recording date of the original boundary map of the District.

SECTION 5. The public facilities and services to be provided for the District are set forth in the Resolution of Formation. It is intended that these same facilities and services be provided to the Territory.

SECTION 6. The special taxes to be levied in the District are also set forth in the Resolution of Formation. It is intended that the same special taxes be levied in the Territory.

SECTION 7. A public hearing on this Resolution will be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday, December 7, 2004, at the regular meeting place of the City Council, City Council Chambers, Basement Level, 1010 Tenth Street, Modesto, California 95353, such time being not less than 30 or more than 60 days following the adoption hereof.

SECTION 8. At the hearing, any interested persons for or against the annexation of the Territory to the District, and the levy of the special taxes therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the
public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 9. The City Clerk is directed to publish, not later than seven days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being The Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the annexation of the Territory to the District or the levying of the special taxes in the Territory will be heard.

SECTION 10. (a) If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Territory, or the owners of one-half or more of the area of the land in the District and not exempt from the special tax, or the owners of one-half or more of the Territory, file written protests against the proposed annexation, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Territory to the District, or to levy in the Territory the special taxes to be levied in the District, shall be taken for a period of one year from the date of the decision of the Council on the issues discussed at the hearing.

SECTION 11. At the conclusion of the hearing, if the Council determines to annex the Territory to the District, it will submit the levy of the special taxes to the qualified electors of the Territory in a special election.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney
EXHIBIT A

ANNEXATION NO. 5 TO
COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-546

A RESOLUTION APPOINTING DEPUTY CITY MANAGER, GEORGE BRITTON, ACTING CITY MANAGER.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that George Britton, Deputy City Manager, is hereby appointed Acting City Manager.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael Milich, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-547

A RESOLUTION ACCEPTING THE 2003 ANNUAL GENERAL PLAN REPORT AND DIRECTING STAFF TO SUBMIT THE ANNUAL REPORT TO THE STATE OFFICE OF PLANNING AND RESEARCH AND THE STATE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT.

WHEREAS, on August 15, 1995, by Resolution No. 95-408, the City Council certified the Final Master Environmental Impact Report ("EIR") for the Urban Area General Plan (SCH #92052017), and

WHEREAS, a new General Plan for the City of Modesto entitled "City of Modesto Urban Area General Plan", as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 95-409 on August 15, 1995, and


WHEREAS, Government Code Section 65400(b)(1) mandates that all planning agencies submit to their legislative bodies, the Office of Planning and Research, and the Department of Housing and Community Development an annual report on the status of the general plan and progress in its implementation, including the progress in meeting its share of regional housing needs and local effort to remove governmental constraints to the maintenance improvement and development of housing, and
WHEREAS, the Community & Economic Development Department has investigated and summarized all planning activity conducted in the year 2003 and prepared such a report, and

WHEREAS, on October 18, 2004, the Planning Commission held a duly noticed meeting in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, relating to this proposed 2003 Annual General Plan Report, and

WHEREAS, at said meeting, the Modesto City Planning Commission passed a motion recommending the City Council accept the 2003 Annual General Plan report and its submittal to the State Office of Planning and Research and the Department of Housing and Community Development, and

WHEREAS, said matter was set for a meeting of the City Council to be held on October 26, 2004, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said meeting of the Council was held for the purpose of reviewing the proposed 2003 Annual General Plan Report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the 2003 Annual General Plan Report and directs staff to submit said report to the State Office of Planning and Research and the Department of Housing and Community Development as shown on Exhibit “A” attached hereto and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ___________________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ___________________________
MICHAEL D. MILICH, City Attorney
EXHIBIT "A"

2003 ANNUAL GENERAL PLAN REPORT

""
Annual General Plan Progress Report 2003

City of Modesto
Planning Division
Prepared October 2004
2003 Annual Report
on the General Plan

Jurisdiction Name and Address:

Modesto Urban Area General Plan
City of Modesto
1010 Tenth Street, Suite 3300
P.O. Box 642
Modesto, CA 95353

Each Planning agency shall provide an annual report to the legislative body, the Office of Planning and Research, and the State Department of Housing and Community Development on the status of the General Plan and progress in its implementation, including the process in meeting its share of regional housing needs and local efforts to remove governmental constraints to the maintenance, improvement and development of housing. This Report was prepared in a manner consistent with information provide by the State Office of Planning and Research. As there are no specific forms available, it is presented to a large extent, in a textual format.

To the best of my knowledge, the representations and disclosures contained herein are true and correct.

___________________________  __________________________
Date:  Signature of Authorized Representative

Director, Community and Economic Development Department
Title

(209) 577-5267
Telephone Number

City of Modesto  2003 Annual General Plan Report
Purpose

This Annual Report on the Modesto Urban Area General Plan is prepared pursuant to California Government Code Section 65400 (b). The purpose of this report is to update the Planning Commission, the City Council, the Governor’s Office of Planning and Research (OPR), and the State Department of Housing and Community Development (HCD) of the City’s progress in implementing the City’s General Plan and on progress in meeting regional housing needs. The General Plan serves to guide the City’s overall growth for the next twenty years.

Status of the Modesto Urban Area General Plan

The current Modesto Urban Area General Plan was adopted in August 1995. It is internally consistent and complies with California Planning and Zoning Law and the General Plan Guidelines adopted pursuant to Government Code Sections 65300 et seq.

In April 2004, the City adopted an updated Housing Element, which is one component of the General Plan, pursuant to Government Code Section 65588. The Housing Element was certified to be in compliance with State Law by HCD in May 2004.

Progress in Implementation of the General Plan

Implementation of the Modesto Urban Area General Plan is ongoing. Activities generally include processing private development applications, amendments to adopted specific plans and the General Plan. All planning-related applications and development permits including building permits, rezones, parcel maps, and specific plans must be found to be consistent with the General Plan to obtain approval. Where inconsistencies are determined to exist, the Planning Commission and the City Council conduct public discussions to weigh the merits of the proposal as it affects the implementation and integrity of the General Plan.

A summary of various planning applications and efforts during 2003 is provided below. The summary describes applicant-initiated planning activity, City-initiated planning activity, and a discussion of housing policy implementation.

A. APPLICANT–INITIATED PLANNING ACTIVITY

1. General Plan Amendments

The City considered one applicant-initiated general plan amendment, amending small areas on the City’s General Plan Land Use Diagram as described below:

a. An amendment to the Modesto Urban Area General Plan to shift comprehensive planning district boundaries in order to add a 17.4-acre property, located at the northeast corner of Coffee Road and Claratina Avenue, to the North Beyer Park Comprehensive Planning District.
A location map of each of this General Plan Amendments is provided as Map 1.

2. Specific Plan Amendments

In 2003, the City considered two specific plan amendments and commenced efforts to amend the Kiernan Business Park Specific Plan.

a. An amendment to the North Beyer Park Specific Plan to include a 17.4-acre property at the northeast corner of Coffee Road and Claratina Avenue in the North Beyer Specific Plan and designate the site as Church (CH).

b. An amendment to the Village One Specific Plan to allow for a revised Infrastructure Financing Plan, including the formation of a new Capital Facilities District for remaining undeveloped, unvested property in Village One.

c. Efforts to amend the Kiernan Business Park Specific Plan began to accommodate the Kaiser Hospital and Cornerstone Business park project. The project would result in amending the specific plan, an amendment to the City's Sphere of Influence and annexation to the City limits. At the time of writing this report, the project was approved by the City and LAFCO and the annexation of the site was pending recordation.

3. General Plan Conformity Request. There was one applicant-initiated request considered for conformity with the General Plan in 2003.

a. Conformity request for the vacation and abandonment of Beyer Park Drive.

4. Amendments to the Title X of Modesto Municipal Code (zoning code)

a. There were no applicant-initiated requests considered in 2003.

5. Amendments to Standard Specifications. There were no amendments to the City's development standards during 2003.
6. Rezone of land use designations

During 2003, the City considered eight zone changes, listed as follows:

a. Approved to prezone a 17.4-acre property to Specific Plan Overlay (SP-O) at Coffee Road and Claratina Avenue, within the North Beyer Specific Plan.

b. Approved an amendment of Planned Development Zone (483) to redesignate land on the southwest corner of Dale Road and Fleur de Lis from retail to professional office condominiums.

c. Approved to rezone property located on the southeast corner of Briggsmore Avenue and Coffee Road from Low-Density Residential (R-1) Zone and Professional Office (P-O) Zone to Planned Development Zone (559) to allow a 17,800-square-foot medical building and associated off-street parking.

d. Approved to rezone property located between Briggsmore Avenue and St. Paul's Way, east of Oakdale Road from Low Density Residential (R-1) to Planned Development Zone (560) to allow for two dental offices and a sign package for the First Church of the Nazarene.

e. Approved to rezone property located on the northwest corner of West Orangeburg and Martin Avenues from Planned Development Zones (416) and (550) to a new Planned Development (561) to allow for a three-story hotel.

f. Approved to rezone property located on the west side of Carver Road opposite Montclair Drive from Low-Density Residential (R-1) to Planned Development Zone (562) to allow for a 14-unit townhouse, multi-family residential development.

g. Approved to rezone property located on the east corner of 16th and G streets from Planned Development Zone (480) to Planned Development Zone (563) to allow for a two-story professional office building.

h. Approved to rezone property located on the southwest corner of Briggsmore Avenue and Oakdale Road from Planned Development Zone (454) to Planned Development Zone (564) to allow 24,295 square feet of office and a 7,350-square-foot restaurant and an 8,625-square-foot financial/retail building.
7. Precise Plan Amendments

In 2003, the City adopted or amended 9 Precise Plan Areas within the Village One Specific Plan. Precise Plan Areas serve as specific zoning and are intended to implement the Village One Specific Plan. The nine precise plan applications were as follows:

a. Adoption of Precise Plan Area No. 20 of the Village One Specific Plan amending the zoning from Specific Plan Holding (SP-H) to Specific Plan Overlay (SP-O). The area is located on the northwest corner of Roselle and Floyd Avenues.

b. Adoption of Precise Plan Area No. 18 of the Village One Specific Plan amending the zoning from SP-H to SP-O. The area is generally located at the northwest corner of Floyd Avenue and Lincoln Oak Drive.

c. Approval of a Final Development Plan in the Village One Specific Plan Precise Plan Are No. 27 for a twenty-four-unit apartment complex on property located at the northwest and northeast corners of Merle Avenue and Paramount Way.

d. Approval of a Final Development Plan in the Village One Specific Plan Precise Plan Are No. 18 for a 248-unit apartment complex on property located at the southwest corner of Kodiak and Lincoln Oak Drives.

e. Approval of a Final Development Plan in the Village One Specific Plan Precise Plan Are No. 20 for a 248-unit apartment complex on property located at the northwest corner of Floyd and Roselle Avenues.

f. Adoption of Precise Plan Area No. 15 of the Village One Specific Plan amending the zoning from SP-H to SP-O. The property is located at the northwest corner of Kodiak Drive and Bear Cub Lane.

g. Adoption of Precise Plan Area No. 16 of the Village One Specific Plan amending the zoning from SP-H to SP-O. The property is located east of convergence of Hillglen Avenue and Kodiak Drive.

h. Adoption of Precise Plan Area No. 2 of the Village One Specific Plan amending the zoning from SP-H to SP-O. The property is located at the southeast corner of Sylvan Avenue and Oakdale Road.

i. Adoption of Precise Plan Area No. 17 of the Village One Specific Plan amending the zoning from SP-H to SP-O. The property is located at the northeast corner of Floyd Avenue and Oakdale Road.
8. Variances

The City considered three variance applications consisting of three requests to encroach within the setback requirements, listed as follows:

a. Denial of a variance for properties located at 1629 Westridge Place and 1620 Radcliff Avenue. The variance request was to permit an extension of a six-foot high fence into the side-yard setbacks.

b. Approval of a variance to permit a new two-story house with four-foot and six-foot side and rear-yard setbacks respectively on property located at 926 Fourth Street in the R-3 Zone.

c. Approval of a variance to allow a new garage to be built ten feet from the street right-of-way (Lucern Avenue) at 110 Chabot Court.

9. Conditional Use Permits

The City considered 13 conditional use permit (CUP) applications. These CUP applications involved a variety of land use proposals listed below.

a. CUP granted for a parking area on a R-2 lot on Melrose Avenue.

b. CUP granted for a second dwelling at 811 Third Street.

c. CUP granted for Phase I of a 57,000-square-foot office development at Pelandale Avenue and Prescott Road.

d. CUP granted for professional offices at Dale Road and Snyder Avenue.

e. CUP granted to convert an existing duplex and add a new second dwelling unit at 529 Terminal Avenue.

f. CUP granted for a 6-foot Tall Cellular Communications Antenna Facility and Related equipment at 2925 Snyder Avenue.

g. CUP granted for a parking lot at Alma and Audrey Avenues.

h. CUP granted for a combined business identification sign at 3025 McHenry Avenue.

i. CUP amendment to allow an additional modular classroom building at 3337 Coffee Road.
j. CUP granted for an expansion of Bethany Missionary Baptist Church at 3135 Sixth Street.

k. CUP granted for a 48-bedroom residential care/service facility and variance to provide 18 off-street parking spaces, 1932 Evergreen Avenue.

l. CUP granted for a new fire station at Carver Road and Pelandale Avenue.

m. CUP granted to the applicant to occupy an existing building at Sylvan Avenue and Oakdale Road.

10. Plot Plan Applications

The City considered three residential and two commercial Plot Plan applications. They are further described below:

a. Plot Plan approval for property located at the northeast corner of Julian and Fusco Avenues. The Plot Plan application was for the creation and development of two flag lots in the R-1 Zone.

b. Plot Plan approval for property located on 924 Rouse Avenue. The Plot Plan application was for the development of nine additional residential units in the R-2 Zone.

c. Plot Plan approval for property located at 1304 Fiori Avenue. The Plot Plan application was for the development of a second dwelling unit in the R-1 Zone.

d. Plot Plan approval for property located on the west side of Coffee Road opposite Ensenada Drive. The Plot Plan application was for the development of a 2,600-foot office building in the Professional Office (PO) Zone.

e. Plot Plan approval for property located at the northwest corner of Sylvan Avenue and Kingswood Drive. The Plot Plan application is for the development of a 7,500-square-foot medical office building and associated off-street parking.

11. Parcel and Subdivision Map Applications

The City processed 18 parcel map applications and 9 subdivision applications. The subdivision map applications involved 146.91 acres resulting in 678 new lots, a 47% increase over the previous year. The subdivision activity consisted of the following maps.

a. Vesting Tentative Map of Granite Bay Townhouse Subdivision dividing 2.19 acres located at the southeast corner of Carson Oak Drive and Bridgewood Way into 24 lots.
b. Vesting Tentative Map of Mira Loma Subdivision dividing 5.1 acres located on the southeast corner of Encina Avenue and North Conejo Avenue into 24 lots.

c. Vesting Tentative Map of Pelandale Professional Park Subdivision dividing 1.82 acres located at the southwest corner of Dale Road and Fleur de Lis Drive into 16 office condominium lots.

d. Vesting Tentative Map of Hacienda Del Sol Subdivision dividing 50 acres located on the northwest corner of Floyd Avenue and Lincoln Oak Drive into 171 single-family lots and a ten-acre multi-family parcel.

e. Vesting Tentative Map of Village Ranch Subdivision dividing 40 acres located on the northwest corner of Floyd and Roselle Avenue into 138 single family lots and a ten-acre multi-family.

f. Vesting Tentative Map of Udona Grove Subdivision dividing 2.7 acres located on the north side of Chicago Avenue, east of Udona Lane into nine lots and a remainder parcel.

g. Vesting Tentative Subdivision Map of Mesilla Valley Estates Subdivision dividing 1.06 acres located on the north side of Kansas Avenue, east of Garzas Court into 10 lots.

h. Vesting Tentative Map of Kodiak Village Subdivision dividing 50 acres located immediately east of the convergence of Hillglen Avenue and Kodiak Drive into 201 lots.

i. Vesting Tentative Map of Oakdale Road Subdivision dividing 13.5 acres located at the northwest corner of Hillglen Avenue and Wood Sorrell Drive into 93 lots.

A location map depicting the approved tentative subdivisions is included as Map 2.

12. Miscellaneous Development Permits

The City processed nine additional development entitlement permits as follows:

a. Revised Development Plan for Planned Development (P-D)437 to allow outdoor storage on property located on the southwest corner of Carpenter and Torrid Avenues.

b. Revised Development Plan for P-D(451) to allow a Walgreen's Drugstore at the southwest corner of Standiford Avenue and Carver Road.

c. Revised Development Plan for P-D(35) to allow for the addition of a 5,000-square-foot office building on property located on the northwest corner of Celeste and Vera Cruz Drives.
d. Amendment to P-D(133) for addition of two freestanding signs on property located on the north side of Standiford Avenue, west of Tully Road.

e. Revised Development Plan for P-D(470) reducing building square footage and modified Condition No. 3, relating to traffic improvements for property located at the northwest corner of Carpenter Road and Torrid Avenue.

f. Amendment to P-D(73) for a six-story, eight level parking structure and a two-story office building addition on property located at the northeast corner of Coffee Road and Briggsmore Avenue.

g. Vacation and Abandonment of walkway right-of-way between 1333 and 1401 Locke Road.

h. Denial of an appeal for a second-story addition at 928 Enslen Avenue.

i. Denial of an appeal to re-use and existing freestanding sign at 2024 West Orangeburg Avenue.

13. Annexations

Approved the submittal of one annexation application of 17.4 acres located at the northeast corner Coffee Road and Claratina Avenue to the City of Modesto.

14. Building Permit Activity

During 2003, a total of 920 new resident building permits were issued. 844 were for single-family homes and 76 for multi-family units. A total of 44 building permits for new commercial development valued at approximately $36,937,000 were issued. A total of 3 building permits for new industrial development valued at approximately $936,700 were also issued.

15. Summary of Planning Application Activity

A table summarizing the complete applicant initiated planning activity during 2003 is provided below.
**Table A**  
Summary of Planning Application Activity During 2003:

<table>
<thead>
<tr>
<th>Type of Application Activity in 2003</th>
<th>Number of Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Plan Amendments</td>
<td>2</td>
</tr>
<tr>
<td>Specific Plan Amendments</td>
<td>3</td>
</tr>
<tr>
<td>Precise Plan Amendments</td>
<td>9</td>
</tr>
<tr>
<td>Rezones</td>
<td>8</td>
</tr>
<tr>
<td>Variances</td>
<td>3</td>
</tr>
<tr>
<td>Conditional Use Permit</td>
<td>13</td>
</tr>
<tr>
<td>Plot Plan Applications</td>
<td>5</td>
</tr>
<tr>
<td>General Plan Conformity</td>
<td>3</td>
</tr>
<tr>
<td>Amendments to the Zoning Ordinance</td>
<td>1</td>
</tr>
<tr>
<td>Amendments to the Standard Specifications</td>
<td>0</td>
</tr>
<tr>
<td>Miscellaneous Development Applications</td>
<td>9</td>
</tr>
<tr>
<td>Parcel Maps</td>
<td>18</td>
</tr>
<tr>
<td>Annexations</td>
<td>1</td>
</tr>
<tr>
<td>Subdivision Maps</td>
<td>9</td>
</tr>
</tbody>
</table>
CITY OF MODESTO
2003 SUBDIVISION ACTIVITY

9 Subdivisions
146.91 Acres
679 Lots

0 0.75 1.5
Miles

Subdivisions
City Limit

City of Modesto Page 11 2003 Annual General Plan Report
B. CITY INITIATED PLANNING ACTIVITY

During 2003, the City of Modesto also conducted proactive planning activities. These activities focused on a variety of development issues.


On March 4, 2003, the City Council certified the General Plan Master Environmental Impact report (MEIR) update and adopted amendments to the General Plan to approve changes to the Circulation and Transportation Map, School Policy text, Archaeological and Historic Resource Policies, Airport Noise Policy, Employment Estimates in Comprehensive Planning Districts (CPD), combine CPD's to create a Salida CPD consistent with the County General Plan.

2. Housing Element Update

The Community and Economic Development Department in collaboration with the Parks, Recreation and Neighborhoods Department completed a draft of the Housing Element update in 2003. The Housing Element was eventually adopted by the City of Modesto on April 27, 2004 and certified to be in compliance with Housing Element Law by the Housing and State Department of Housing and Community Development on May 11, 2004.

3. Virginia Corridor Specific Plan

The City Adopted the Virginia Avenue Corridor Specific Plan for the Virginia Corridor Trail Project, which is a proposed bicycle and pedestrian trial to be located within 4.2 miles of abandoned Union Pacific Railroad corridor, from Needham Avenue near downtown to Bangs Avenue in the north Modesto.

4. Kansas Avenue Business Park

During 2003, the Community and Economic Development Department drafted a Guide for Development of the Kansas Avenue Business Park. The Guide outlines general design objectives for the Kansas Avenue Business Park, and is also used to reach a consensus for the development envisioned for the area. Work is now underway to complete a specific plan for the property. In addition, staff is also working on a focused environmental impact report for the proposed project. The proposed site is comprised 27 industrially zoned parcels, totaling 94 acres with approximately 45 acres being undeveloped.

5. Kiernan Business Park East

The City held a series of meetings with property owners in the Kiernan Business Park Specific Plan to discuss the preparation of the Kiernan Business Park Implementation Plan. The plan would identify the necessary infrastructure and funding commitments necessary to permit development to occur within the Specific Plan area.
6. Roselle/Claribel Specific Plan, General Plan Amendment and Focused EIR

Staff from various City departments reviewed revised conceptual plans for the development of the Roselle/Claribel Specific Plan area. Oakdale Road, Sylvan Avenue, Roselle Avenue, and the Claratina Expressway border the project area. The Plan would establish the development pattern for approximately 480 acres.

7. Infrastructure Studies

The Public Works Department continued several infrastructure studies to measure the carrying capacity of existing sewer, water, and storm drainage infrastructure along with anticipated impact from the development of new growth areas. The results of these studies are scheduled for completion in 2004.

8. Community Parks

The City began the master plans for two community parks (Grogan Community Park and Sutton Community Park). Preparation of the site plans and the environmental review process for the projects began in 2003 and is expected to be adopted in 2004.


On July 1, 2003, the City Council approved the 2003 Urban Growth Policy Review Report. This report fulfills the Community Growth Strategy identified in the Modesto Urban Area General Plan. The primary purpose of the Urban Growth Policy Review Strategy is to review growth trends in Modesto and provide for the selection of potential areas to be served with urban infrastructure during the ensuing five years. As an end result of the review, the City Council scheduled the following three areas for a Measure M public advisory vote:

a. Johansen/Empire North Comprehensive Planning District (CPD) areas (624 acres).

b. A portion of the Kiernan/Carver CPD (limited to the Waterman and Luchessa properties, consisting of approximately 80 acres).

c. Shackelford Neighborhood (153 acres of existing residential development).

Each of the three areas received a positive advisory vote. Actual annexation and development of these areas will be subject to additional requirements.
C. IMPLEMENTATION OF ENVIRONMENTAL MITIGATION MEASURES

The City continues to require appropriate conditions to mitigate potential impacts to the environment. In association with the 1995 General Plan update, the City adopted a Master Environmental Impact Report (MEIR). The adopted MEIR contained a number of environmental mitigation measures that are triggered when certain criteria are present in or near the project area (e.g.: riparian area, noise contour levels). The City incorporates appropriate mitigation measures identified in the MEIR as conditions of project approval. Several Program Environmental Impact Reports have been prepared and adopted since the adoption of the MEIR in 1995. These documents are also used to augment the mitigation measures listed in the Final MEIR. The City updated the certain components of the Modesto Urban Area General Plan as well as certain components of the MEIR in March 2003 as described earlier.

D. IMPLEMENTATION OF HOUSING POLICY

As part of the Annual General Plan Report, the City is encouraged to report on certain housing conditions as listed in Government Code 65583 and 65584.

1. Local Housing Growth

During calendar year 2003, the region and the City experienced average population and housing unit increases. The City issued 920 permits for new housing units in calendar year 2003. Applying an average density of 2.85 persons per household would increase the City’s population by approximately 2,622 persons during 2003.

2. Local Housing Costs

For the most part, new housing units built during 2003 catered to moderate and above moderate-income households. The median sales price of homes increased from $190,000 to $220,000.

3. Lending Rates

During 2003, mortgage interest rates remained low. This has enabled households to either refinance or afford a new and often larger residence. However, the cost of housing has continued to increase as well.

4. Residential Land Inventory

The City’s vacant residential land inventory has decreased due to housing development around the City’s fringe. At this time, it appears that the City has sufficient land to accommodate average housing construction for the next four years, based on historical growth rates. The ability to provide sufficient infrastructure to serve new development will continue to present a major challenge in the future.
5. Housing Element Update

During 2003, the City continued its efforts to update the Housing Element. The City conducted a series of committee workshops to facilitate the update of the Housing Element. The City contracted with a housing analyst (Cotton/Bridges/Associates) to assist in this effort. The update efforts resulted in a review of housing accomplishments, identification of housing needs, identification of constraints to housing development, and review of housing goals, policies and programs. At the time of writing this report, the State Department of Housing and Community Development found the City’s adopted Housing Element to be in compliance with State Housing Law.

6. 2001-2008 Regional Housing Needs Allocation (RHNA)

During 2002, Stanislaus Council of Governments (StanCOG) developed the 2001-2008 Regional Housing Needs Allocation report. This report was submitted to the State’s Department of Housing and Community Development (HCD) for review and consideration. HCD did not approve StanCOG’s Regional Housing Needs Allocation. The State projected an overall RHNA of 35,000 for the StanCOG area. This resulted in allocation of 15,347 housing units for Modesto.

7. Accomplishments of Federally funded Housing Assistance Programs [HOME and Community Development Block Grant (CDBG)]

The following summarizes accomplishments in fiscal year 2003-2004 under Consolidated Plan goals. In both the Five-Year Consolidated Plan and the One-Year Annual Action Plan, the City of Modesto adopted the national goals that accompany the HUD entitlement grants, as well as prioritizing specific activities within those national goals. Please refer to the chart at the end of this section that provides detail on fiscal year 2003-2004 accomplishments by the type of program within each national goal area.

- **Goal:** Provide decent housing, including assisting homeless persons in efforts to obtain affordable housing, retention of affordable housing stock, and increasing the stock of housing affordable to low- and moderate-income people.

Assessment of Progress: During the year, the City supported this goal through the use of HOME funds for the construction of affordable housing, by providing CDBG funds for the housing maintenance program to preserve existing housing stock, and the use of CDBG and ESG funds for emergency and transitional shelters. Lack of adequate, affordable housing continues to be a major concern in our community. All low-income individuals and families are impacted, especially those with disabilities.

The main funding provided by the City of Modesto for the construction of new affordable housing was the funding to the Housing Authority of Stanislaus County for the construction of Miller Pointe and additional funds...
for the STANCO project located at 3333 Carver. The Miller Pointe project, slated to open in September of 2004, will provide very-low income citizens with psychiatric disabilities with 16 units of housing. The project, co-sponsored by the Housing Authority of Stanislaus County, the County of Stanislaus Behavioral Health & Recovery Services Department, as well as the City of Modesto, is another excellent example of supportive housing in Modesto.

The Carver Road project will add an additional 18 units of affordable apartment complex units to the low-income residents of Modesto. This project is currently under construction, with the opening of the complex slated for January 2005. The City funded both projects with an additional funding of $1,024,831, meeting the goal for Community Housing Development Organization (CHDO) set-aside funds and committing within $100,000 of the amount estimated for HOME direct loans.

The Housing Rehabilitation Program continued to gain momentum in the target areas through the mandatory rehabilitation program areas and Citywide with the Emergency Home Repair Program (EHRP)/Disabled Access Assistance Program (DAAP) as well as the Minor Home Repair Grant Program. Over 52 housing units in the two mandatory target areas were inspected and completed, with 15 units currently in progress. Additionally, 13 housing units were completed under the EHRP/DAAP and 15 inspections and completions took place in the Minor Home Repair Grant Program. These statistics represent a 400% increase in inspections and completions from prior year's accomplishments. Additionally, the Housing Rehabilitation staff inspected 50 housing units in conjunction with the Tenant Based Rental Assistance (TBRA) Program, far exceeding the stated goal. Aid in the amount of $124,973 was provided for the EHRP loans and $25,301 for the Housing Maintenance Program loans in the mandatory target areas. In this area, the goal of completing 36 new inspections was far exceeded as well as the number of EHRP units completed. Due to an increased amount of private financing, the direct loan amount required was down; resulting in an increased number of units completed with less HUD funds. In the housing program, no demolitions were required and only one housing rehabilitation unit required temporary relocations, due to the project scope. No permanent relocation activities were triggered by HUD funds during program year 2003-2004.

The need for emergency and transitional shelters for the homeless continues to grow in our community. The City contracted out all of its Emergency Shelter Grant (ESG) funds to provide shelter needs of the homeless. Unfortunately, ESG funding can only provide for a minimum of the needs in our community, due to the small amount of funds received. In addition to the ESG, a special round of CDBG funding in the amount of $69,000 was allocated to two local agencies to provide emergency winter shelter services. Due to this funding, as well as significant leveraging by the partnership agencies, over 602 homeless residents received housing during the winter season.
Also, City staff continued to work closely with the Housing and Support Services Collaborative to bring more funding into our community to address both the short- and long-term needs of our homeless population. It is only through the collaborative efforts of the many agencies that real progress in the homeless arena will be made. This “Collaborative” is in progress of creating a “10-year Plan to Eliminate Long-Term Homelessness” in response to HUD's mandate. It is anticipated that a community meeting to discuss the draft report will be scheduled before the end of the calendar year.
<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Number of Households Assisted</th>
</tr>
</thead>
</table>
| Owner Occupied Housing Rehabilitation | # of rehabs completed for low income households: 12  
|                                   | # of rehabs completed for very-low income households: 1                                      |
| Tenant Occupied Housing Rehabilitation | # of rehabs completed for low income households: 1                                           |
| Housing Unit Inspected in Target Areas | # of houses inspected: 45  
|                                   | # of houses with no code violations: 39  
|                                   | # of houses with Rehab in Progress: 6                                                        |
| Owner Occupied Housing | # of low income households assisted: 1                                                      |
| Property Enhancement/Improvement | # of low income households assisted: 11                                                      |
| Owner Occupied Housing Emergency Home Repairs | # of low income households assisted: 11  
|                                   | # of very low income households assisted: 2                                                   |
| Owner Occupied Housing Disabled Access Assistance | # of disabled households assisted: 4 (all of these also received an emergency home repair loan as well) |
| Owner Occupied Housing Acquisition/Down Payment | # of homebuyers assisted: 7                                                                  |
| Rental Housing-Multi Family Acquisition/Construction | # of units constructed: 34 units funded and in process- 0 complete at this time |
| Rental Housing-Multi Family Acquisition/Rehabilitation | # of units acquired/rehabilitated: 0                                                         |
| Rental Housing Tenant Based Rental Assistance | # of low income households assisted: 23  
|                                   | # of very low income households: 19                                                           |
| Emergency Shelter & Services | # of unduplicated homeless persons served: 2,185                                               |
| Special Facilities & Services Children & Teenagers at risk | # of unduplicated homeless persons served: 524                                               |
E. PROGRESS IN MEETING THE REGIONAL HOUSING NEEDS

The 2001-2008 Housing Needs Report required a total annual housing need as follows:

<table>
<thead>
<tr>
<th>Income Group</th>
<th>Annual Housing Need</th>
<th>Housing added in 2003</th>
<th>Remaining Need</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Low</td>
<td>450</td>
<td>0</td>
<td>450</td>
</tr>
<tr>
<td>Low</td>
<td>348</td>
<td>76</td>
<td>272</td>
</tr>
<tr>
<td>Moderate</td>
<td>430</td>
<td>42</td>
<td>388</td>
</tr>
<tr>
<td>Above Moderate</td>
<td>818</td>
<td>802</td>
<td>16</td>
</tr>
<tr>
<td>Total</td>
<td>2,046</td>
<td>920</td>
<td>1,126</td>
</tr>
</tbody>
</table>

The development of housing for very-low and low-income residents has been low at best. Affordable housing is a common issue faced by other communities throughout the State, and at this time is the focus of the proposed Housing Element update.

F. ISSUES TO BE ADDRESSED

The following issues are proposed to be addressed in the near future. As this report is intended for informational purposes, no action is requested on these issues at this time.

1. General Plan Update

The General Plan's Community Growth Policy Review states:

"A review of the growth trends in the Modesto Urban Area should be held on a periodic basis, perhaps annually. This periodic review should provide for the selection of potential urban areas to be served with urban infrastructure during the ensuing five years."

(Source: Modesto Urban Area General Plan Chapter II, Section C General Plan Maintenance, 1. Urban Area Growth Policy Review.)

The Urban Growth Review considers existing residential, industrial, and commercial vacant land inventories. With this information the City Council provides direction on the timing and location of annexation of lands to the City. This will be based on availability and capacity of existing public infrastructure and the City's financial resources. With limited financial resources, the City will have to closely evaluate the rate of future growth and development. The City Council is scheduled to consider the City's Urban Growth Policy in the spring-summer of 2005.
As a result of any Urban Growth Policy Review actions, the City Council may require a General Plan Amendment. A comprehensive General Plan update may also be directed by the City Council. Subsequent development proposals will be encouraged to be developed under a comprehensive development plan (e.g. Specific Plan). The Modesto downtown area may also be an area of special focus to help it become a regional business and cultural center for the Stanislaus County region.

2. Infrastructure

As part of the Urban Growth Policy Review, City staff will be providing information on the adequacy of existing public infrastructure and the availability of City resources. The City will be examining the availability of water for domestic use. The City will be evaluating the ability of its wastewater delivery and treatment system. The costs associated with providing adequate infrastructure will be tied to development fees.

3. Affordable Housing

Land values continue to increase as available vacant land sites dwindle. This directly affects the ability of a household to purchase a home in Modesto. The City will review actions that may result in increasing the supply of vacant residentially designated land.

The Housing Element will examine a variety of strategies that the City can apply in increasing opportunities for housing.

Housing affordability is also directly tied to a household’s earning level. To this end, the City is moving forward on developing specific plans for the development of business parks (e.g. Kansas Avenue Business Park, North Gateway Business Park, Northwest Business Park). In addition, the retention and expansion of local jobs will remain a Council priority.

4. Preservation of Important Farmland

The City is committed to preserving important farmland outside of its Sphere of Influence. As part of the Urban Growth Review, the City will be carefully considering the direction of development within its Sphere of Influence as it affects important farmland.
MODESTO CITY COUNCIL
RESOLUTION NO. 2004 - 548

A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR FOUR (4) LIGHTED CROSSWALK UNITS TO SMARTSTUD SYSTEM OF VICTORIA BC, CANADA FOR A TOTAL ESTIMATED COST OF $68,288.88

WHEREAS, the Public Works Department-Traffic and Development Services Division has requested the purchase of four (4) Lighted Crosswalk Units, and

WHEREAS, the economic Development Committee (EDC), at their February 9, 2004, meeting discussed this item and concurred with staff’s recommendation, and

WHEREAS, on February 24, 2004, the City Council adopted Resolution No. 2004-113 approving the installation of lighted crosswalks at the intersections of Sunrise Avenue and Coolidge Avenue, Orangeburg Avenue and Martin Avenue, Floyd Avenue and Vicki Drive, and Rumble Road and Wales Way, and

WHEREAS, funding from an Office of Traffic Safety (OTS) grant in the amount of $60,000, and a $10,000 grant from the Community Development Block Grant (CDBG) has been awarded to the City for the purchase of this equipment, and

WHEREAS, funding for the lighted crosswalk units are budgeted in Account No. 2300-160-A221 (OTS Lighted Crosswalks Various) and Account No. 1130-320-3254-0505 (Direct Services Non-Housing), and

WHEREAS, the installation of the lighted crosswalks will promote citizen safety and enhance the quality of life in our community in accordance with the goals stated in the City of Modesto Strategic Plan by providing efficient and effective movement of people, goods, and services by enhancing traffic safety in the area, and
WHEREAS, Modesto Municipal Code, (MMC) Section 8-3.203, generally requires all purchases that meet or exceed $50,000.00 for material, equipment, or contractual services to be formally bid, and

WHEREAS, by resolution No. 2004-410, the City Council authorized the Purchasing Supervisor to solicit formal bids for the purchase of four (4) lighted crosswalk units, and

WHEREAS, the Purchasing Division solicited formal bids for four (4) lighted crosswalk units, and

WHEREAS, out of eight (8) vendors solicited, three (3) responded to the RFB, and

WHEREAS, the bids received were evaluated per specification 0405-02 by the Purchasing Division and the Public Works Department staff, and

WHEREAS, SmartStud System of Victoria, BC, Canada is the lowest responsive and responsible bidder,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contact for four (4) lighted crosswalk units to SmartStud Systems of Victoria, BC. Canada for a total estimated amount of $68,288.88.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman,
who moved its adoption, which motion being duly seconded by Councilmember Keating,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-549

A RESOLUTION TERMINATING DESARROLLO LATINO AMERICANO, INC. (DLA) COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) AND COMMUNITY BASED DEVELOPMENT ORGANIZATION (CBDO) STATUS.

WHEREAS, On September 15, 1998, by Resolution 98-490, the City Council designated Desarrollo Latino Americano, Inc. (DLA) as a local Community Housing Development Organization (CHDO); the “CHDO” term is a Department of Housing and Urban Development (HUD) designation given to local non-profit agencies that work in communities to provide affordable housing for communities low-income residents, and

WHEREAS, to be designated as a CHDO, an organization must meet certain requirements pertaining to their legal status, organizational structure, capacity, and experience; a CHDO is intended to respond to a particular community’s needs; and a minimum of one-third of the organization’s board is required to be either a low income resident, reside in a low-income community, or be an elected representative of a low-income neighborhood organization, and

WHEREAS, in addition, to receive a CHDO designation, the organization must be legally recognized as a non-profit, community-based service organization; a CHDO must be committed and have the capacity to develop affordable housing in the community it serves, and

WHEREAS, on May 23, 2000, by Resolution 2000-241, the City Council designated DLA as a local Community Based Development Organization (CBDO); to receive a CBDO designation, an organization must be a legally recognized non-profit,
community based service organization conducting activities in neighborhood revitalization, community economic development, or energy conservation, and

WHEREAS, in addition, there is a requirement that 51% of the agency’s board be low-moderate income residents of its service area or owners or officers of entities located in the service area or representatives of low-moderate income organizations in the service area; HUD regulations Section 570.24(c)(2) qualifies any entity as a CBDO that has been designated by a HOME participating jurisdiction as a CHDO, and

WHEREAS, after reviewing the HOME Program and the Community Development Block Grant (CDBG) regulations and DLA’s organizational capacity, financial status, and lack of Board participation or existence, staff is recommending terminating this organization’s CHDO and CBDO status, and

WHEREAS, the Community Development Committee (CH&CDC) met on September 24, 2004, and accepted staff’s recommendations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to terminate Desarrollo Latino Americano, Inc. (DLA’s) Community Housing Development Organization (CHDO) and Community Based Development Organization (CBDO) status.

BE IT FURTHER RESOLVED that staff is hereby authorized to send a letter to Desarrollo Latino Americano with the Council’s resolution, and to notify the Department of Housing and Urban Development (HUD) to remove DLA’s CHDO and CBDO status.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Ahr
JEAN AHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION APPROVING THE APPLICATION FOR $1,000,000 IN FUNDING FROM THE CALIFORNIA YOUTH SOCCER AND RECREATION DEVELOPMENT PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002, FOR THE DEVELOPMENT OF A SOCCER COMPLEX AT MARY E. GROGAN PARK AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE GRANT APPLICATION AND CONTRACT DOCUMENTS.

WHEREAS, the people of the State of California have enacted the CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002, which provides funds to the State of California for grants to eligible Applicants, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the California Youth Soccer and Recreation Development Program and the grant Project shown above within the State, setting up necessary procedures, and

WHEREAS, development of the Soccer Complex at Grogan Community Park is consistent with the California Youth Soccer and Recreation Development Program grant project criteria, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the Applicant’s Governing Body to certify by resolution the approval of the Application before submission of said Application to the State, and

WHEREAS, the Applicant will enter into a Contract with the State of California for the Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby:
1. Approves the filing of an Application for $1,000,000 in local assistance funds from the California Youth Soccer and Recreation Development Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002; and

2. Certifies that the City of Modesto has or will have sufficient funds to operate and maintain the Project; and

3. Certifies that the City of Modesto has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and

4. Certifies that the Grantee has or will have available, prior to commencement of any work on the project, the required match; and

5. Certifies that the Project conforms to the recreation element of any applicable city or county general plan; and

6. Appoints the Acting City Manager, or his designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to, Applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

Attest: JEAN ZAHNR, City Clerk

By: MICHAEL D. MILICH, City Attorney

10/26/04/PR&N/C Eubank/Item 13 3 2004-550
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-551

A RESOLUTION APPROVING AN ADDITIONAL AGREEMENT WITH CALLANDER ASSOCIATES LANDSCAPE ARCHITECTURE, INC. FOR PREPARING DESIGN DEVELOPMENT, CONSTRUCTION DOCUMENTS, AND FOR PERFORMING BIDDING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE VIRGINIA AVENUE CORRIDOR BIKE TRAIL/LINEAR PARK PROJECT, PHASES III THROUGH VII, AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the Virginia Avenue Corridor Trail Project ("Project") consists of conversion of the abandoned, 4.2 mile Union Pacific Railroad corridor – from City’s central business district at Needham Avenue to the northern City boundary at Bangs Avenue – to a premier linear park with Class I bikeway and pedestrian trail, and

WHEREAS, the project will provide a key north-south component to the City’s non-motorized transportation system, and it will provide links to three of the City’s existing east-west Class I bike trails (the Dry Creek and Tuolumne River corridors and the Hetch-Hetchy Right-of-Way corridor) as well as numerous Class II bike lanes and Class III bike routes along roadways, and

WHEREAS, Phase I of the trail construction is titled “Virginia Corridor Crossings and Grade Restoration”, and will provide LED lighted crosswalks at five crossings, lowered grades at most street/trail crossings, lights and accessible ramps; this phase of work has begun construction and is anticipated for completion by April 2005, and

WHEREAS, Phase II trail construction will occur along the old rail corridor adjacent to Roseburg Square, between Roseburg and Orangeburg Avenues; Modesto’s five Rotary Clubs have committed to combining resources with the City in providing funding, in-kind labor and materials for this project phase, to be known as the “Five
Rotary Clubs of Modesto Centennial Junction" section of the Project; and this phase of the Project will commence this December, with completion anticipated for July 2005.,
and
WHEREAS, the City of Modesto wishes to continue the design development and construction of the Virginia Corridor as identified in the adopted Virginia Corridor Specific Plan, and
WHEREAS, the City’s Parks, Recreation and Neighborhoods Department now wishes to enter into a separate agreement with Callander Associates Landscape Architecture to provide for design development, construction documents, and bidding and construction administration services for Phase III through Phase VII, and
WHEREAS, the opportunity to utilize the same consultant from Specific Plan through final construction documents, for all phases, continues a proven relationship with the City and the community, ensures consistency in the project design, and maintains the necessary background and knowledge base, thus reducing costs to the City because the knowledge base will not need to be transferred, and
WHEREAS, the Safety and Communities Committee met on October 4, 2004, and supported the recommendation to enter into an additional agreement with Callander Associates Landscape Architecture, Inc. for preparing design development, construction documents, and for performing bidding and construction administration services for the Virginia Avenue Corridor Bike Trail/Linear Park Project, Phases III through VII,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an additional agreement with Callander Associates Landscape Architecture, Inc. for preparing design development, construction documents,
and for performing bidding and construction administration services for the Virginia Avenue Corridor Bike Trail/Linear Park Project, Phases III through VII.

BE IT FURTHER RESOLVED that the Acting 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 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: ___________________________
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: ___________________________
MICHAEL D. MILICH, City Attorney
EXHIBIT "A" or "Project"

Scope of Work
Virginia Corridor Master Plan Phase Three
Design Development, Construction Documents, and Bidding and Construction Administration

A. Project Description:
The City of Modesto wishes to continue design development and construction of the Virginia Corridor Master Plan as identified in the adopted Virginia Corridor Specific Plan. The City envisions the bicycle path and associated linear park elements to provide a major north/south non-motorized transportation spine for the residents of Modesto. The magnitude of the project, both in length and anticipated construction costs, requires that the project be constructed over a series of seven phases. The first two phases being complete, the following Scope of Work includes provisions for design development, construction documents, and bidding and construction administration services for phase three only.

B. Construction Costs
The following construction estimates are based upon the October 8, 2003 estimate of probable construction costs by phase. These estimates include our assumptions for scope of improvements and construction costs. Refer to attached Phase Three Project Limits Diagram, dated September 17, 2004, for phase location.

Phase Three
Needham to Roseburg
Orangeburg to Granger

$3,185,742

C. Phase Three Elements
The elements to be included in the phase three project are as follows and within the project limits as indicated in the June 28, 2004 Project Limits Diagram attached and as detailed in the September 11, 2003 Estimate of Probable Construction Costs and the October 8, 2003 estimate of probable construction costs by phase.

- Development of donation package and marketing poster for the entire Virginia Corridor
- Class One bike path from Roseburg to Needham
- Entry nodes at Granger (southside), Orangeburg (northside), Roseburg (southside), Griswold/Princeton, Coldwell, Morris, Stoddard, College, and Needham
- On-street parking along Terminal Avenue
- Pedestrian lighting along path alignment
• Approximately 300 linear feet of box culvert for MID Lateral #4
• Pre-fabricated pedestrian bridge over MID Lateral #4
• Small park at Morris Avenue including play area, pre-fabricated restroom, picnic tables, and other amenities listed in cost estimates
• Coordinate work with a separate Virginia Corridor crossings and grade restoration project
• Improvements at Needham, College, Stoddard, Morris, Coldwell, Griswold, Roseburg, Orangeburg, and Granger will be from back of walk since intersection improvements will be completed as a separate project by the City.
• Trail amenities including thematic fencing, split rail fencing, benches, trash receptacles, informational kiosk, and trail signage
• Landscape and irrigation improvements
• Project excludes trailhead parking lot at College Avenue.
• Provide area at Orangeburg Place for train placement, but no provisions for actual placement are included (exclusions include structural, logistics, rail placement, etc.).

D. Phase Three Services
In an effort to guide and control the schedule, scope and improvement costs of the Virginia Corridor Phase Three project, Callander Associates has developed the following scope. Modifications and refinements can be accommodated at the project start and adjusted periodically throughout the process as may be beneficial to the project. Items shown in boldface italics represent the deliverables or work documents to be provided at that task.

The following scope and corresponding fees are based on a construction budget of $3,185,742 as the anticipated lowest responsible bid. This budget includes $3,065,742, from the October 8, 2003 estimate of probable construction costs by phase, and an estimated $120,000 for a new pedestrian bridge crossing MID Lateral #4. This budget is established as a condition of this Agreement. It shall be reviewed by the parties and shall include a bidding contingency of ten percent unless another amount is indicated. Callander Associates shall be permitted to determine what materials, equipment, component systems and types of construction are to be included in the Contract Documents, and to make reasonable adjustments in the scope of the project to bring it within the fixed limit. Callander Associates may also include in the Contract Documents alternate bids to adjust the construction cost to the fixed limit.

Task 1.0 Donation And Marketing Materials

1.01 Initial Meeting: Review scope, schedule and cost for donation and marketing efforts, design development, and construction documents with City staff. Review City process. Identify available and required City documents, define project goals, update design program, and submit written summary of same.

1.02 Document Review: Obtain and review other information that may be pertinent from Parks, Recreation, and Neighborhoods and Planning Departments. Review existing design guidelines,
documents, or other existing base information provided by City. Evaluate adequacy and/or need for additional information. Prepare summary memo.

1.03 **Schedule:** Prepare a detailed time schedule in bar chart format for the entire project through construction.

1.04 **Donation Opportunities Booklet:** Based upon the Virginia Corridor Specific Plan identify those items that the City could accept donations for including but not limited to site furnishings, lighting, plant materials, maintenance, etc. Prepare 8-1/2x11 booklet with a picture or graphic and written description of each item. Description to include product information, description, quantities, and donation dollar amount based upon a given formula to be provided by the City. Submit five copies of the *draft donation opportunities booklet* to City for review.

1.05 **Donation Brochure:** Prepare a marketing mailer, to be sent to prospective donors, that would provide basic information about the project, donation opportunities available, and where to obtain more information. Mailer to a maximum one double-sided, 8-1/2x11 sheet folded for mailing. Submit five copies of the *draft donation brochure* to City for review.

1.06 **Marketing Poster:** Based upon the Virginia Corridor Specific Plan, proceed to develop a graphic marketing poster delineating major aspects of the corridor through graphic images and descriptive text. The poster will be a maximum 18"x24" in size and will utilize existing and newly developed graphics and text. Submit five copies of the *draft marketing poster* to City for review.

1.07 **Staff Meeting:** Review the above information in a single work session with Parks, Recreation, and Neighborhoods staff to refine, change and modify where prudent. Prepare written summary of meeting.

1.08 **Final Donation and Marketing Materials:** Based upon the comments generated in the above task, proceed to revise and finalize documents. Submit one camera-ready original and electronic file as *final donation opportunities booklet, final donation brochure, and final marketing poster* for use and reproduction by the City.

**Task 2.0 Design Development**

2.01 **Topographic Survey:** Provide supplemental survey information to the topographic survey provided during the conceptual design phase and prepared by Hawkins & Associates Engineering. Additional topographic information will be provided within project limits, up to the amount indicated for survey in the compensation summary. Information to include contours at one foot intervals, existing tree locations and sizes, surface and subsurface utility information based upon available record information, property lines, and other existing features (excludes potholing). Submit electronic *topographic survey* in Autocad 2002 for City records.

2.02 **Utility Evaluation:** Verify existing water, electrical, and storm drain service connections for domestic and irrigation water service, storm drainage, and pedestrian lighting. Indicate same on overlay of topographic survey and designate as *utility connections diagram*.

2.03 **Site Reconnaissance:** Conduct site reconnaissance with topographic survey in hand. Evaluate access, grades, utilities, trees, fences, buffers, etc. Photograph site for in-house study and reference, as well as for future presentations. Prepare photo log for studio use.

2.04 **Base Maps:** Using prepared topographic survey, prepare *twenty scale base maps*, in Autocad 2002 format, within project limits. Six base sheets are anticipated.
2.05 **Horticultural Soils Analysis:** Obtain up to six horticultural soils samples to verify agricultural suitability of existing; submit letter report.

2.06 **Geotechnical Report:** Take up to 50 borings along the length of the project. Majority of borings will only extend to the bottom of the ballast with ten (10) deeper borings along the trail and at the proposed pedestrian bridge (50 foot depth borings) and box culvert. Borings will be reviewed to determine depth of ballast and deeper borings will be tested to determine engineering properties. Specific recommendations will be made in regards to site preparation and fill placement, light pole foundation design, exterior flatwork, deep foundation design, retaining wall design, site drainage, and bike path pavements. Provide summary report detailing above including pavement section and structural recommendations for parking lots, trails, and pedestrian walkways.

2.07 **MID/Utility Coordination:** Provide up to 36 hours of ongoing coordination with MID, SBC, Comcast, PG&E, Water, and Sewer Company staff during construction document process. Submit plans at each stage for MID review, contact and coordinate with staff, confirm standards, and review design.

2.08 **Design Development Submittal - 35% Submittal:** Based on the comments received from the above meetings and the analysis of other items, revise plan as required. Proceed to develop construction documents to a 35% level of completion. All drawings shall prepared on AutoCAD Version 2002. Package to include:

- Title Sheet
- Preliminary Grading Plan (including storm drain points of connection) (1:20)
- Preliminary Site Construction Plan (1:20)
- Preliminary Irrigation Plan (including water point of connection) (1:20)
- Preliminary Planting Plan (1:20)
- Preliminary Lighting Plan (including electrical point of connection) (1:20)
- Design development level construction details

2.09 **Cost Estimate:** Prepare a preliminary list of quantities and provide a preliminary construction cost estimate.

2.10 **Draft Specifications:** Prepare draft contract specifications book and bid form, using City of Modesto standard boilerplate and Standard Specifications, as appropriate.

2.11 **Design Development Book:** Confirm final selections of pre-manufactured items and design details for major features with City staff. Prepare packet of information to contain catalog cuts and information on site amenities, site furniture, irrigation equipment, electrical equipment, plant materials, and related items. Submit five copies of the Design Development Book to City for review and approval.

2.12 **Staff Meeting:** Review the above information in a single joint work session with Parks, Recreation, and Neighborhoods and Planning Department staff to refine, change and modify where prudent. Prepare written summary of meeting.

**Task 3.0 Construction Documents**

3.01 **Construction Documents - 65% Submittal:** Based on direction from City staff, comments received from the above meetings and the analysis of other items, proceed to develop...
construction documents to a draft 65% level of completion. Plans shall adhere to City of Modesto Standards and Specifications. Package to include:

- Title Sheet
- Key Map/General Notes
- Demolition Plan
- Grading and Drainage Plan
- Signing and Pavement Marking Plan
- Site Construction Plan
- Irrigation Plans
- Planting Plans
- Construction Details
- Irrigation/Planting Details
- Electrical Plans (footing designs based upon geotechnical report)
- Structural Engineering Plans
- Technical Specifications

3.02 Update Cost Estimate: Prepare an updated list of quantities and provide an updated construction cost estimate.

3.03 Staff Meeting: Review the above information in a single joint work session with Parks, Recreation, and Neighborhoods and Planning Department staff to refine, change and modify where prudent. Prepare written summary of meeting.

3.04 Permit or other Agency Reviews: No services have been provided.

3.05 Construction Documents - 95% Submittal: After review of the 65% submittal by the City, proceed to develop construction documents to a draft 95% level of completion. Submittal to include updated plans, specifications, and estimate of probable construction costs. Submit for City review.

3.06 Storm Water Plan: Prepare required storm water pollution prevention plan (SWPPP) in order to obtain the necessary General Permit, for the project, from the California State Water Resources Control Board (SWRCB). The plan shall include required information such as existing conditions description and plan, scope of construction, grading plan, inventory of contractor’s activities, special site conditions, best management practices (BMPs) for contractor activities, BMPs for erosion and sediment control, post construction BMPs, and monitoring/maintenance plan. Submit 5 copies of SWPPP to City for application and submission to SWRCB.

3.07 Staff Meeting: Review the above information in a single joint work session with Parks, Recreation, and Neighborhoods and Planning Department staff to refine, change and modify where prudent. Prepare written summary of meeting.

3.08 Bid Documents: After review of the 95% submittal by the City, proceed to modify the documents for submission as a final bidding package. Provide five (5) sets of full size plans, plus camera-ready originals of plans and specifications for bidding.

3.09 Final Landscape Architect’s Estimate: Prepare an updated list of quantities and provide an updated landscape architect’s construction cost estimate.

3.10 Project Archive: Submit one archive CD-ROM of all electronic data including construction documents, specifications, cost estimate, survey, and other base information provided by the City to be scanned and included in electronic format.
4.0 **Bidding and Construction Administration**

During the bidding and construction of Virginia Corridor Phase 3, Callander Associates will provide construction administration services to support City Inspectors. Services may include the following.

4.01 **Pre-Construction Phase**

a. Attend pre-bid meeting and assist City staff as directed.

b. Review Engineer’s takeoffs of quantities.

c. Prepare project documentation system.

d. Attend bid opening.

e. Prepare agency for pre-construction conference.

f. Attend pre-construction conference and prepare meeting minutes.

g. Review coordination and communication procedures.

h. Review procedures for receiving, logging, and transmitting submittals, RFI’s and RFC’s.

i. Document pre-construction conditions using video and digital photographs, as directed by City staff.

4.02 **Construction Phase**

a. Verify Contractor has obtained all necessary approvals/permits prior to commencing work.

b. Conduct weekly progress meetings with all pertinent parties in attendance.

c. Prepare agendas and minutes to meetings.

d. Process clarifications of the contract documents in response to requests by the Contractor.

e. Review those submittals that are appropriate. Submittals requiring review by the Engineer of Record shall be logged and transmitted for formal review. Monitor Contractor’s work for adherence to contract plans and specifications.

f. Provide inspection and documentation of project related activities.

g. Prepare inspection reports.

h. Provide digital pictorial logbook of construction activities, if required.

i. Review Contractor’s construction schedule, request updates as appropriate, and track delays or accelerations based on actual Contractor operations.

j. Develop “punch list” items and follow-up with corrective measures.

k. Document information related to manpower, equipment and time for extra or force account work.

l. Assist in preparing Change Orders for City execution.

m. Review progress payments.

n. Receive and evaluate all notices of potential claims and make recommendations to Department of Parks, Recreation, and Neighborhoods.

4.03 **Post-Construction**

a. Coordinate and schedule final inspection with City staff.

b. Verify completion of punch-list items.

c. Process and recommend final payment request.

d. Review as-builts with Contractor and submit to City.

e. Process notice of substantial/final completion.

f. Process warranty/guarantee letter and/or bond if required.

g. Transmit set of project files to the Department of Parks, Recreation, and Neighborhoods.

Promptly after the construction work associated with a work order is completed, Consultant shall notify Department of Parks, Recreation, and Neighborhoods in writing whether such work should be accepted by City as complete and final in accordance with the terms and conditions of City’s contract for that construction work. Consultant’s determination shall be given Department
of Parks, Recreation, and Neighborhoods, after diligent investigation including satisfaction of its other obligations under this contract. If Consultant recommends that the work should not be accepted by the City, Consultant shall document the facts and analysis supporting its determination in its written notification to the Department of Parks, Recreation, and Neighborhoods.

5.0 **Additional Services**

5.01 **Additional Services:** All tasks not specifically noted above could be performed as additional services. These tasks would include, but not be limited to, all revisions or additional submittals required by the City or any other agency's review, other meetings, additional design studies, additional MID coordination or negotiating beyond specifically noted time period, or other tasks not specifically noted in the foregoing. These services would be billed hourly or on a lump sum fee basis to be documented in a written amendment to this agreement.

-END-
A RESOLUTION AUTHORIZING STAFF TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR PROPERTY MANAGEMENT OF PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT RENTAL PROPERTIES.

WHEREAS, the City of Modesto’s Parks Recreation and Neighborhoods Department has five rental properties it administers, and

WHEREAS, these properties are: 4205 Gomes Rd, Modesto; 801 N. McClure Rd., Modesto; 660 El Vista Dr., Modesto; 1204 River Rd., Modesto; 1318 W. Hatch Rd., Modesto, and

WHEREAS, City of Modesto staff has identified a special need for professional property management for these properties, and

WHEREAS, City of Modesto staff does not have the depth of expertise that is needed to be successful in professional property management, and

WHEREAS, City of Modesto staff is requesting authority to issue a Request for Proposal to qualified companies to contract with the City in Property Management for certain specified City-owned properties managed by the Parks, Recreation and Neighborhoods Department, and

WHEREAS, the company selected as a result of the RFP process will demonstrate the following management approach: (1) ability to provide management services that focus on long-term results, which add value to the City’s property assets; (2) ability to resolve disputes in an expeditious manner while maintaining professionalism and ensuring the best benefit for the City; (3) ability to accurately apply the principles,
practices and legal requirements of real estate, property management and any and all pertinent laws and practices, and (4) ability to accurately apply the principles and practices of negotiations, conflict resolution, principles and practices of management, administration and resource allocation planning,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Modesto hereby authorizes staff to issue a Request for Proposal to search for a qualified company to provide high-quality property management for certain specified City-owned properties, managed by the Parks, Recreation and Neighborhoods Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest:  
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By:  
MICHAEL D. MILICH, City Attorney

WHEREAS, on April 25, 2000, by Resolution No. 2000-189, the City Council approved a license agreement with Chris Ricci Presents, Inc., to hold an annual Xclamation Fest, and

WHEREAS, the Safety & Communities Committee met on September 3, 2003, and supported approval of the Xclamation Fest 2004 for July 17, 2004, and

WHEREAS, on September 23, 2003, by Resolution No. 2003-511, the City Council approved Xclamation Fest 2004 hosted by Chris Ricci Presents, Inc. and JCD Concepts 2000, Inc. in downtown Modesto on Saturday, July 17, 2004, and

WHEREAS, the fifth annual Xclamation Fest was held on Saturday, July 17, 2004, and

WHEREAS, this downtown music and arts festival was successful, both financially and for providing a safe, entertaining festival for Modesto residents, and

WHEREAS, the proposed date for the 2005 annual Xclamation Fest is Saturday, July 23, 2005, and

WHEREAS, Mr. Ricci coordinates all Xclamation Fest events with the Modesto Police Department, the Downtown Improvement District, and the Modesto Centre Plaza staff in order to secure approvals and coordination for the event, and

WHEREAS, this event is of financial benefit to the City of Modesto and downtown merchants, and
WHEREAS, the Economic Development Committee reviewed this item at its September 13, 2004, meeting and supported approval of staff’s report of Xclamation Fest 2004 and accepted the recommendation to support Xclamation Fest 2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts staff’s report on Xclamation Fest 2004 held in Downtown Modesto on Saturday, July 17, 2004.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Council hereby approves Xclamation Fest 2005 to be held in Downtown Modesto on Saturday, July 23, 2005.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

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

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

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

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

Housing and Urban Development Manager

The job specification for this classification is being created as a result of a reorganization previously approved by Council on July 6, 2004. The job specification for the classification of Housing and Urban Development Manager 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 October 26, 2004.
The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: (SEAL)

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
HOUSING AND URBAN DEVELOPMENT MANAGER

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

Under general direction, the Housing and Urban Development (HUD) Manager is responsible to manage and coordinate the City's HUD entitlement programs including: Community Development Block Grant (CDBG) Administration, Emergency Shelter Grant funds, Public Service Grants, HOME program, housing rehabilitation, capital projects and related direct services.

SUPERVISION EXERCISED AND RECEIVED

Receives administrative direction from the Deputy Director of Recreation and Neighborhoods.

Exercises direct supervision over professional, technical and clerical staff.

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

Essential Functions:

Direct, oversee and participate in the development of the unit's work plan; assign work activities, projects and programs; monitor workflow; implement policies and procedures; recommend goals and objectives.

Participate in the selection of staff; provide and coordinate staff training, work with employees to correct deficiencies; implement disciplinary procedures as necessary.

Develop, prepare and submit all reports to HUD, including the Five Year Consolidated Plan, Impediment to Fair Housing Plan, Annual Action Plan, the Comprehensive Annual Program Evaluation Report, and required amendments.

Provide direction and oversight to the disbursement of HUD funds.
Essential Functions: (Continued)

Manage, direct and organize the unit’s housing rehabilitation activities, including preparing policies and alternatives for City Council, overseeing the progress of the rehabilitation “Target Areas” and relating to the Housing Rehabilitation Loan Committee.

Prepare the annual operating and capital HUD funded budget, and coordinate with other senior management staff; direct the forecast of funds needed for division goals; monitor and approve expenditures; implement mid-year adjustments.

Coordinate division activities with those of other departments and outside agencies and organizations; promote public relations; prepare and present staff reports and other necessary correspondence.

Prepare and present information to the public; work with diverse, grass roots neighborhood groups, leaders and residents; investigate complaints and recommend corrective action as necessary to resolve complaints.

Prepare and make presentation to the City Council, various committees, advisory group and neighborhood groups. Prepare policy statements and alternatives for City Council consideration in the areas, but not limited to: affordable housing programs and development, low income job development program, capital improvement projects in low income areas and programs for the homeless.

Serve as a liaison to the HUD-related citizens committees.

Marginal Functions:

Performs related duties as assigned.

QUALIFICATIONS:

Knowledge of:

Principles and practices of: organization, administration, supervision, training and personnel management.

Principles and practices of general HUD rules and regulations regarding eligible activities and yearly program requirements are strong desired.

Understanding of issues that affect the homeless population (in general) and the challenges for this group of citizens to secure quality housing and job placement on a long-term basis.

Exhibit “A”
Knowledge of: (Continued)

Housing rehabilitation program management including program guidelines and requirements.

Federal, State and local laws policy and best practices pertaining to housing and community development programs in low-income areas.

Record keeping and reporting procedures, including computerized systems.

Methods and techniques of statistical analysis, effective technical report preparation and presentation (both oral and graphic).

Principles of budgeting procedures and expenditure control, including federal reporting requirements.

Ability to:

Effectively manage assigned areas of the departmental program.

Interpret and apply pertinent laws, rules and regulations.

Ensure program compliance with: Federal, State, local rules, laws and regulations.

Prepare and administer a budget.

Supervise contracts with outside agencies for compliance.

Supervise one-stop facility consisting of multiple agencies.

Supervise, train, coach and evaluate assigned staff.

Prepare and analyze technical and comprehensive administrative reports, statements and correspondence.

Communicate clearly and concisely, both orally and in writing.

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

Work effectively with diverse, grass roots neighborhood groups, leaders, and residents.
Experience and Training Guidelines:

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

**Experience:**

Four years of administrative level experience involving: community development program, housing development administration, financing or a related field, including two years of supervisor or lead responsibility.

Administrative experience with grant or entitlement funding is strongly desired.

**Training:**

Equivalent to a Bachelor's degree from an accredited college with major coursework in business administration, finance, public administration or a related field.

**License or Certificate:**

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

**WORKING CONDITIONS**

**Environmental Conditions:**

Office and field environment; travel from site to site.

**Physical Conditions:**

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time using a personal computer and attending meetings.
A RESOLUTION AMENDING EXHIBIT “A” OF RESOLUTION NO. 2003-178(MODESTO CONFIDENTIAL AND MANAGEMENT ASSOCIATION MEMORANDUM OF UNDERSTANDING) TO AMEND THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ESTABLISH A SALARY RANGE FOR HOUSING AND URBAN DEVELOPMENT MANAGER AT RANGE 441.

WHEREAS, the City Council desires to amend Exhibit “A” of Resolution No. 2003-178 (MCMA Memorandum Of Understanding),

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2003-178. (MCMA Memorandum of Understanding), Resolution No. 2003-178 Effective April 8, 2003, is hereby amended as shown on the amended Exhibit “A” entitled “City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective October 26, 2004”, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit “A” establishes the salary range for Housing and Urban Development Manager at Range 441.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 26, 2004.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney
CITY OF MODESTO  
CLASS RANGE TABLE  
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective October 26, 2004

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<td>Administrative Office Assistant I (Confidential)</td>
</tr>
</tbody>
</table>
| 407   | Administrative Clerk II (Confidential)  
         Administrative Office Assistant II (Confidential) |
| 408   |       |
| 409   |       |
| 410   |       |
| 411   | Administrative Office Assistant III (Confidential)  
         Police Clerk II (Confidential) |
| 412   |       |
| 413   | Administrative Technician (Confidential) |
| 414   |       |
| 415   | Senior Administrative Office Assistant (Confidential)  
         Secretary |
| 416   |       |
| 417   |       |
| 418   | Legal Secretary  
         Systems Technician I |
| 419   | Public Information Technician (Confidential) |
| 420   | Accountant I (Confidential)  
         Deputy City Clerk  
         Employee Benefits Coordinator  
         Executive Secretary (Represented)  
         Legal Services Technician |
| 421   |       |

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

Exhibit “A”
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 432   | Communications Specialist  
       | Customer Services Supervisor  
       | Neighborhood Preservation Supervisor  
       | Operations and Maintenance Supervisor  
       | Recreation Supervisor II  
       | Senior Accountant  
       | Water Quality Control Maintenance Supervisor  
       | Water Quality Control Operations Supervisor |
| 433   | Organizational Development Specialist |
| 434   | Assistant Civil Engineer  
       | Assistant Traffic Engineer  
       | Budget Analyst II  
       | Events Supervisor II  
       | Environmental Laboratory Supervisor  
       | Operations Supervisor  
       | Regulatory Compliance Supervisor  
       | SCADA Supervisor  
       | Senior Housing Rehabilitation Specialist  
       | Software Analyst II  
       | Systems Engineer I |
| 435   | Business Analyst  
       | Cultural Services Manager  
       | Integrated Waste Specialist  
       | Management Analyst  
       | Senior Personnel Analyst |
| 436   | Electrical Supervisor  
       | Senior Planner |
| 437   | |

Exhibit “A”
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 438   | Budget Officer  
       | Housing Program Supervisor  
       | Land Surveyor  
       | Property Agent  
       | Purchasing Supervisor  
       | Senior Business Analyst  
       | Software Analyst III  
       | Systems Engineer II |
| 439   | Administrative Services Officer  
       | Community Facilities Districts Administrative Officer |
| 440   | Associate Civil Engineer  
       | Associate Traffic Engineer  
       | Transportation Planner |
| 441   | Airport Manager  
       | Building Maintenance Superintendent  
       | Fire Marshal  
       | Fleet Manager  
       | **Housing and Urban Development Manager**  
       | Parks Operations Superintendent  
       | Parks Planning and Development Manager  
       | Recreation Superintendent  
       | Solid Waste Program Manager  
       | Streets Engineer  
       | Transit Manager  
       | Urban Forestry Superintendent  
       | Wastewater Collections Superintendent  
       | Water Superintendent |
| 442   | Customer Services Division Manager  
       | Manager of Budget and Financial Analysis  
       | Software Analyst IV  
       | Supervising Building Inspector  
       | Supervising Construction Inspector  
       | Systems Engineer III |
| 443   | |
| 444   | Deputy Chief Building Official  
       | Principal Planner |

Exhibit “A”
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>445</td>
<td>Accounting Division Manager</td>
</tr>
<tr>
<td>446</td>
<td>Water Quality Control Superintendent Information Technology Unit Manager</td>
</tr>
</tbody>
</table>
| 447   | Business Development Division Manager  
         Chief Building Official  
         Planning Division Manager  
         Senior Civil Engineer  
         Traffic Engineer |
| 448   |       |
| 449   |       |
| 450   |       |
| 451   |       |
| 452   |       |
| 453   |       |
| 455   |       |
MODESTO CITY COUNCIL
RESOLUTION No. 2004-556

A RESOLUTION APPROVING A FIVE (5%) PERCENT INCREASE IN SALARY FOR THE CITY ATTORNEY, A THIRTEEN (13%) PERCENT INCREASE IN SALARY FOR THE CITY CLERK/AUDITOR AND ADDITIONAL PAY AND BENEFITS FOR THE ACTING CITY MANAGER

WHEREAS, by Resolution No. 2003-330 effective June 26, 2003, the City Council approved and established a "City of Modesto Schedule of Salary Ranges in City Service For FY 04-05 Effective June 29, 2004," for Executive Management (Exhibit "P"), and

WHEREAS, salaries for Charter Officers appointed by the Council are subject to periodic review and adjustment, and

WHEREAS, the Council desires to approve a thirteen (13%) percent increase in salary to JEAN ZAHR, City Clerk/Auditor, effective October 26th, 2004 which increase is within the range established in Exhibit "P" of Resolution No. 2003-330,

WHEREAS, the Council desires to approve a five (5%) percent increase in salary to MICHAEL MILICH, City Attorney, effective October 26th, 2004, which increase is within the range established in Exhibit “P” of Resolution No. 2003-330,

WHEREAS, Council desires to approve a five (5%) percent increase in salary to GEORGE BRITTON, Acting City Manager, in recognition of his acting assignment, effective October 26, 2004, which increase is within the range established in Exhibit “P” of Resolution No. 2003-330,

WHEREAS, Council desires to increase the City’s contribution to GEORGE BRITTON’S 401(a) Money Purchase Deferred Compensation plan to four (4%) percent, requiring an equal contribution from the employee, consistent with the other Charter
Officers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves increases in salary to JEAN ZAHR, City Clerk/Auditor, MICHAEL MILICH, City Attorney and GEORGE BRITTON, Acting City Manager, effective October 26, 2004, as follows:

<table>
<thead>
<tr>
<th>Title</th>
<th>Hourly</th>
<th>Bi-Weekly</th>
<th>Monthly</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Clerk/Auditor</td>
<td>44.2197</td>
<td>3,537.58</td>
<td>7,694</td>
</tr>
<tr>
<td>City Attorney</td>
<td>70.3101</td>
<td>5,624.81</td>
<td>12,234</td>
</tr>
<tr>
<td>Acting City Manager</td>
<td>73.7599</td>
<td>5,900.79</td>
<td>12,834</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the City’s contribution to GEORGE BRITTON’S 401(a) Money Purchase Deferred Compensation plan shall be increased to four (4%) percent, requiring an equal contribution from the employee, consistent with the other Charter Officers.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2004, 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 vote:

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

NOES: Councilmembers: O’Bryant

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004 - 557

A RESOLUTION ACCEPTING A THREE-YEAR GRANT IN THE AMOUNT OF
$250,000 FROM THE FEDERAL OFFICE OF COMMUNITY ORIENTED
POLICING SERVICES ENTITLED “COPS IN SCHOOLS” FOR THE HIRE OF
TWO NEW MODESTO POLICE OFFICERS, AND AUTHORIZING THE
ACTING CITY MANAGER TO EXECUTE THE NECESSARY GRANT
DOCUMENTS

WHEREAS, the Modesto Police Department made application to the Federal
Office of Community Oriented Policing Services under the COPS in Schools Program for
the hire of two new police officers, for La Loma Junior High School and Franklin
Elementary School in the Modesto City School District, and

WHEREAS, the grant was approved by the Federal Office of Community
Oriented Policing Services in the amount of $250,000, and

WHEREAS, approval of this grant program will assist in attaining the Health and
Safety Plan Strategic Action to “Obtain Public Service Grants,”

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby accepts a three-year grant in the amount of $250,000 for the COPS in
Schools Program grant from the Federal Office of Community Oriented Policing Services
for the hire of two new Modesto Police Officers.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is
hereby authorized to execute the necessary grant documents.
The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:
By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NUMBER 2004-558

A RESOLUTION AMENDING THE FISCAL YEAR 2004/2005 ANNUAL BUDGET ESTIMATING REVENUE AND APPROPRIATING FUNDS FOR THE COPS IN SCHOOLS FEDERAL GRANT

WHEREAS, the Modesto Police Department made application to the Federal Office of Community Oriented Policing Services under the COPS in Schools Program for the hire of two new police officers, for La Loma Junior High School and Franklin Elementary School in the Modesto City School District, and

WHEREAS, the grant was approved by the Federal Office of Community Oriented Policing Services in the amount of $250,000,

WHEREAS, the Modesto City School District will provide the local match of $185,390 over the three years of the grant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2004/2005 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>To Expense:</th>
<th>Amount</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>$72,947</td>
<td>COPS in Schools Salaries</td>
<td>0410-190-2993-0110</td>
<td></td>
</tr>
<tr>
<td>$30,637</td>
<td>COPS in Schools Benefits</td>
<td>0410-190-2993-0188</td>
<td></td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>$103,584</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>To Revenue:</th>
<th>Amount</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>$62,500</td>
<td>Federal Grant</td>
<td>0410-190-2993-3508</td>
<td></td>
</tr>
<tr>
<td>$41,084</td>
<td>School – PD Reimbursement</td>
<td>0410-190-2993-3127</td>
<td></td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>$103,584</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING THE SUBMITTAL OF THE MODESTO CITY-COUNTY AIRPORT’S REVISED AIRPORT CAPITAL IMPROVEMENT PLAN (ACIP) TO THE FEDERAL AVIATION ADMINISTRATION (FAA).

WHEREAS, Modesto City-County Airport is a commercial service airport and is eligible for federal Airport Improvement Program entitlement and discretionary funds, and

WHEREAS, the United States Congress is expected to allocate for this fiscal year $3.7 billion dollars to airports for their airport improvements, and

WHEREAS, the FAA prioritizes airport funding needs through the Airport Capital Improvement Plans submitted by the nation’s airports, and

WHEREAS, the FAA has notified the City of Modesto that they are requesting the Modesto City-County Airport’s revised ACIP be submitted to the FAA by October 31, 2004, and

WHEREAS, the Airport Advisory Committee reviewed the revised ACIP at their September 15, 2004 meeting and supported recommending that the City Council approve the revised ACIP to the FAA, and

WHEREAS, the Economic Development Committee reviewed the revised ACIP at their October 11, 2004 meeting and supported recommending that the City Council approve the revised ACIP to the FAA,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submitting a revised ACIP listing of recommended projects with their estimated costs to the FAA.
The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-560

A RESOLUTION APPROVING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT TO ROSS G. STEPHENSON ASSOCIATES, INC., FOR $92,385 TO COMPLETE DESIGN & SURVEY SERVICES FOR THE ROSELLE & FLOYD INTERSECTION WIDENING PROJECT, AND AUTHORIZING THE COMMUNITY FACILITIES DISTRICT ADMINISTRATOR TO EXECUTE THE AGREEMENT

WHEREAS, the Village One Facilities Master Plan contains a prioritization list for construction projects to be funded by the Village One Community Facilities District, and

WHEREAS, the Roselle & Floyd Intersection Widening project identified on the prioritization list as a Priority 1 project, and

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

WHEREAS, following a Request for Qualifications for engineering design services, which was sent to all local engineering firms, six statements of qualifications were received for the Roselle & Floyd Intersection Widening project, and

WHEREAS, the City’s Selection Committee decided all six firms were qualified to provide engineering design services, and

WHEREAS, Ross G. Stephenson Associates, Inc., was deemed most qualified and selected for engineering design services, and

WHEREAS, the Public Works Director and the District Administrator has recommended accepting the proposed contract with Ross G. Stephenson Associates, Inc., to complete the Design & Survey Services for the Roselle & Floyd Intersection Widening in an amount not to exceed $92,385,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Ross G. Stephenson Associates, Inc., to complete the Design & Survey Services for the Roselle & Floyd Intersection Widening in an amount not to exceed $92,385,

BE IT FURTHER RESOLVED that the Community Facilities District Administrator, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
RESOLUTION NO. 2004-561


WHEREAS, on February 11, 2003, StanCOG pursuant to California State Public Utility Codes (PUC) Section 99401.6 determined that there are no reasonable needs to meet, and

WHEREAS, on June 1, 2004, by Resolution No. 2004-289, the City Council approved the fiscal year 2004-2005 annual claim for Local Transportation Funds (LTF) for transit purposes only, and

WHEREAS, StanCOG informed the Finance Department it will allocate both the Annual and Supplemental LTF for use on local streets and roads pursuant to PUC Sections 99400 and 99233.11, and

WHEREAS, StanCOG informed the Finance Department it has allocated both the Annual and Supplemental LTF for pedestrian and bicycle facility uses pursuant to PUC Sections 99233.3 and 99234, and

WHEREAS, StanCOG informed the Finance Department the City of Modesto may claim $2,401,699 of Annual fiscal year 2004-2005 LTF for street purposes, and $136,158 for pedestrian and bicycle projects, and

WHEREAS, StanCOG informed the Finance Department the City of Modesto may claim $623,048 of Supplemental LTF for street purposes, $12,181 for pedestrian and bicycle projects, and $22,500 for Transit Related operations.
WHEREAS, Council action authorizing the above claim is required by StanCOG pursuant to PUC Section 99261 before LTF can be released to the City of Modesto, and

WHEREAS, City of Modesto had a $2,846,623 carryover of fiscal year 2003-2004 LTF funded Operations and Capital Improvement Project budget projects to fiscal year 2004-2005, and

WHEREAS, Council action authorizing the carryover claim is required by StanCOG pursuant to PUC Section 99261 before LTF can be budgeted by the City of Modesto for multi-year and fiscal year 2004-2005 Operations and Capital Improvement Projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and authorizes the execution and submission of the claim for apportionment of the fiscal year 2004-2005 Annual ($2,537,827) and fiscal year 2003-2004 Supplemental LTF ($657,729) to StanCOG to obtain non-transit funds in the amount of $3,195,556.

BE IT FURTHER RESOLVED, by the Council of the City of Modesto that it hereby approves and authorizes the execution and submission of the claim for apportionment of $2,846,623 of carryover funds from fiscal year 2003-2004 to the fiscal year 2004-2005 Operations and Capital Improvement Budgets.
The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

Attest: Jean Zahr, City Clerk

2004-561
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-562

A RESOLUTION ACCEPTING IMPROVEMENTS IN THE COVINGTON POINTE SUBDIVISION, IN THE PELANDALE-SNYDER SPECIFIC PLAN AREA, AUTHORIZING THE CITY CLERK TO RECORD A NOTICE OF COMPLETION AND AUTHORIZING RELEASE OF BONDS

WHEREAS, MODESTO TULLY INVESTORS, L.P., A CALIFORNIA LIMITED PARTNERSHIP, BY MODESTO TULLY VENTURES, LLC, A CALIFORNIA LIMITED PARTNERSHIP COMPANY, is the subdivider of the COVINGTON POINTE SUDIVISION (“SUBDIVISION”), in the Pelandale-Snyder Specific Plan Area, and

WHEREAS, MODESTO TULLY INVESTORS, L.P., a California Limited Partnership, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amounts of $1,011,917.00 and $505,958.50, respectively, and

WHEREAS, MODESTO TULLY INVESTORS, L.P., a California Limited Partnership, has filed a warranty bond in the amount of $101,191.70 to guarantee improvements in the Covington Pointe Subdivision, and

WHEREAS, the City Engineer, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed to the satisfaction of the Public Works Department, and

WHEREAS, the City Engineer has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file a Notice of Completion and release the bonds upon expiration of the statutory periods,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The improvements in the Covington Pointe Subdivision are hereby accepted and the City Clerk is hereby authorized to record a Notice of Completion for the improvements.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $1,011,917.00 upon recordation of the Notice of Completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $505,958.50 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $101,191.70 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

JEAN ZAHR City Clerk

APPROVED AS TO FORM:

By ________________________________

ALISON BARRATT-GREEN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-563

A RESOLUTION APPROVING A LEASE AGREEMENT WITH SEARS ROEBUCK AND CO. TO LEASE FIFTY (50) PARK AND RIDE PARKING SPACES AT ORCHARD SUPPLY HARDWARE (OSH) LOCATED ON SISK ROAD AT A COST OF $750 PER QUARTER COMMENCING RETROACTIVE TO JULY 1, 2003, AND EXPIRING SEPTEMBER 30, 2005, AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Modesto’s Modesto Area Express (MAX) transit system operates an express commuter bus service between Modesto and the Dublin/Pleasanton BART station, and

WHEREAS, customers of that service need a place where they can park and then board the bus, and

WHEREAS, passengers of that service used the Vintage Faire Mall Park and Ride Lot, and

WHEREAS, in January 2003 Vintage Faire Mall informed staff that they planned to close its Park and Ride lot later that year, and

WHEREAS, the City began using the parking lot at Orchard Supply Hardware (OSH) on Sisk Road beginning July 1, 2003 on an informal basis due to the impending closure of the Vintage Fair Mall Park and Ride Lot, and

WHEREAS, Sears, Roebuck and Co., owners of OSH, are willing to lease fifty (50) spaces in the OSH Sisk Road parking lot at a cost of $750 per quarter commencing retroactive to July 1, 2003 and expiring on September 30, 2005, and

WHEREAS, the Public Works Department staff recommended to the Economic Development Committee (EDC) approval of a lease agreement with Sears, Roebuck and Co. for the lease of fifty (50) spaces at the OSH Sisk Road parking lot, and
WHEREAS, the EDC met on October 11, 2004 and supported the recommendation of City staff and requested that the City Council be given the opportunity to raise fares on the BART Commuter Express bus to offset the cost of the lease, and

WHEREAS, by an agenda report to the City Council dated October 7, 2004, from the Public Works Director, City staff recommended to the Council that it approve the agreement with Sears, Roebuck and Co.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the lease agreement with Sears, Roebuck and Co. for the lease of 50 parking spaces for park and ride purposes at a cost of $750 per quarter year, commencing July 1, 2003 and expiring September 30, 2005.

BE IT FURTHER RESOLVED that the Acting City Manager is authorized to execute the lease agreement.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:  Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  

MICHAEL D. MILICH, City Attorney

10/26/04/PW/F Cavanah/Item 24 2 2004-563
MODesto CItY CouNCillR
RESolution No. 2004-564

A RESOLUTION ALLOCATING $1,030,791 FROM FISCAL YEAR 2004-2005 HOME FUNDS TO THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS FOR THE DEVELOPMENT OF THE VILLAGE ONE MULTI-FAMILY HOUSING PROJECT, AND AUTHORIZING THE ACTING CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS, AND DIRECTING STAFF TO SEND A LETTER TO THE THREE ACTIVE AND APPROVED COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS (CHDOs) INVITING THEM TO SUBMIT A LETTER OF INTENT FOR THE CHDO SET ASIDE AND CHDO OPERATING FUNDS.

WHEREAS, the City of Modesto receives annual entitlements from the Department of Housing and Urban Development (HUD) based on the population size, number of households living below poverty level and number of sub-standard housing units; a percentage of the HOME Investment Partnership Program (HOME) entitlement plus estimated program income may be allocated for the purposes of providing assistance consistent with the functions of HOME funding, CHDO funds can be allocated only to non-profit organizations that have been approved by the City of Modesto as CHDOs, and are active in Modesto and operating in compliance with the HOME regulations, and

WHEREAS, in fiscal year 2004-2005, HUD allocated $1,375,817 in HOME entitlement funds to the City of Modesto; staff estimates program income to be $100,000; which brings the HOME funds up to $1,485,817, and

WHEREAS, in the past, the City of Modesto has released a Request For Proposal (RFP) to find projects that will provide affordable housing to very-low and low-income families or individuals; the RFP includes the direct loans funds as well as the CHDO set aside and CHDO operating funds; in the last few years we have received two responses to the RFP, and one response to the CHDO operating funds, and

WHEREAS, in fiscal year 2002-2003, the City of Modesto allocated $245,000 to the Housing Authority for the pre-development of the Village One project; several
neighborhood meetings have been held; a design committee was created, with residents from Village One and staff from the Housing Authority; the City and the residents have invested a substantial amount of time in this project; all the above actions have assisted the Housing Authority to accomplish the pre-development phase with neighborhood participation, and

WHEREAS, recently, the Housing Authority submitted a letter stating that the Village One project will cost $11.6 million; the Housing Authority has been able to secure some layers of funding but the current funding gap for this project is approximately $4 million, and

WHEREAS, staff is recommending allocating additional $1,030,791 from the HOME Investment Partnership Program funds to the Housing Authority for the development of this multi-family housing project to lower the $4 million gap; without additional funding, the Housing Authority will not be able to begin construction, and

WHEREAS, the City has already pledged $933,600, 80% of the FY 2002-2003 HOME funds, for the construction of this project; the Housing Authority is ready to prepare the site for construction; the neighborhood has accepted this project and is looking forward to its completion, and

WHEREAS, this project will add 60 affordable rental units to the City’s housing stock. This apartment complex will provide decent safe and sanitary housing to low-income families; in addition, since the City has three active CHDOs and there is CHDO funding available, staff is recommending sending a letter to these organizations and inviting them to send a letter of intent if they are interested in applying for these funds; staff will set up a meeting with the review committee members to review the letters of intent and to make further recommendations for the allocations of the CHDO funds, and
WHEREAS, the Community Development Committee (CH&CDC) met on September 24, 2004, and accepted staff’s recommendations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to allocate an additional $1,030,791 from the HOME Investment Partnership Program funds to the Housing Authority of the County of Stanislaus for the development of the Village One Project.

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

BE IT FURTHER RESOLVED that staff is hereby directed to send a letter to the three active and approved Community Housing Development Organizations (CHDOs) inviting them to submit a letter of intent for the CHDO set aside and CHDO operating funds.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: [Signature]
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: [Signature]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-565

A RESOLUTION AMENDING THE FISCAL YEAR 2004-05 OPERATING BUDGET TO TRANSFER $1,030,791 FROM 1170-320-3259-3512, HOME CARRYOVER, TO 1170-320-3259-0497, DIRECT LOANS.

WHEREAS, the City of Modesto receives annual entitlements from the Department of Housing and Urban Development (HUD) based on the population size, number of households living below poverty level and number of sub-standard housing units; a percentage of the HOME Investment Partnership Program (HOME) entitlement plus estimated program income may be allocated for the purposes of providing assistance consistent with the functions of HOME funding, and

WHEREAS, staff is recommending allocating $1,030,791 from the HOME Investment Partnership Program funds to the Housing Authority for the development of a multi-family housing project in Village One, and

WHEREAS, funding is available from the HOME Fund Carryover, and

WHEREAS, in order to make these funds available to the Housing Authority, they need to be transferred into an operating account, and

WHEREAS, the Community Development Committee (CH&CDC) met on September 24, 2004, and accepted staff’s recommendations to allocate $1,030,791 to the Housing Authority,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the FY 04-05 operating budget to transfer $1,030,791 from 1170-320-3259-3512, HOME Carryover, to 1170-320-3259-0497, Direct Loans to fully fund the proposed FY 04-05 HOME Fund allocations.
The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney

Attest: 

JEAN ZAHR, City Clerk

10/26/04/PR&N/C Eubank/Item 25 2 2004-565

WHEREAS, on May 25, 2004, the City Council adopted Resolution No. 2004-283 which increased green fees at Municipal Nine-Hole Golf Course, Dryden Park Municipal Golf Course and Creekside Golf Course, and

WHEREAS, Resolution No. 2004-283 also established new rates for annual passes, high school rounds and tournament play and introduced a 6-hole rate at Municipal Golf Course, and

WHEREAS, Resolution No. 2004-283 also dedicated $1.00 per 18-hole round at the end of each fiscal year to the golf fund reserve for capital improvements, and

WHEREAS, the City entered into an agreement on June 10, 2003 with the Del Rio CC Foundation to administer The First Tee Program at Municipal Golf Course, and

WHEREAS, City staff is recommending that green fee rates be established for members of The First Tee at the Municipal Nine-Hole Golf Course, Dryden Park Municipal Golf Course, and Creekside Municipal Golf Course, and

WHEREAS, City staff is also recommending that neighboring golf courses be encouraged to support members of The First Tee program, and
WHEREAS, the Golf Courses Committee met on September 15, 2004 and supported The First Tee green fee rates at Municipal Nine-Hole Golf Course, Dryden Park Municipal Golf Course and Creekside Golf Course, and

WHEREAS, the Finance Committee met on September 27, 2004 and supported establishing First Tee green fee rates at all City Municipal courses and the encouragement of neighboring golf courses to supported the Golf Course, and

WHEREAS, by an agenda report to the City Council from the Parks, Recreation and Neighborhoods Department dated October 6, 2004, City staff recommended the changes as outlined in the report, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 p.m. on October 26, 2004, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amended golf fees, and

WHEREAS, the Council of the City of Modesto finds that First Tee green fees for play need to be established at the Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course, and

WHEREAS, the Council of the City of Modesto encourages neighboring golf course to support members of The First Tee Program,

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

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

SECTION 2. DISCOUNTS. (a) School Golf Teams. School golf team passes are to be issued only upon presentation by holder of a current high school or college student body card and verification of golf team membership by the school golf coach. Students shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility. Team members with team member passes must be accompanied by their respective golf coaches and shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf season. The specific spring school golf team season will be set by the golf professional after receiving the schools' schedules of matches from each school coach. Green fees at the rate of $5.00 per round shall be implemented for high school and Modesto Junior College golf programs at the Modesto Nine Hole Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course.

(b) Junior Discounts. Junior discounts are to be given only to persons eighteen (18) years of age and younger any day after 12:00 noon. Juniors shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility.

(c) Senior/Junior/Disabled Discounts. Senior/Junior/Disabled discounts are to be given only to persons who are sixty-two (62) years of age or older or to those who are on disability retirement. Proof of age or proof of disability retirement must be displayed to obtain a Senior/Retired/Disabled discount. Discounts are good weekdays except for holidays.
Members of the five officially recognized golf clubs (Muni Niners, Modesto Golf Club, Dryden Park Women’s Golf Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.

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

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

(f) **Family Tee Program.** To promote family play, golfers may play from established “family tees” to be set no more than 175 yards from the greens at Municipal Nine-Hole Golf Courses. Rates for play are $6.00 weekdays and $7.00 weekends. All members of the foursome or group must use the family tees for this rate to be in effect.

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

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

SECTION 4. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

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

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

SECTION 7. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established greens fees.

SECTION 8. OFFICIALLY RECOGNIZED AFFILIATED GOLF CLUBS. Golf Clubs officially recognized under the terms of this resolution are: Muni Niners, Modesto Golf Club, Dryden Park Women’s Golf Club, Creekside Golf Club and S.I.R.S.

SECTION 9. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after November 1, 2004.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  
MICHAEL D. MILICH, City Attorney
CITY OF MODESTO GOLF COURSES
GREEN FEE SCHEDULE
EFFECTIVE OCTOBER 27, 2004

**DRYDEN PARK MUNICIPAL GOLF COURSE**

<table>
<thead>
<tr>
<th>Day Type</th>
<th>Fee</th>
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</thead>
<tbody>
<tr>
<td>Weekdays, 9-holes</td>
<td>$14.50</td>
</tr>
<tr>
<td>Weekdays, 9-holes (seniors/juniors/disabled)</td>
<td>$12.50</td>
</tr>
<tr>
<td>Weekdays, 18-holes</td>
<td>$20.50</td>
</tr>
<tr>
<td>Weekdays, 18-holes (seniors/juniors/disabled)</td>
<td>$17.00</td>
</tr>
<tr>
<td>Weekdays, 18-holes (juniors, after noon)</td>
<td>$13.00</td>
</tr>
<tr>
<td>Weekdays Mid-day, 18-holes</td>
<td>$16.50</td>
</tr>
<tr>
<td>Weekdays Super-Twilight, 18-holes</td>
<td>$10.50</td>
</tr>
<tr>
<td>Weekdays afternoon League Play</td>
<td>$15.00</td>
</tr>
<tr>
<td>Weekends/Holidays, 9-holes</td>
<td>$16.50</td>
</tr>
<tr>
<td>Weekends/Holidays, 18-holes</td>
<td>$26.50</td>
</tr>
<tr>
<td>Weekends/Holidays, 18-holes (juniors, after noon)</td>
<td>$15.50</td>
</tr>
<tr>
<td>Weekends/Holidays Mid-day, 18-holes</td>
<td>$19.50</td>
</tr>
<tr>
<td>Weekends/Holidays Super-Twilight, 18-holes</td>
<td>$13.50</td>
</tr>
<tr>
<td>First Tee Member, 9-holes</td>
<td>$ 5.00</td>
</tr>
<tr>
<td>First Tee Member, 18-holes</td>
<td>$10.00</td>
</tr>
<tr>
<td>6-play Valu-Play booklet</td>
<td>$105.00</td>
</tr>
<tr>
<td>6-play Valu-Play booklet (seniors/juniors/disabled)</td>
<td>$90.00</td>
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**CREEKSIDE MUNICIPAL GOLF COURSE**

<table>
<thead>
<tr>
<th>Day Type</th>
<th>Fee</th>
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<tbody>
<tr>
<td>Weekdays, 9-holes</td>
<td>$16.00</td>
</tr>
<tr>
<td>Weekdays, 9-holes (seniors/juniors/disabled)</td>
<td>$13.50</td>
</tr>
<tr>
<td>Weekdays, 18-holes</td>
<td>$22.50</td>
</tr>
<tr>
<td>Weekdays, 18-holes (seniors/juniors/disabled)</td>
<td>$18.50</td>
</tr>
<tr>
<td>Weekdays, 18-holes (juniors, after noon)</td>
<td>$14.00</td>
</tr>
<tr>
<td>Weekdays Mid-day, 18-holes</td>
<td>$17.50</td>
</tr>
<tr>
<td>Weekdays Super-Twilight, 18-holes</td>
<td>$11.50</td>
</tr>
<tr>
<td>Weekdays afternoon League Play</td>
<td>$16.00</td>
</tr>
<tr>
<td>Weekends/Holidays, 9-holes</td>
<td>$18.50</td>
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<tr>
<td>Weekends/Holidays, 18-holes</td>
<td>$29.50</td>
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<tr>
<td>Weekends/Holidays, 18-holes (juniors, after noon)</td>
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<tr>
<td>Weekends/Holidays Mid-day, 18-holes</td>
<td>$21.50</td>
</tr>
<tr>
<td>Weekends/Holidays Super-Twilight, 18-holes</td>
<td>$15.50</td>
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<tr>
<td>First Tee Member, 9-holes</td>
<td>$ 5.00</td>
</tr>
<tr>
<td>First Tee Member, 18-holes</td>
<td>$10.00</td>
</tr>
<tr>
<td>6-play Valu-Play booklet</td>
<td>$105.00</td>
</tr>
<tr>
<td>6-play Valu-Play booklet (seniors/juniors/disabled)</td>
<td>$90.00</td>
</tr>
</tbody>
</table>

**MODESTO NINE HOLE MUNICIPAL GOLF COURSE (MUNI)**

10/26/04/PR&N/J Niskanen/Item 26
Weekdays, 9-holes $13.00
Weekdays, 9-holes (seniors/juniors/disabled) $11.00
Weekdays, 9-holes (juniors, after noon) $8.50
Weekdays Mid-day, 9-holes $11.00
Weekdays Super-Twilight, 9-holes $9.00
Weekdays afternoon League Play $10.00
Weekends/Holidays, 9-holes $15.00
Weekends/Holidays, 9-holes (juniors, after noon) $9.50
Weekends/Holidays Mid-day, 9-holes $12.00
Weekends/Holidays Super-Twilight, 9-holes $10.00

First Tee Member, 9-holes $5.00
6-play Valu-Play booklet $52.50
6-play Valu-Play booklet (seniors/juniors/disabled) $45.00

Weekdays, 9-holes, Family Tees $6.00
Weekends, 9-holes, Family Tees $7.00

Weekdays, 6-holes $6.00
Weekends, 6-holes $7.00

MUNICIPAL NINE-HOLE GOLF COURSE, DRYDEN PARK MUNICIPAL GOLF COURSE AND CREEKSDIDE MUNICIPAL GOLF COURSE

*Annual Club Membership, Initial Membership $150.00
*Annual Club Membership, Every Day $980.00
*Annual Club Membership, Every Day, Jr./Sr. $860.00
*Annual Club Membership, Every Day, Family $1,460.00
*Annual Club Membership, Every Day, Family, Jr./Sr. $1,280.00
*Annual Club Membership, Week Day $800.00
*Annual Club Membership, Week Day, Jr./Sr. $670.00
*Annual Club Membership, Week Day, Family $1,190.00
*Annual Club Membership, Week Day, Family, Jr./Sr. $1,010.00

*At Dryden Park Municipal Golf Course and Creekside Municipal Golf Course, the Every Day annual passes provided for above shall not apply to tee times prior to 1:00 p.m. during Daylight Savings Time and 12:00 Noon during Standard Time on Saturdays, Sundays, and Holidays. At Municipal Nine-Hole Golf Course, the Every Day annual passes provided for above shall not apply to tee times prior to 10:00 a.m. year-round on Saturdays, Sundays, and Holidays.
TOURNAMENT FEE SCHEDULE AND POLICY
EFFECTIVE OCTOBER 27, 2004

<table>
<thead>
<tr>
<th></th>
<th>FEE PER PLAYER</th>
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<tbody>
<tr>
<td></td>
<td>Regular Tee</td>
<td>Modified Tee</td>
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<td></td>
<td>Time Style</td>
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</tr>
<tr>
<td></td>
<td>Excluding cart</td>
<td>Excluding cart</td>
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</tr>
<tr>
<td>CREEKSIDE</td>
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</tr>
<tr>
<td>Weekday</td>
<td>$32.50</td>
<td>$40.50</td>
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<tr>
<td>Weekends</td>
<td>$39.50</td>
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<tr>
<td>DRYDEN</td>
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<tr>
<td>Weekday</td>
<td>$30.50</td>
<td>$38.50</td>
<td>$38.50</td>
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<tr>
<td>Weekends</td>
<td>$36.50</td>
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<td>MUNI</td>
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<tr>
<td>Weekday</td>
<td>$23.00</td>
<td>$25.00</td>
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<tr>
<td>Weekend</td>
<td>$25.00</td>
<td>$27.00</td>
<td>N/A</td>
</tr>
</tbody>
</table>

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

Regular tee time style tournaments require a minimum of 28 players. Per player fees include:
green fees ($22.50 weekdays/$29.50 weekends at Creekside, $20.50 weekdays/$26.50 weekends at Dryden and $13.00 weekdays/$15.00 weekends at Muni); and Pro Shop merchandise credit ($5.00 at Creekside/Dryden/Muni); and golf course restaurant credit ($5.00 at Creekside/Dryden/Muni).

Full shotgun tee time style tournaments require a minimum of 120 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include: green fees ($26.50 weekdays/$34.50 weekends at Creekside, $24.50 weekdays/$31.50 weekends at Dryden and $15.00 weekdays/$17.00 weekends at Muni); Pro Shop merchandise credit ($7.00 at Creekside/Dryden and $5.00 at Muni); and golf course restaurant credit ($7.00 at Creekside/Dryden and $5.00 at Muni). Cart rental is required for shotgun style tournaments.

Modified shotgun tee time style tournaments require a minimum of 72 players at Creekside/Dryden. Per player fees include: green fees ($26.50 weekdays at Creekside; $24.50 weekdays at Dryden); Pro Shop merchandise credit ($7.00 at Creekside/Dryden); and golf course restaurant credit ($7.00 at Creekside/Dryden). Cart rental is required for modified shotgun style tournaments. Modified shotgun style tournaments are not available at Muni.

Members of the five officially recognized affiliated golf clubs (Muni Niners, Modesto Golf Club, Dryden Park Women’s Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Friday, excluding holidays.
PLAY DAY POLICY
FOR PLAY AT THE CITY’S
MUNICIPAL GOLF COURSES
BY NON-AFFILIATED GROUPS

The following policy is hereby established for Non-Affiliated Groups to encourage their use of the City’s municipal golf courses:

Criteria for these groups are:

1. They are a group with an identification or organizational structure;

2. They commit to use the City’s golf course(s) on a regular basis (weekly, bi-weekly, monthly, etc.);

3. They have a minimum of twenty-four (24) players;

4. Regular tee-time style starting will be used (no shotgun style starting will be allowed);

5. Their events do not promote a formal competition or championship; and

6. Play days will be restricted to Monday through Wednesday after 9:00 a.m.

In recognition of their contribution to the golf program, no mandatory pro shop or restaurant fees will be assessed. Tee time reservations, in advance of public reservations, will be allowed.
MODESTO CITY COUNCIL
RESOLUTION NUMBER 2004-567


WHEREAS, the City of Modesto Police Department made application to the U. S. Department of Justice, Bureau of Justice Assistance for the 2004 Local Law Enforcement Block Grant Program, and

WHEREAS, the program is of 24-month duration, and it includes the program area of procuring equipment and technology to enhance law enforcement, and

WHEREAS, the Police Department submitted an application for various unmet equipment and technology needs, as attached, and

WHEREAS, acceptance of this grant enhances Healthy and Safe Strategic Action Plan action, H.1.B.8. which calls for obtaining public service grants, and

WHEREAS, the total grant project is $81,277 of which the federal share is $73,149 and the local match is $8,128 and that match is available from the Asset Forfeiture Trust Account, and

WHEREAS, the grant will make possible the purchase of specialized computer equipment, an access system, a scanner, digital recorders, and ear pieces for portable radios to free sworn officers’ hands,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves the Federal 2004 Local Law Enforcement Block Grant contract for the purchase of police equipment and technology, as attached.
BE IT FURTHER RESOLVED that the Acting City Manager is hereby authorized to execute said grant contract.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
2004 Local Law Enforcement Block Grant
Planned Equipment and Technology Acquisitions

Federal Funds: $73,149
Local Match: 8,128
Total Funds: $81,277

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
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<tbody>
<tr>
<td>Smart Board Project</td>
<td>$10,000</td>
</tr>
<tr>
<td>2 Computers with Smart Board Software</td>
<td></td>
</tr>
<tr>
<td>2 Projectors</td>
<td></td>
</tr>
<tr>
<td>For Chief's Office Conference Room and Police Officer Briefing</td>
<td></td>
</tr>
<tr>
<td>Facility</td>
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<tr>
<td>Property and Evidence Unit Access System</td>
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<tr>
<td>A system for electronic tracking of personnel into Property and Evidence facility (egress and ingress)</td>
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<tr>
<td>ID Card Machine</td>
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<td>For reprogramming of proximity cards for all police facilities</td>
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<tr>
<td>Scanner for Property and Evidence Unit</td>
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<tr>
<td>For written document scanning in the ID Unit</td>
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<tr>
<td>32 Digital Recorders</td>
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<tr>
<td>For all Police Sergeants to record and then download recordings into personal computers for manipulation, transcription</td>
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<tr>
<td>16 Flat Screen Monitors</td>
<td>11,000</td>
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<td>For all Police Lieutenants because of desk space limitations</td>
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<tr>
<td>125 Ear Pieces for Portable Radios</td>
<td>12,277</td>
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<td>For greater safety by freeing hands</td>
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<td>10 Tazers and Supplies</td>
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<td>Non-lethal use of force option</td>
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<td>32 Personal Data Assistants</td>
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<td>for all Police Sergeants</td>
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<tr>
<td>Total</td>
<td>$81,277</td>
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</table>
A RESOLUTION AMENDING THE FISCAL YEAR 2004/2005 ANNUAL BUDGET ESTIMATING REVENUE AND APPROPRIATING FUNDS FOR THE 2004 LOCAL LAW ENFORCEMENT BLOCK GRANT

WHEREAS, the Police Department acquired a grant award from the U.S. Department of Justice for the 2004 Local Law Enforcement Block Grant Program in the sum of $73,149, and

WHEREAS, the City’s match for the Federal grant program is $8,128 and will be made from the Asset Forfeiture Trust Account,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2004/2005 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>To:</th>
<th>Revenue:</th>
</tr>
</thead>
<tbody>
<tr>
<td>0400-190-2999-3506</td>
<td>2004 LLEBG</td>
</tr>
<tr>
<td>860 Balance Sheet</td>
<td>Asset Forfeiture Trust</td>
</tr>
<tr>
<td>(to 0400-190-2999-7202) Account</td>
<td></td>
</tr>
<tr>
<td>$8,128</td>
<td></td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004 - 569

A RESOLUTION CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) SPECIAL TAXES TO THE QUALIFIED ELECTORS OF THE TERRITORY PROPOSED TO BE ANNEXED TO THE DISTRICT (ANNEXATION NO. 4)

WHEREAS, this Council did, on September 14, 2004, adopt its Resolution No. 2004-458 (the "Resolution of Intention to Annex") to indicate its intention to annex certain territory to the City's Community Facilities District No. 2004-1 (Village One #2) (the "District") and authorize the levy of the District special taxes within the territory proposed to be annexed (the "Annexed Territory"), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and set a hearing thereon;

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk;

WHEREAS, a map of the Annexed Territory, entitled "Annexation Map No. 4 of Community Facilities District No. 2004-1 ("Village One #2) of the City of Modesto, County of Stanislaus, State of California," was recorded on September 15, 2004, in the Office of the County Recorder of the County of Stanislaus, in Book 3 of Maps of Assessment and Community Facilities Districts, at page 99;

WHEREAS, at the time and date set for the hearing (October 26, 2004) pursuant to the Resolution of Intention to Annex, this Council held the public hearing, as required by the Act, related to the proposed annexation and the levy of the District special taxes...
within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex;

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, including all interested persons for or against the proposed annexation to the District and the levy of the District special taxes within the Annexed Territory were heard and considered, and a full and fair hearing was held thereon;

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters related to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex;

WHEREAS, written protests against the proposed annexation and the levy of the District special taxes within the Annexed Territory have not been filed with the City Clerk by 50 percent or more of the registered voters or six registered voters, whichever is more, residing within the District or residing within the District or residing within the Annexed Territory, or the owners of one-half or more of the land in the District, or in the Annexed Territory;

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than 12 registered voters residing in the Annexed Territory; accordingly, the qualified electors are the landowners; and
WHEREAS, the City Clerk, being the Council's designated election official for purposes of the election herein called, has concurred in the election date herein set forth for the election;

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. All prior proceedings taken with respect to the annexation of the Annexed Territory to the District, and the levy of the District special taxes within the Annexed Territory were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

SECTION 3. The proposed annexation of the Annexed Territory to the District and the levy of the District special taxes within the Annexed Territory have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 4. As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex the Annexed Territory to the District and levy the District special taxes within the Annexed Territory. Upon such approval the Council will be authorized to levy the District special taxes within the Annexed Territory.

SECTION 5. A special election is hereby called at which the question of levying the District special taxes within the Annexed Territory shall be submitted to the qualified electors of the Annexed Territory. The election shall be held in accordance with and subject to the Act, all of the terms of which shall, unless waived as herein provided, be
applicable to such election. The ballot measure shall be substantially in the form attached hereto as Exhibit A.

SECTION 6. Fewer than 12 persons have been registered to vote within the Annexed Territory for each of the 90 days preceding the close of the hearing referenced herein. Accordingly, the vote shall be by the landowners of the Annexed Territory, and each such landowner shall have one vote for each acre or portion thereof that he or she owns within the Annexed Territory. The ballots shall be distributed by mail with return postage prepaid, or by personal service, to each landowner, all as provided in Section 53326 of the Act.

Since the City Clerk has received appropriate waivers of time limits and other requirements pertaining to the conduct of the election by each of the owners of land in the Annexed Territory (collectively, the “Landowners”), the election shall be held on the 26th day of October 2004. The election shall be conducted by the City Clerk in the manner required by this resolution, the Act and applicable laws.

The hour on such date when the ballots are required to be received in the office of the City Clerk is noon, Pacific Time. If all qualified electors have voted prior to such time, the election shall be closed.

SECTION 7. In accordance with Section 53327(b) of the Act, analysis and arguments, as required by Section 53327(a) of the Act are hereby waived, as the City Clerk has received the unanimous consent to such waivers from the Landowners.

SECTION 8. The publication of this Resolution as notice of the special election is hereby waived as the City Clerk has received the unanimous consent to such waiver from the landowners.
SECTION 9. The Annexed Territory shall constitute a single election precinct for the purpose of holding the election.

SECTION 10. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the election, and to perform and render all services and proceedings incidental to and in connection with the election.

SECTION 11. The City Clerk shall canvass the returns and certify the results of the election to this Council. If two-thirds or more of the votes cast are in favor of levying the District special taxes in the Annexed Territory, this Council may thereafter, order the annexation of the Annexed Territory to the District and levy the District special taxes in the Annexed Territory in the amount and for the purposes specified in Resolution No. 2004-199 adopted by this Council on April 6, 2004 (the “Resolution of Formation”). The Special Tax will be levied only at the rate and apportioned only in the manner specified in the Resolution of Formation.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT A

SAMPLE

OFFICIAL BALLOT

BALLOT NO. ___

CITY OF MODESTO
COMMUNITIES FACILITIES DISTRICT NO. 2004-1
(VILLAGE ONE #2)
ANNEXATION NO. 4
SPECIAL TAX ELECTION
October 26, 2004

___% OF LAND IN TERRITORY PROPOSED TO BE ANNEXED TO DISTRICT
NUMBER OF VOTES ENTITLED TO BE CAST ___
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word “YES” or “NO.”

All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5398, Monday through Friday, between the hours of 9:00 a.m. and noon.

MARK YOUR CHOICE IN THIS MANNER ONLY:

MEASURE SUBMITTED TO VOTE OF VOTERS

Proposition A. Shall special taxes, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City’s Resolution No. 2004-199, entitled “A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District” (the “Resolution of Formation”), adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City’s Resolution No. 2004-458, entitled “A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 4)” (the “Resolution of Intention to Annex”) adopted by they City Council of the City of Modesto on September 14, 2004, for the purposes set forth in the Resolution of Formation?

BALLOT NO. ___

___% of land in territory proposed to be annexed to District

THIS BALLOT HAS A VALUE OF ___ VOTES

WHEREAS, this Council is conducting proceedings pertaining to the annexation of certain territory to the City’s Community Facilities District No. 2004-1 (Village One #2) (the “District”) and the levy of the District special taxes (the “District Special Taxes”) within such territory, as described in its Resolution No. 2004-458, entitled “A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 4)” adopted on September 14, 2004, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”);

WHEREAS, the owners of all the property within the territory proposed to be annexed to the District waived those provisions related to the timing and conduct of the election referenced in Sections 5, 6, 7 and 8 of this Council’s Resolution No. 2004-569, adopted on October 26, 2004, and, as a result, this Council called an election within the territory proposed to be annexed to the District (the “Election”) for October 26, 2004, relative to the foregoing;

WHEREAS, on October 26, 2004, the Election was held; and
WHEREAS, the City Clerk has certified that at the Election the proposition of levying the District Special Taxes within the territory proposed to be annexed to the District was approved by more than two-thirds (2/3) of the votes cast at the Election;

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

SECTION 1. The Election was duly and validly conducted in conformity with all applicable laws pertaining thereto. It is hereby determined that the owners of the territory proposed to be annexed is as set forth in the Certificate of City Clerk as to Distribution of Official Ballots, submitted to this Council and on file with the City Clerk.

SECTION 2. The ballot proposition presented to the qualified electors of the territory proposed to be annexed at the Election received at least two-thirds (2/3) of the votes cast at the Election. A copy of the City Clerk's certificate of election results is attached.

SECTION 3. Pursuant to Section 53339.8 of the Act, it is hereby ordered that the territory proposed to be annexed to the District pursuant to Resolution No. 2004-458 be annexed to and be a part of the District with full legal effect, and that the District Special Taxes be levied within the territory so annexed.

SECTION 4. The City Clerk is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of the Election.

SECTION 5. The City Clerk is further authorized and directed to record an amendment to the Notice of Special Tax Lien with the County Recorder of the County of
Stanislaus, within 15 days from the date hereof, in accordance with the provisions of Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich

MICHAEL D. MILICH, City Attorney
I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2004-569, A Resolution of the City Council of the City of Modesto Calling an Election for the Purpose of Submitting the Levy of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) Special Taxes to the Qualified Electors of the Territory Proposed to be Annexed to the District (Annexation No. 4) adopted on October 26, 2004, by the City Council of the City of Modesto, I did conduct the Special Tax Election on October 26, 2004, and that the election was conducted by mail or in person at the City Hall of the City of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

Proposition A. Shall special taxes, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City’s Resolution No. 2004-199, entitled “A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District” (the “Resolution of Formation”), adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City’s Resolution No. 2004-458, entitled “A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 4)” (the “Resolution of Intention to Annex”) adopted by they City Council of the City of Modesto on September 14, 2004, for the purposes set forth in the Resolution of Formation?

TOTAL VOTES CAST: YES ___ NO ___

Jean Zahr
City Clerk of the City of Modesto
Dated: __________, 2004
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-571

A RESOLUTION AMENDING SECTIONS 1 AND 2 OF RESOLUTION NO. 96-164
ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(346), AS AN ADDITION TO PLANNED
DEVELOPMENT P-D(346). (TERRY MUNDY)"

WHEREAS, Planned Development Zone, P-D(346), was established in 1983 for
the English Oaks Convalescent Hospital on the north side of W. Rumble Road, east of
Hahn Drive, and

WHEREAS, the Modesto City Council, by Ordinance No. 2982-C.S., which
became effective May 16, 1996, approved an amendment to P-D(346) to add an
additional one-and three-fourth acre property located at 2630 W. Rumble Road across
from the main facility to P-D(346), which property would house offices, storage,
pharmacy, and classrooms along with considerable off-street parking, and

WHEREAS, City Council Resolution No. 96-164 adopted by City Council on
April 9, 1996, approved the revised development plan to accommodate the additional
acreage, and

WHEREAS, an application for an amendment to P-D(346) was filed by Terry L.
Mundy on June 28, 2004, to add a 14,811-square-foot two-story office building, a 4,200-
square-foot second-story storage building addition, and additional off-street parking,
including a carport covering 20 new parking spaces on the southern portion of the P-D
Zone, and

WHEREAS, after a public hearing held on September 20, 2004, 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. 2004-56, that the
amendment to P-D(346) as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed amendment to P-D(346) is consistent with the Modesto Urban Area General Plan, because the use is consistent with the MU, Mixed Use General Plan designation for the site.

2. The Conditions of Approval along with the revised plans will ensure that the proposed office/storage/parking additions will be compatible with other uses in the area.

WHEREAS, said matter was set for a public hearing of the City Council to be held on October 26, 2004, 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 Terry L. Mundy for an amendment to P-D(346) should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2004-56 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3358-C.S. on the 26th day of October, 2004, amending Section 2 of Ordinance No. 2982-C.S. to add business/professional offices as allowed in the P-O Zone and indoor storage as approved uses in P-D(346).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 96-164 entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-D(346), as an Addition to Planned Development, P-D(346) (Terry Mundy)" are hereby amended to read as follows:
"SECTION 1. DEVELOPMENT PLAN. The amended development plan for Planned Development Zone, P-D(346), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Proposed Site Plan C.R. Lifestyle" as amended in red, stamped approved by the City Council on October 26, 2004.

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. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

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

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

5. All conditions of City Council Resolution Nos. 96-164, 87-36, and 83-830 not in conflict with this action shall remain in full force and effect.

6. 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 defense."

"SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone P-D(346):

That the entire construction be accomplished in one phase, construction to begin on or before October 26, 2006, and be completed by not later than October 26, 2007."
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. 3358-C.S amending Ordinance No. 2982-C.S becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

10/26/04/C&ED/Robert S. Cannell/Item 30 4 2004-571

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, Terry L. Mundy has proposed an amendment to the south portion of Planned Development Zone, P-D(346) for office and storage building additions and additional off-street parking at 2630 West Rumble Road on the south side of West Rumble Road, east of Hahn Drive, 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. 2004-51 ("Initial Study") reviewed the proposed amendment to P-D(346) 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, beginning on October 9, 2004,
the City caused to be published a 10-day notice of the City’s intent to make a finding that
the proposed project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed
public hearing which was held on October 26, 2004, at 5:30 p.m., in the Tenth Street
Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the Council has reviewed and considered the Initial Study prepared for the proposed
amendment to P-D(346), 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 Modesto Urban
   Area General Plan Master EIR (MEIR).
2. All applicable policies, regulation, and mitigation measures identified
   in the MEIR 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.

5. The Initial Study, Environmental Assessment No. EA/C&ED 2004-51, provides the substantial evidence to support finding numbers 1-4, noted above.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of October, 2004, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
MICHAEL D. MILICH, City Attorney
EXHIBIT A

Initial Study

EA/C&ED No. 2004-51
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study C&ED No. 2004-51

For the proposed:

Amendment to P-D(346) to Add Office/Storage/Parking Facilities

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

September 1, 2004
City of Modesto
Master EIR Initial Study Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City’s Master EIR. This Initial Study Checklist is used in determining whether the proposed Amendment to P-D(346) 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: Amendment to P-D(346) for addition of office/storage/parking.

B. Address or Location: 2630 W. Rumble Road
   Modesto, CA 95350

C. Applicant: Terry Mundy
   P.O. Box 5336
   Modesto, CA 95352

D. City Contact Person:

   Project Manager: Bob Cannell
   Department: Community & Economic Development
   Phone Number: (209) 577-5274
   E-mail address: bcannell@modestogov.com
E. Current General Plan Designation: MU, for Mixed Used Development

F. Current Zoning Classification(s): P-D(346) for the Office, storage and parking facilities

G. Surrounding Land Uses: North: Convalescent Care Facility
   South: Office / Residential
   East: Commercial
   West: Multi-Family 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):

   The applicant seeks approval of amendment to the south portion of P-D(346) to allow addition of a 14,811-square-foot office building, a second-story addition to a storage building and additional off-street parking.

I. Other Public Agencies Whose Approval is Required: None

III. FINDINGS / DETERMINATION

   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.

[Signature]  Senior Planner  September 1, 2004
Project Manager  Title  Date

City of Modesto Finding of Conformance
General Plan Master EIR 3
Initial Study
C&ED No. 2004-51
September 1, 2004
4. Within the Scope Analysis of this Document:

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

   YES    NO

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

(2) City policies that 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 contained within the Master EIR. 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 negative response must be discussed.

   YES    NO

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

(2) This project was described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project. 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
General Plan Master EIR

C&ED No. 2004-61
September 1, 2004
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.

Policies that require site-specific mitigation remain in place, in addition to avoidance or other mitigation of impacts as a prerequisite to future development.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, 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 buildout 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:

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 an 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.

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

Traffic and Circulation mitigation measures that are pertinent to this project are found on MEIR pages V-1-15 through V-1-21. 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 V, 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:

- The project would contribute more than an additional 100 average daily trips (ADT) to adjoining roads and generates more trips than assumed for their general plan land use category and zoning in the Master EIR. City Engineering & Transportation Staff will review the project to determine whether the project contributes more than 100 ADT thresholds. Such Projects are presumed to generate more trips than assumed by the Master EIR. Where a project exceeds an additional 100 ADT contribution, a site access study will 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 will recommend new, project-specific mitigation measures. Where the project also exceeds the Master EIR's traffic generation assumption, as determined by Engineering & Transportation staff, a comprehensive traffic study will be required that will include off-site traffic impact analysis.

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

- Result in inadequate emergency access.

- Result in inadequate parking capacity.
Discussion:

The proposed project would generate less than 100 ADT, and would have no impact relative to transportation system design, incompatible uses, and emergency access, nor would it result in inadequate parking capacity.

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

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

These are also cumulative impacts on air quality.

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 V, Mitigation Measures Applied to Project.

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:

YES NO

(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.

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

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

(4) The project would expose sensitive receptors to substantial pollutant concentrations.
(5) The project would create objectionable odors affecting a substantial number of people. □ X

Discussion:

The proposed project would not result in long-term air quality-related impacts, as it is simply an expansion of an existing land-use pattern. However, in order to minimize any short-term air quality-related impacts associated with construction, the appropriate mitigation measures will be applied from the MEIR.

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 exceed the City’s Noise Significance Standards (see Table 3-3 MEIR).

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. New measures are listed in Section V: Mitigation Applied to Project.

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:

YES NO

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

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

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

Discussion:

The proposed project will not result in any substantial increase in noise levels that exist without the project. Any noise generated by virtue of expansion self-insulating by the building mass separating the subject business from residential properties to the south and west. The appropriate mitigation measures will be applied from the MEIR.

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.

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 V, Mitigation Applied to 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:

YES NO

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

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. ☐ X

Discussion:

The proposed project is in an urbanized area, and will have no effect on agricultural lands of any kind.

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 V, Mitigation Measures Applied to 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:
The project is inconsistent with the Modesto Urban Area General Plan.  

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

Discussion:

Water supplies are available to serve the existing and expanding office and storage facility.

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 V, Mitigation Measures Applied to 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:

YES NO

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

(2) The project will result in a determination by the wastewater treatment provider who serves or may serve the project that there is not adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

Discussion:

The City of Modesto wastewater infrastructure has adequate capacity to serve the existing 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 V, Mitigation Measures Applied to Project.
c. Project-Specific Effects

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

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

- (1) The project is inconsistent with the Modesto Urban Area General Plan.
- (2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on special status species.
- (3) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Discussion:

The proposed project would not have any impact on wildlife nor plant habitat.

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. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

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:

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<th>YES</th>
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Discussion:

The proposed building and parking additions would have absolutely no impact whatsoever on archaeological / historical sites.

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. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

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:

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</table>

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

(2) The project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite.

(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.

Discussion:

The proposed building and parking addition would not at all affect or substantially increase the rate nor amount of surface runoff. Furthermore, the storm water drainage system will accommodate all on-site runoff.

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 will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

**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:

<table>
<thead>
<tr>
<th>Threshold</th>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
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<tr>
<td>(2) The project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.</td>
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<td>X</td>
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<tr>
<td>(3) The project does not comply with Modesto’s Guidance Manual for New Development Storm water Quality Control Measures.</td>
<td>☐</td>
<td>X</td>
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<tr>
<td>(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.</td>
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Discussion:

The proposed project is subject to all City of Modesto storm water quality control requirements.

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 V, Mitigation Applied to Project.

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>
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<tr>
<th>YES</th>
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<tr>
<td>(1)</td>
<td>The project is inconsistent with the Modesto Urban Area General Plan.</td>
</tr>
</tbody>
</table>
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 V, Mitigation Applied to 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:

<table>
<thead>
<tr>
<th>YES</th>
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<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td>X</td>
</tr>
<tr>
<td>(2) The project 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.</td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

The proposed building and parking addition would have no impact to schools.
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 V, Mitigation Measures Applied to Project.

c. Project-Specific Effects

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

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

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

Discussion:

The proposed project would have little effect relative to provision of police services.
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 V, Mitigation Measures Applied to Project.

c. Project-Specific Effects

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

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

YES NO

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

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

Discussion:

The proposed project would have no effect relative to provision of fire services.
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:** Since the project 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. The project 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:** The project makes 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 V, Mitigation Applied to 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) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td>X</td>
</tr>
<tr>
<td>(2) The County is unable to expand its solid waste disposal capacity and the project would result in waste stream levels that exceed disposal capacity.</td>
<td>X</td>
</tr>
</tbody>
</table>

**Discussion:**

The proposed project will have not impact relative to solid waste.
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 V, Mitigation Measures Applied to 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>Effect Description</th>
<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></td>
<td>X</td>
</tr>
<tr>
<td>(2) The project does not comply with all applicable federal, state, and county</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>standards and regulations relative to the handling, storage, disposal, and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>transport of hazardous or toxic materials or wastes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) The project contains a contaminated site not identified as of March 2003.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(4) The project would emit hazardous emissions or handle hazardous or</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>acutely hazardous materials, substances, or waste within one-quarter mile of an</td>
<td></td>
<td></td>
</tr>
<tr>
<td>existing or proposed school.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) The project would be located on a site that is included on a list of hazardous</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>materials sites compiled pursuant to Government Code Section 65962.5 and as a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>result, would create a significant hazard to the public or the environment.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Discussion:

The proposed project would have no impacts relative to hazardous materials.

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 V, Mitigation Measures Applied to 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:

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

- (2) The project would be located on soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.  
  - YES  NO  
  - ☐  X
Discussion:

The proposed building and parking addition would have no potential to increase risks associated with landslides or seismic activity.

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 V, Mitigation Applied to Project.

c. Project-Specific Effects

Section V-18.B of the MEIR provides analysis of energy impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed-in the MEIR.

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

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

(1) The project is inconsistent with the Modesto Urban Area General Plan.
19. PLANNING AND LAND USE

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

a. Project-Specific Effects

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

<table>
<thead>
<tr>
<th></th>
<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>□</td>
<td>X</td>
</tr>
<tr>
<td>(2) The project includes a substantive amendment to the Modesto Urban Area General Plan.</td>
<td>□</td>
<td>X</td>
</tr>
<tr>
<td>(3) The project would physically divide an established community</td>
<td>□</td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

The proposed building and parking addition is consistent with the Modesto Urban Area General Plan, and would not physically divide an established community.

20. AESTHETICS

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

a. Project-Specific Effects

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

<table>
<thead>
<tr>
<th></th>
<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>□</td>
<td>X</td>
</tr>
<tr>
<td>(2) The project would have a substantial adverse effect on a scenic vista.</td>
<td>□</td>
<td>X</td>
</tr>
<tr>
<td>(3) The project would substantially degrade the existing visual character or quality of the project site and its surroundings.</td>
<td>□</td>
<td>X</td>
</tr>
<tr>
<td>(4) The project would create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area.</td>
<td>□</td>
<td>X</td>
</tr>
</tbody>
</table>

City of Modesto Finding of Conformance
General Plan Master EIR

Initial Study
C&ED No. 2004-51
September 1, 2004
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:

Traffic and Circulation Measures: N/A

Air Quality Measures:

A. The City of Modesto shall work with the SJVUAPCD to reduce particulate matter emissions from construction, grading, excavation, and demolition to the maximum extent feasible.

B. 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.

C. 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 prescaking.

Noise Measures:

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.):

1. A hammer, or any other device or implement used to pound or strike an object.
2. An impact wrench, or other tool or equipment powered by compressed air.
3. A hand-powered saw.
4. 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.
5. 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.
6. 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.

7. 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.

8. 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:**

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 of the State CEQA Guidelines.

**Storm Drainage Measures:** N/A

**Flooding and Water Quality Measures:** N/A

**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. 2004-573

A RESOLUTION AMENDING SECTIONS 1 AND 2 OF RESOLUTION NO. 71-348, ENTITLED, "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(87)" (TED BRANVOLD/JAMES CHAMPION)

WHEREAS, in mid-1971, the City Council, by Ordinance No. 1103-C.S., established Planned Development Zone, P-D(87), on property located on the west side of Tully Road south of Pearl Street and north of West Orangeburg Avenue, and

WHEREAS, the Planned Development Zone, P-D(87), was to allow development of a one-and two-story apartment complex, to be constructed in two phases, of which the first eleven units have been built to date as the first phase, and

WHEREAS, City Council Resolution No. 71-348 adopted by the City Council on April 26, 1971, approved the development plan for Planned Development Zone, P-D(87) and contained conditions of approval therefore, and

WHEREAS, a verified application for an amendment to Section 19-3-9 of the Zoning Map was filed by Ted Brandvold, architect on behalf of James Champion on June 10, 2004, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(87), as an addition to Planned Development Zone, and to amend the Development Plan for Planned Development Zone, P-D(87) to allow construction of an additional 12 one- and two-story apartments, property located on the west side of Tully Road south of Pearl Street ("the Property"), described as follows:

Rezone R-1 to P-D(87)

All that certain real property situated in the City of Modesto, County of Stanislaus, State of California, and being a portion of the northeast Quarter of the northeast Quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:
Starting at the northeast corner of said Section 19, thence S0°34'48"E, 916.00 feet to a point on the east line of said Section 19; thence N89°06'47"W, 45.01 feet, to the southeast corner of the property labeled as "Champion" on that Record of Survey filed in the office of the Recorder of Stanislaus County in Book 17 of Recorded Surveys, Page 96, said point being the True Point of Beginning; thence N89°06'47"W, 186.51 feet to the southwest corner of that land added to the Champion land by Lot Line Adjustment #88-09 as recorded February 23, 1988, as instrument #011134; thence N0°33'20"W, 65.44 feet to the northwest corner of said land in said Lot Line Adjustment #88-09; thence S83°02'00"E, 51.93 feet to the northeast corner of said land in said Lot Line Addition #88-09; thence S89°08'08"E, 134.99 feet to the northeast corner of said Champion property; thence S0°34'48"E, 60.00 feet to the Point of Beginning;

Also including the westerly half of Tully Road and the southerly half of the alley, all being immediately adjacent to the above described property.

WHEREAS, after a public hearing held on September 20, 2004, 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. 2004-58, that rezoning of the Property and amending the Development Plan as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed amendment and rezoning is consistent with the Modesto Urban Area General Plan, because the use is consistent with the Residential General Plan, (R), designation for the site.

2. The Conditions of Approval and the revised plans will ensure that the proposed apartment expansion will be compatible with other uses in the area.

WHEREAS, said matter was set for a public hearing of the City Council to be held on October 26, 2004, 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 Ted Brandvold, architect, on behalf of James Champion for an amendment to Planned Development Zone, P-D(87) to rezone the property from R-1 to P-D(87) as an addition to P-D(87), and to amend the Development Plan for P-D(87) to allow an additional 12 one- and two-story apartments on the Property should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2004-58 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3358-C.S. on the 26th day of October, 2004, reclassifying the above-described property from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(87), as an addition to Planned Development Zone, P-D(87), and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 71-348 entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-D(87)" are hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for for Phase II of Planned Development Zone, P-D(87), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Apartment Complex on Tully, Mr. Jim Champion" as amended in red, stamped approved by the City Council on October 26, 2004.

2. Prior to the issuance of a building permit, the applicant shall submit to and obtain approval from the Planning Director plans pursuant to screening of the three stairways and landings serving the second-story units. These screenings shall be constructed on the north and west elevations to prevent views into the adjoining..."
neighbor’s yards. These elevations shall have window sill heights at a minimum of six (6) feet.

3. Prior to issuance of a building permit, the developer shall establish with the Director of Public Works a system of providing for the treatment and disposal of storm water.

4. 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 north and west property line(s) of Phase II. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

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

   Six (6')-foot-high wood fence with decorative masonry pilasters at 16-foot on center on the north and west portions of Phase II.

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

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

8. Trash bins shall be kept in enclosures in accordance with the approved plan 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.

9. All signs shall comply with the sign requirements of the R-3 Zone.

10. All conditions of City Council Resolution No. 71-348 not in conflict with this action shall remain in full force and effect.

11. 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.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(87):

The entire construction program be accomplished in one phase, construction to begin on or before September 20, 2006, and completion to be not later than September 20, 2007."

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. 3359-C.S, becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 26th day of October, 2004, by Councilmember O'Bryant,
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, Jackman, Keating, Marsh,
       O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
        JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By Community & Economic Development Department
       Planning Division