A RESOLUTION CERTIFYING THAT THE INITIAL STUDY ENVIRONMENTAL ASSESSMENT NO. EA 2003-54 FOR THE PROPOSED GENERAL PLAN AMENDMENT FOR THE HOUSING ELEMENT UPDATE IS WITHIN THE SCOPE OF THE GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 199908041) (CITY OF MODESTO)

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

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

WHEREAS, the City's Community and Economic Development Department prepared an Initial Study, Environmental Assessment No. 2003-54, on the Housing Element Update, in accordance with the California Environmental Quality Act and determined that this project is within the scope of the City Modesto Master EIR (State Clearinghouse No. 199908041) approved earlier, and the Master EIR adequately describes the activity for the purposes of CEQA, and

WHEREAS, the Initial Study EA/C&ED 2003-54, was considered by the Planning Commission at a duly noticed public hearing which was held on February 18, 2004, at 7:30 p.m., in the Tenth Street Place Chambers, 1010 Tenth Street, Modesto, California, and
WHEREAS, after said public hearing, the Modesto Planning Commission adopted Resolution No. 2004-08, recommending to the City Council certification of the Initial Study as described in Exhibit A, attached hereto and incorporated herein by reference, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 9, 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 duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the Modesto Urban Area General Plan Housing Element Update, and

WHEREAS, said public hearing held on March 9, 2004, was opened, comments received, and said public hearing was continued to April 27, 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 it hereby finds and determines the following:

A. The proposed amendment to the Modesto Urban Area General Plan, as it pertains to the City’s Housing Element, is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH No. 1999082041).

B. The proposed amendment to the Modesto Urban Area General Plan as it pertains to the City’s Housing Element will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

C. No new environmental document, nor findings shall be required pursuant to Section 21081 of the California Environmental Quality Act (per section 21157.1).
D. There are no specific features unique to the proposed amendment to the Modesto Urban Area General Plan as it pertains to the City’s Housing Element that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply Citywide as appropriate.

E. The Initial Study, Environmental Assessment No. EA/C&ED 2003-54 provides the substantial evidence to support findings “A, B, C, and D” above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 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, Jackman, Keating, Marsh, Mayor Ridenour

NOES: Councilmembers None

ABSENT: Councilmembers Hawn, O’Bryan

ATTEST: Jean Zahr, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT "A"

INITIAL STUDY
ENVIRONMENTAL ASSESSMENT
NO. EA 2003-54
City of Modesto
Initial Study

General Plan Amendment: Update of the City of Modesto Housing Element (2003-2008)

EA NO. C&ED 2003-54

I. PURPOSE:

Finding of Conformance under the City of Modesto Final Master Environmental Impact Report for the Urban Area General Plan.

The City of Modesto Final Master Environmental Impact Report (MEIR) for the Urban Area General Plan allows for environmental review of proposals within the City's general plan area. The City of Modesto Draft Housing Element (2003-2008) addresses areas located entirely within the City's General Plan boundary. The MEIR contains a detailed analysis and a comprehensive program of mitigation measures to address development impacts within the Modesto General Plan Area. The MEIR was first certified on August 15, 1995 (SCH #92052017), in conjunction with the adoption of the Modesto Urban Area General Plan. On March 4, 2003, the City Council certified the MEIR Update (SCH #1999082041).

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effect on the environment that was not identified in the Final Master EIR (MEIR) for the General Plan and whether any new or additional mitigation measures or alternatives may be required. This Initial Study also provides documentation on whether the project is considered in the Master EIR as being within the scope of the General Plan analyzed by the Master EIR.

II. PROJECT DESCRIPTION:

A. Project Title:
   General Plan Amendment: Update of the City of Modesto Housing Element (2003-2008).

B. Lead Agency Name and Address:
   City of Modesto, Community & Economic Development Department, P.O. Box 642 Modesto, CA 95353

C. Contact Person, Address and Phone Number:
   Patrick Kelly, Suite 3300, 1010 Tenth Street, Modesto, CA 95353
   (209) 577-5268
D. Project Location:
The Modesto Urban Area General Plan Boundary area.

E. Project Sponsor, Address and Phone Number:
City of Modesto, P.O. Box 624, Modesto, CA 95353 (209) 577-5268.

F. Modesto General Plan Designation:
The Land Use Diagram of Modesto Urban Area General Plan.

G. Zoning:
All of the zoning as depicted on the City of Modesto Zoning Map.

H. Description of Proposed Project:

The project consists of a proposed amendment to the Modesto Urban Area General Plan as it pertains to the City's Housing Element. The State of California (Government Code Section 65580) requires each local jurisdiction to update their respective housing policy. The proposed Housing Element is attached as Exhibit A. It will supersede the existing housing goals, policies and implementation programs included in the 1995 Urban Area General Plan.

The proposal implements the Urban Area General Plan as it contains housing goals, policies and implementation programs. The proposed Housing Element Update does not propose specific construction development projects, instead it serves as a policy guide to direct the type of residential development.

The 2003-2008 Housing Element contains an implementation program (see Exhibit A, Section 6) that requires the City to subsequently consider amendments to the City of Modesto Zoning Ordinance and the City's Land Use Diagram. These possible amendments are of a minor nature and would not rise to the level of a significant revision to the City's General Plan Land Use Designations that were analyzed by the Master EIR. These proposed subsequent actions will be considered by the Planning Commission and the City Council after adoption of the Housing Element. As subsequent and separate proposals, additional environmental assessment(s) will be prepared pursuant to Section 21157.1 and will be considered by the Planning Commission and City Council, which will determine whether they are "within the scope of the Master EIR."

I. Surrounding Land Uses:
Unincorporated County.

J. Other Public Agencies Whose Approval is Required:
The State of California Housing and Community Development Department (HCD).

II. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR:

Initial Study
Housing Element Update 2003-2008
11/14/03
There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms to the analysis contained within the Master EIR.

A. Traffic and Circulation

While it is widely acknowledged that housing is a traffic generator, the Housing Element, as a policy document, will not directly create an adverse affect on the City's circulation and transportation system.

The proposed Housing Element Update would not cause additional significant increase in traffic and circulation impacts, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area. Capital Facilities Fees collected at the time of actual housing development will contribute to public facility improvements necessary to accommodate additional housing. The Housing Element does not propose any significant changes to the total gross acreage, infrastructure, land use designations, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect the roadway or intersection capacity of the City’s circulation system beyond what was identified in the MEIR. Therefore, any potential adverse impacts on traffic and circulation were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages V-1-1 through V-1-33) are still valid at this time.

B. Degradation of Air Quality

The proposed Housing Element update would not cause additional degradation of air quality, not already identified in the MEIR. The Housing Element provides for housing goals, policies and implementation programs that guide the type of housing anticipated to be developed or rehabilitated within the City's General Plan Area.

The Housing Element does not propose any significant changes to the infrastructure, land use designations or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect the air quality of the City beyond what was identified in the MEIR. Therefore, any potential adverse impacts on air quality were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages V-2-1 through V-2-26) are, therefore, still valid at this time.

C. Generation of Noise

The proposed Housing Element update would not cause additional generation of noise, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed or rehabilitated within the City's General Plan Area.

Initial Study
Housing Element Update 2003-2008
11/14/03

3
The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect noise levels in the City’s General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts for generation of noise were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Generation of Noise (pages V-3-1 through V-3-22) are, therefore, still valid.

D. Loss of Productive Agricultural Land
The proposed Housing Element update would not cause additional effects on the loss of productive agricultural lands, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City’s General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect agricultural lands within the City’s General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on agricultural lands were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages V-4-1 through V-4-12) are still valid.

E. Increased Demand for Long-Term Water Supplies
The proposed Housing Element update would not cause additional increased demand for long-term water supplies, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City’s General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect water supplies within the City’s General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on agricultural lands were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages V-5-1 through V-5-13 are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services
The proposed Housing Element update would not cause additional increased demand for sanitary services, not already identified in the MEIR. The Housing
Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect sanitary sewer services within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on sanitary sewer services were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages V-6-1 through V-6-12) are, therefore, still valid.

G. Loss of Sensitive Wildlife and Plant Habitat
The proposed Housing Element update would not cause additional increased disturbance of wildlife and plant habitat areas, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect wildlife and plant habitat areas within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on loss of sensitive wildlife and plant habitat were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in the MEIR for Sensitive Wildlife and Plant Habitat, (pages V-7-1 through V-7-29) are, therefore, still valid.

H. Disturbance of Archaeological and Historic Sites
The proposed Housing Element update would not cause additional disturbance of archaeological and historic sites, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect archaeological and historic sites within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on disturbance of archaeological and historic sites were analyzed and mitigation provided by the GPMEIR. The Existing conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages V-8-1 through V-8-22) are, therefore, still valid.

Initial Study
Housing Element Update 2003-2008

11/14/03
I. Drainage, Flooding and Water Quality
The proposed Housing Element update would not change the size or configuration of drainage, flooding and water quality facilities, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect flooding and water quality services within the City’s General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on drainage, flooding and water quality were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages V-10-1 through V-10-16) are, therefore, still valid.

J. Increased Demand for Storm Drainage
The proposed Housing Element update would not generate any additional population or development beyond that identified in the MEIR that cause increased demand for storm drainage facilities, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City’s General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect storm drainage services within the City’s General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on Increased Demand for storm drainage were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages V-9-1 through V-9-13) are, therefore, still valid.

K. Increased Demand for Parks and Open Space
The proposed Housing Element update would not generate any additional population or development beyond that identified in the MEIR that cause increased demand for parks or open space facilities, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect parks.
and open space facilities within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on Increased Demand for parks and open space facilities were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages V-11-1 through V-11-14) are, therefore still valid.

L. Increased Demand for Schools
The proposed Housing Element update would not generate any additional population or development beyond that identified in the MEIR that cause increased demand for school facilities, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect school facilities within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on Increased Demand for school facilities were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages V-12-1 through V-12-11) are, therefore, still valid.

M. Increased Demand for Police Services
The proposed Housing Element update would not generate any additional population or development beyond that identified in the MEIR that cause increased demand for police services, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that affect the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect police services within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on Increased Demand for police services were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages V-13-1 through V-13-7) are, therefore, still valid.
N. **Increased Demand for Fire Services**

The proposed Housing Element update would not generate any additional population or development beyond that identified in the MEIR that cause increased demand for fire protection services, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect fire services within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on Increased Demand for fire protection services were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages V-14-1 through IV-14-9) are, therefore, still valid.

O. **Generation of Solid Waste**

The proposed Housing Element update would not generate any additional population or development beyond that identified in the MEIR that would result in increased generation of solid waste or related facilities, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect solid waste facilities within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on solid waste facilities were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages V-15-1 through V-15-10) are, therefore, still valid.

P. **Generation of Hazardous Materials**

The proposed Housing Element update would not generate any additional population or development beyond that identified in the MEIR that would result in increased generation of hazardous materials, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.
The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect of the anticipated increases in hazardous materials within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on generation of hazardous materials were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages V-16-1 through V-16-15) are, therefore, still valid.

Q. **Landslides and Seismic Activity**

The proposed Housing Element update would not generate any additional population or development beyond that identified in the MEIR that would result in increased exposure to landslides and seismic activity, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect of the anticipated increases in increased exposure to landslides and seismic activity within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on exposure to landslides and seismic activity were analyzed and mitigation provided by the GPMEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Landslide and Seismic Activity (pages V-17-1 through V-17-12) are, therefore, still valid.

R. **Energy**

The proposed Housing Element update would not generate any additional population or development beyond that identified in the MEIR that would result in demand for energy, not already identified in the MEIR. The Housing Element provides for housing goals, policies and programs that guide the type of housing anticipated to be developed within the City's General Plan Area.

The Housing Element does not propose any significant changes to the total gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect of the anticipated increases in increased demand for energy within the City's General Plan area beyond what was identified in the MEIR. Therefore, any potential adverse impacts on demand for energy were analyzed and mitigation provided by the GPMEIR.
Mitigation Measures for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed amendment to the Modesto Urban Area General Plan, as it pertains to the City's Housing Element, is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 1999082041).

B. The proposed amendment to the Modesto Urban Area General Plan as it pertains to the City's Housing Element will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

C. No new environmental document, nor findings shall be required pursuant to Section 21081 of the California Environmental Quality Act (per section 21157.1).

D. There are no specific features unique to the proposed amendment to the Modesto Urban Area General Plan as it pertains to the City's Housing Element that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide as appropriate.

E. This Initial Study provides substantial evidence to support findings "A, B, C, and D" above.

Signature: [Signature]

Initial Study
Housing Element Update 2003-2008

11/14/03
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-235

A RESOLUTION VACATING AND ABANDONING BRET HARTE PLACE STREET RIGHT-OF-WAY BETWEEN GUTHERIE STREET AND FRAZIER STREET (MODESTO CITY SCHOOLS)

WHEREAS, Modesto City Schools has filed an application to vacate and abandon Bret Harte Place street right-of-way between Gutherie Street and Frazier Street, and

WHEREAS, a title report was submitted by the applicant with the abandonment request which vests fee title to the street right-of-way in the adjacent land owners who are proponents of the abandonment, and

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

WHEREAS, Streets and Highways Code Section 8320 et seq. prescribes the procedures to vacate and abandon public rights-of-way, and

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

WHEREAS, the Planning Commission considered the proposed abandonment on March 15, 2004, in the Tenth Street Chambers, located at 1010 Tenth Street, Modesto, California, at which meeting evidence both oral and documentary was received and considered regarding the proposed vacation and abandonment, and

WHEREAS, by Planning Commission Resolution No. 2004-14, the Planning Commission determined that the proposed vacation and abandonment is consistent with the City’s General Plan, and
WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Tuesday, April 27, 2004, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which time all persons interested in or objecting to the proposed abandonment were afforded the opportunity to appear, and

WHEREAS, notices were posted in the proposed street right-of-way abandonment area for two successive weeks prior to the hearing, and notice was published in the Modesto Bee for two successive weeks prior to the hearing, per Streets & Highways Code Sections 8323 and 8332 respectively, and

WHEREAS, all things and acts necessary to be done as required by the State of California Streets and Highways Code, Section 8300 through 8363: Public Streets, Highways and Service Easements Vacation Law, in order to vacate and abandon the subject walkway have been done and accomplished, and

WHEREAS, on April 27, 2004, the Council of the City of Modesto reviewed the Initial Study (EA/C&ED 2003-89) for the proposed street right-of-way abandonment and adopted Resolution No. 2004-236, which determined that the project is within the scope of the Modesto Urban Area General Plan Master Environmental Impact Report,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto finds and determines as follows:

1. That the street right-of-way to be abandoned is unnecessary for present or future pedestrian or vehicular use.

2. That Environmental Assessment No. EA C&ED 2003-89 judged this project to be within the scope of the General Plan Master EIR.

3. That the vacation and abandonment of Bret Harte Place street right-of-way between Guthere and Frazier Streets is in conformance with the City of Modesto’s General Plan.
BE IT FURTHER RESOLVED that the Council hereby orders and declares the vacation and abandonment of Bret Harte Place street right-of-way between Gutherie Street and Frazier Street. Said street right-of-way to be vacated and abandoned is more particularly described in Exhibit “A” attached hereto, and by this reference made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 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, Jackman, Keating, Marsh, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn, O'Bryant

ATTEST: 
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
Exhibit "A"
BRET HARTE
ELEMENTARY SCHOOL

NEW PROPERTY LINE

T.I.D. RIGHT OF WAY
INST. NO. 94-0022871-00

CITY OF MODESTO
PUBLIC AREA TO BE ABANDONED
PROPOSED ABANDONMENT
OF
BRET HARTE PLACE

DESCRIPTION

All that certain real property situate in portion of the northwest quarter of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, in the County of Stanislaus, State of California, described as follows:

Beginning at the northwest corner of Lot 1, Block 9828 of the Rutherford Tract, filed for record in Volume 16 of Maps, Page 37, Stanislaus County Records, on the east line of 60 foot wide Frazier Street; thence North 89°10' West 60.00 feet to the northeast corner of Lot 13, of Block 9812 of said Rutherford Tract, being a point on a non-tangent curve, to which a radial line bears North 89°10' West from the center; thence northeasterly 102.10 feet, along said non-tangent curve and the northwesterly line of Bret Harte Place, said curve being concave to the southeast, having a radius of 65.00 feet and a central angle of 90°00'; thence South 89°10' East, along the north line of said Bret Harte Place, a distance of 242.75 feet to point on a tangent curve; thence southeasterly 63.52 feet, along said tangent curve and northeasterly line of said Bret Harte Place, said curve being concave to the southwest, having a radius of 65.00 feet and a control angle of 55°59'32", to a point of reverse curve; thence southeasterly 14.09 feet, along said reverse curve and northeasterly line of Bret Harte Place, said curve being concave to the northeast, having a radius of 14.42 feet and a central angle of 55°59'32"; thence South 60°38' West 59.64 feet to a point on a non-tangent curve to which a radial line which bears South 89°10' East from the center; thence northwesterly 39.27 feet, along said non-tangent curve and southerly line of said Bret Harte Place, said non-tangent curve being concave to the southwest, having a radius of 25.00 feet and a central angle of 90° to a tangent line; thence North 89°10' West along said tangent line and said southerly line of Bret Harte Place a distance of 222.04 feet, to a tangent curve; thence southwesterly 23.56 feet, along said tangent curve and said southerly line of Bret Harte Place, said curve being concave to the southeast, having a radius of 15.00 feet and a central angle of 90°00'; thence South 0°50' West 10.00 feet to the point of beginning.

Containing 15,380 SF; 0.353 AC.
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-236

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN
THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN
AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT
(SCH NO. 1999082041): VACATION AND ABANDONMENT OF BRET HARTE
PLACE STREET RIGHT-OF-WAY BETWEEN GUTHIERIE STREET AND
FRAZIER STREET. (OWNER: MODESTO CITY SCHOOLS)

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

WHEREAS, Modesto City Schools have proposed that the Bret Harte Place street
right-of-way between Guthrie Street and Frazier Street be vacated and abandoned (the
"Project"), and

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

WHEREAS, the City's Community & Economic Development Department by
Environmental Assessment Initial Study EA/C&ED 2003-89 ("Initial Study") reviewed
the proposed Project to determine whether the Project is within the scope of the project
covered by the Modesto Urban Area General Plan 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 new or
additional mitigation measures or alternatives are required, and that, therefore, the proposed Project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines, beginning on January 30, 2004, the City caused to be published a 20-day notice of the City’s intent to make a finding that the proposed Project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 27, 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 Project, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference. Based on the substantial evidence included in said Initial Study, Council hereby makes the following findings:

1. That the proposed vacation and abandonment of Bret Harte Place is contemplated and described in the Master EIR (SCH No. 1999082041) as being within the scope of the Master EIR.
2. That the proposed Project will have no new significant effects on the environment not identified or examined in the Master EIR, and no new or additional mitigation measures are required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed Project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this Project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the Project shall be incorporated in the Project.
6. The Initial Study, EA/C&ED No. 2003-89, provides substantial evidence to support findings 1 through 5, 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 27th day of April 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, Jackman, Keating, Marsh, Mayor Ridenour
NOES: Councilmembers None
ABSENT: Councilmembers Hawn, O’Bryant

ATTEST: 
JEAN ZAHR, City Clerk
(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
EXHIBIT A

Initial Study

EA/C&ED 2003-89
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study C&ED No. C&ED No. 2003-89

For the proposed:
Bret Harte Elementary School Expansion and Modernization Project (Modesto City Schools, Applicant)

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

December 10, 2003
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 Bret Harte Elementary School Expansion and Modernization Project is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 1999082041) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformity.

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

1. It will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. No new or additional mitigation measures or alternatives are required.

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

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

City staff consulted with appropriate Responsible Agencies and City Departments regarding potential environmental impacts associated with this project. Any significant comments and conditions are incorporated into this Initial Study. The City's MEIR (SCH# 1999082041) was also consulted which lists both General Plan policies and mitigation measures for each area of environmental study.

II. PROJECT DESCRIPTION

A. Title: Bret Harte Elementary School Expansion and Modernization Project

B. Address or Location: 909 Bret Harte Place (North side of Glenn Avenue, west of Guthrie Street) Modesto, California, 95351.

C. Applicant: Modesto City Schools
426 Locust Street
Modesto, California, 95351-2699

D. Application Contact Person: Becky Meredith, Director of Planning and Research
E. Current General Plan Designation(s): R: Residential

F. Current Zoning Classification(s): Not Applicable, (presently unincorporated).

G. Surrounding Land Uses: North: Existing Bret Harte Elementary School
South, East & West: Developed single-family residences in the unincorporated area of Stanislaus County.

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):

Modesto City Schools proposes to expand and modernize Bret Harte Elementary School located at 909 Bret Harte Place, Modesto, California, refer to Exhibit A. This School presently serves over 1,000 students in grades, Kindergarten through Sixth grade, on a seven-acre school site. The school presently qualifies as a "Critically Overcrowded School."

The Bret Harte Elementary School expansion and modernization project involves adding to and reconfiguring the onsite parking and circulation area, adding and renovating structures on the school campus, refer to Exhibit B. To facilitate this expansion, the School District proposes to annex five adjoining school acquired properties, along with adjacent street and alley rights-of-way located south of the school site to the City of Modesto, refer to Exhibit C. The School District also proposes to prezone this subject area to P-R-1 (Low Density Residential), refer to Exhibit D. Two additional applications are also proposed and will be considered subsequently by the City of Modesto. One application proposes to abandon Bret Harte Place street right-of-way, a portion of Frazier Street right-of-way, and adjacent alley right-of-way, refer to Exhibit E. The other subsequent application is a Tentative Parcel Map proposing to merge the School acquired lots along with the proposed abandoned rights-of-way, refer to Exhibit F. Exhibits A though F are attached at the end of this document.

I. Other Public Agencies Whose Approval is Required:

State of California Division of State Architect
Local Agency Formation Commission
San Joaquin Valley Air Pollution Control District

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

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

A. The type of project is described in Chapter II of the Master EIR.
B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

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

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

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

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

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

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

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

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

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

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

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

---

City of Modesto Finding of Conformance
General Plan Master EIR

Initial Study
C&ED No. 2003-89
December 10, 2003
4. Within the Scope Analysis of this Document:

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

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

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

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

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

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

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

Discussion:

(1) The City of Modesto is the lead agency for processing the requested land use entitlements (i.e.: prezoning, annexation, parcel map and abandonment applications). Modesto City Schools is the Lead Agency for the expansion and modernization of the Bret Harte Elementary school site.

(2) The subject project proposes improvements to an existing developed site located within the Baseline Developed Area. The subject area includes five parcels, which each contained a single-family home. All appropriate City General Plan development policies will be continue to be in effect and appropriate mitigation measures will be applied.

(3) The Master EIR was last updated in March 2003. Since that update, there have been no changes to Federal, State, Regional and County regulations that have resulted in less restrictive regulations.

(4) The subject site involves five residential lots. After the application proposals were referred to Trustee Agencies, no significant resources are identified in this proposal.

(5) The subject area is located within the Modesto Urban Area General Plan in the Baseline Developed Area, refer to Exhibit G, all appropriate mitigation measures as listed in the Master EIR are incorporated into the project.
(6) A Global list of General Plan Policies and Mitigation Measures was reviewed (which is attached to the initial study) and appropriate Mitigation Measures will be required as part of the project's approval.

5. Currency of the Master EIR Document

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

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

(2) This project was described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings (3, 4, 5, below).

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

(4) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.

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

Discussion:

No discussion is necessary.

IV. ENVIRONMENTAL ANALYSIS

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

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

All environmental effects cited reflect year 2025 build out of the Urban Area General Plan as identified in the MEIR.
The Master EIR for the General Plan organizes its analysis of environmental impacts into eighteen subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of cross-reference, the sections are numbered in the same order as the analyses in Chapter V.

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

1. TRAFFIC AND CIRCULATION
a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant and unavoidable traffic and circulation impacts:

**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 IV, Mitigation Measures Applied to Project.

**Discussion:**

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

c. Project-Specific Effects

Section V-1.B of the MEIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.
Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

(1) The project 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.

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

(3) Result in inadequate emergency access.

(4) Result in inadequate parking capacity.

Discussion:

(1) The project was referred to the Engineering and Transportation Department and the Transportation Division staff did not cite the need for a site access study.

(2) The project was referred to the Engineering and Transportation Department and the Transportation Division commented that City’s Standards Specifications require that the Glenn Avenue be dedicated and improved to full City Street Standards.

The proposed alley abandonment may affect vehicular access to adjacent residences and the Turlock Irrigation District lateral located west of the school site. The City recommends that a separate alley right-of-way be maintained immediately west and adjacent to the western access driveway. A vehicular access easement may serve to meet the access needs of the users of the alley.

All proposed fence and wall heights shall adhere to the City’s Clear Vision Triangle requirements.

(3) The project was referred to the City of Modesto Police and Fire Department as well as to the City of Modesto Engineering and Transportation Department. The City Fire Marshal cited the following California Fire Code requirements:
a) Fire Hydrants shall be spaced at 450-foot intervals along fire department access roads capable of providing 2,250 gallons per minute.
b) Fire department access roads shall extend within 150 feet of all portions of buildings. For buildings provided with an automatic fire sprinkler system this distance may be increased to 200 feet.
c) Fire department access roads shall be provided with an inside turning radius of 25 feet and outside 45 feet. Dead end fire department access roads that exceed 150 feet in length shall be provided with and approved turnaround.

(4) The project will result in additional parking and better on-site circulation for the school site. The project also proposes street improvements along the adjoining streets improving the safety for both pedestrians and vehicular traffic. The proposed relocated alley right-of-way will need to be designed to provide an adequate turning radius for utility service vehicles.

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 IV, Mitigation Measures Applied to Project:

Discussion:

Mitigation measure Air-1 from the MEIR is required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards. In addition, the San Joaquin Valley Air Pollution Control District commented: "Because the project site contains a building needing renovation/demolition, the applicant will need to be in compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS). Specifically, the primary air pollutant of concern is the asbestos. To ascertain whether this project is subject to the NESHAPS, the project applicant is advised to review the Asbestos – Compliance Assistance Bulletin, dated December 1994."
c. Project-Specific Effects

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

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

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

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

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

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

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

Discussion:

1. The project was referred to the San Joaquin Valley Air Pollution Control District and it commented that the project appears to have a less-than significant impact on the ambient air quality. It commented that the Project will need to be in compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS).

2-3. See discussion under 1 above.

4. The project consists of expanding an existing elementary school and renovating some of the existing structures. The entitlement applications of prezoning, annexation, right-of-way abandonment, and a parcel map do not change or affect the quality of air in the area.

5. The project does not involve manufacturing or food processing – it is a minor expansion and improvement of an existing school site.

3. NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant and unavoidable environmental impacts relative to noise:
Effect: Traffic noise levels for future conditions in the plan area have the potential to result in exceedances of 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 and any new measures are listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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:

1. The project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.
   YES NO
   ☑️ ☐

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

3. The project will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
   ☑️ ☐

4. The project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
   ☑️ ☐

Discussion:

1. The project involves an existing school site that operates between 7:00 am and 5:00 pm, within Modesto Noise Ordinance time limits. The project does not change the hours of operation.
2. School operations generate mild levels of noise during normal business hours from children playing on the field or in the playground. The existing school will not generate
higher levels of noise that are presently generated at the school site during regular hours of operation.

(3) See discussion above.

(4) To reduce temporary impacts on noise during construction, 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.

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 IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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. ☐ X

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

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

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

Discussion:

(1) The Modesto Urban Area General Plan designates the site as R, Residential. Schools are permitted in this land use designation, thus the project is consistent with the General Plan.

(2) The project involves an existing school in an already that is already developed. Agricultural uses have not been in practice in this area for over 30 years.

(3) The existing school site is located in the R-1 zoning district. The expansion component is proposed to be annexed and prezoned as R-1. As the area has been developed for some time, there are no Williamson Act contracts in the neighborhood.

(4) See discussion above.

5. WATER SUPPLY

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

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

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>Threshold</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) Sufficient water supplies are not available to serve the project from existing entitlements and resources, new or expanded entitlements are needed.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

(2) The School expansion consist of additional parking, reconfigured on-site traffic circulation, additional school classrooms and auxiliary buildings, and renovation of some of the existing buildings. The expansion will take place on five parcels that were formally developed with single-family homes. The project was referred to the City's Capital Planning staff and adequate water supply and delivery system is present to serve the project.

6. SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR
The Master EIR identified the following significant environmental impacts relative to sanitary sewer services:

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

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

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

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

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

**Discussion:**

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>Threshold</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>X</td>
<td></td>
</tr>
<tr>
<td>(2) The project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
capacity to serve the project's projected demand in addition to the provider's existing commitments.

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

(2) The School expansion consist of additional parking, reconfigured on-site traffic circulation, additional school classrooms and auxiliary buildings, and renovation of some of the existing buildings. The expansion will take place on five parcels that were formally developed with single-family homes. The project was referred to the City's Capital Planning staff and adequate wastewater treatment and delivery system is present to serve the project.

7. SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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. YES NO □ X

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

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

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

(2) The School expansion consist of additional parking, reconfigured on-site traffic circulation, additional school classrooms and auxiliary buildings, and renovation of some of the existing buildings. The expansion will take place on five parcels that were formally developed with single-family homes. As the subject property is located in an already developed area and not in a potential biological resource study area, as a result, the proposal was not referred to the U.S. Department of Fish and Game.

(3) See discussion above. In addition, there are no mature trees in the subject area.

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 IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>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.

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

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

(2) The project involved the acquisition and demolition of five residentially developed parcels located in the County. None of these properties were designated as historical resources or as a Landmark Preservation Site in the Modesto Urban Area General Plan.

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 IV, Mitigation Measures Applied to Project:

**Discussion:**

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

### c. Project-Specific Effects

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

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

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

2. The project would substantially increase the rate or amount of surface  
   - YES  
   - NO
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:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

(2) The project includes the construction of an additional parking area for the school site. The project will be required to control storm drainage in accordance with the City's Guidance Manual for New Development Stormwater Quality Control Measures.

(3) The neighborhood was developed to County standards and no storm drainage was installed at the time the area was developed. The project will be developed to City standards with the full street improvements along project's frontage along the north half of Glenn Avenue.

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 IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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:

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

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

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

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

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
(2) The construction component of this project is subject to the review and approval of the State Architects Office. The reviewing agency will require adherence to any Clean Water Act requirements, as it deems appropriate.

(3) The project includes the construction of an additional parking area for the school site. The project will be required to control storm drainage in accordance with the City's Guidance Manual for New Development Stormwater Quality Control Measures.

(4) The neighborhood was developed to County standards and no storm drainage was installed at the time the area was developed. The project will be developed to City standards with the full street improvements along project's frontage along the north half of Glenn Avenue.

11. PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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:

YES NO

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

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

12. SCHOOLS

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

City of Modesto Finding of Conformance
General Plan Master EIR 23

Initial Study C&ED No. 2003-89
December 10, 2003
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></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2</td>
<td>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></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

1. The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

2. The project will result in accommodating the students in this already critically overcrowded school.

13. POLICE SERVICES

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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>Effect</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>The project would result in the need for construction of new or</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>significantly altered facilities which could cause new significant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>environmental impacts in order to maintain acceptable service ratios,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>response times or other performance objectives.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City’s Zoning Ordinance.

(2) The project involves minor expansion of an existing school that is already served with adequate police services. The proposal was referred to the Modesto Police Department which did not comment on the need for additional facilities.

14. FIRE SERVICES

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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:

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

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

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

(2) The project involves minor expansion of an existing school that is already served with adequate fire protection services. The project will be required to meet all City Fire safety requirements.

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 IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

c. Project-Specific Effects

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

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

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

YES NO  

☐ X

(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. 

☐ X

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City’s General Plan and the City’s Zoning Ordinance.

(2) This project was referred to the Solid Waste Division of the City’s Engineering and Transportation Department and they had no comments regarding this project’s impact on the solid waste impacts.
16. HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

c. Project-Specific Effects

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

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

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

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

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

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

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

Discussion:

1. The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City’s General Plan and the City’s Zoning Ordinance.

2-5. The City’s Final Master Environmental Impact Report lists hazardous materials sites and this project is not near any of those sites.

17. LANDSLIDES AND SEISMIC ACTIVITY

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

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

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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

Discussion:

1. The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City’s General Plan and the City’s Zoning Ordinance.

2. The project involves property that was previously built-upon with single-family residences and road improvements. According to the MEIR’s physical description of the General Plan’s study area, the site is not located in area subject to landslide, lateral spreading, subsidence, liquefaction or collapse.

18. ENERGY

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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:

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

Discussion:

1. The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City’s General Plan and the City’s Zoning Ordinance.

The proposed school parking lot should contain shade trees as required in the Modesto Municipal Code. The City suggests that applicant provide for nine shade trees in the parking areas, six in the parking lot fronting Glenn street, and three in the parking area along the east side of the project site.

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:

1. The project is inconsistent with the Modesto Urban Area General Plan.
2. The project includes a substantive amendment to the Modesto Urban Area General Plan.
3. The project would physically divide an established community.
Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

(2) The project involves annexation to the City Limits and does not include an amendment to the Modesto Urban General Plan.

(3) The project will serve to strengthen the bonds of the neighborhood as the elementary school unites the children and parents in the neighborhood.

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>

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

(2-4) The project is located within an established residential neighborhood and there are no scenic vistas in the immediate area. The expansion of the existing school is consistent with the type of development in the area.
The applicant is encouraged to provide for screen planting and a CMU block wall between the parking area and the residential unit to the west of the proposed parking area. Provide for a climbing vine planning to cover the CMU block wall.

V. MITIGATION MEASURES APPLIED TO THE PROJECT

A. Master EIR Mitigation Measures Applied to the Project

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

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

**Traffic and Circulation Measures:**

N/A

**Air Quality Measures:**

Mitigation Measure Air-1: PM10 Control Measures

1. SJVUAPCD Regulation VIII Control Measures for Construction Emissions of PM-10.
   The following controls are required to be implemented at all construction sites:
   
   a. 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
   
   b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
   
   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 presoaking.
   
   d. With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
   
   e. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
   
   f. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. *(the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.)* *(Use of blower devices is expressly forbidden.)*
g. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

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

i. Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

**Noise Measures:**  
N/A

**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:**  
N/A

**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
B. **Recommended Conditions of Project Approval**

1. Glenn Avenue be dedicated and improved to full City Standards.

2. The proposed alley abandonment may affect vehicular access to adjacent residences and the Turlock Irrigation District lateral located west of the school site. The City recommends that a separate alley right-of-way be maintained immediately west and adjacent to the western access driveway. A vehicular access easement may serve to meet the access needs of the users of the alley.

3. All fences and walls heights shall adhere to the City's Clear Vision Triangle requirements.

4. The City Fire Marshal cited the following California Fire Code requirements:
   
   a) Fire Hydrants shall be spaced at 450-foot intervals along fire department access roads capable of providing 2,250 gallons per minute.
   
   b) Fire department access roads shall extend within 150 feet of all portions of buildings. For buildings provided with an automatic fire sprinkler system this distance may be increased to 200 feet.
   
   c) Fire department access roads shall be provided with an inside turning radius of 25 feet and outside 45 feet. Dead end fire department access roads that exceed 150 feet in length shall be provided with and approved turnarounds.

5. The project will result in additional parking and better on-site circulation for the school site. The project also proposes street improvements along the adjoining streets improving the safety for both pedestrians and vehicular traffic. The proposed relocated alley right-of-way will need to be designed to provide an adequate turning radius for utility service vehicles.

6. SJVUAPCD Regulation VIII Control Measures for Construction Emissions of PM-10. The following controls are required to be implemented at all construction sites:
a) 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.

b) All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

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 presoaking.

d) With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

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

f) All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

g) Following the addition of materials to, or the removal

h) Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

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

j) Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

k) The Project will need to be in compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS).

7. 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.

8. The project will be required to control storm drainage in accordance with the City’s Guidance Manual for New Development Stormwater Quality Control Measures.

9. Fire Hydrants shall be spaced at 450-foot intervals along fire department access roads capable of providing 2,250 gallons per minute.

10. Fire department access roads shall extend within 150 feet of all portions of buildings. For buildings provided with an automatic fire sprinkler system this distance may be
increased to 200 feet.

11. Fire department access roads shall be provided with an inside turning radius of 25 feet and outside 45 feet. Dead end fire department access roads that exceed 150 feet in length shall be provided with and approved turnaround.

12. The proposed school parking lot should contain shade trees as required in the Modesto Municipal Code. The City suggests that applicant provide for nine shade trees in the parking areas, six in the parking lot fronting Glenn street, and three in the parking area along the east side of the project site.

13. The applicant is encouraged to provide for screen planting and a CMU block wall between the parking area and the residential unit to the west of the proposed parking area. Provide for a climbing vine planning to cover the CMU block wall.
City of Modesto

Schools
- ELEMENTARY
- MIDDLE
- JUNIOR
- HIGH
- JUNIOR COLLEGE
- ADMIN

Park Locations

Final Subdivision Maps

Parcels

Cities
- CERES
- COUNTY
- HUGHSON
- MODESTO
- NEWMAN
- OAKDALE
- PATTERSON
- RIVERBANK
- TURLOCK
- WATERFORD

SCALE 1 : 8,464

GUTHRIE ST

Hanshaw Middle School

Bret Harte School

GLENN AVE

WHITMORE AVE

SCALE 1 : 8,464

500 0 500 1,000 1,500 FEET

http://cis.modesto/maps/modesto.mwf

Tuesday, December 09, 2003 9:38 AM
PREZONE TO R-1
GLENN AVENUE NO. 1 REORGANIZATION TO THE CITY OF MODESTO

LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 8, T.4 S., R.9 E., M.D.B. & W.
STANISLAUS COUNTY, CALIFORNIA

SCALE 1” = 150’

BRET HARTE
ELEMENTARY
SCHOOL

HATCH ROAD NO. 1 GOVERNMENT REORGANIZATION TO THE CITY OF MODESTO

PREPARED BY:
DELMARE-FULTZ
ENGINEERING AND SURVEYING
3421 TULLY ROAD SUITE 4 MODESTO CA. 95350
TELEPHONE (209) 359-7630

1. N. 89’10”’ W. 612.56’
2. S. 0’26”’ W. 50.00’
3. S. 89’10”’ E. 96.62’
4. S. 0’15”’ W. 165.51’
5. S. 89’20”’ E. 190.77’
6. N. 57’12”’ E. 388.08’
PREZONE TO R-1
GLENN AVENUE NO. 1 REORGANIZATION
TO THE CITY OF MODESTO

All that certain real property situate in portion of the southwest quarter of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California described as follows:

Beginning at the intersection of the east-west quarter section line of said Section 8 with the centerline of 60 foot wide Glenn Avenue which is on the south line of Hatch Road No. 1 Government Reorganization; thence along said east-west quarter section line, being also said south line of Hatch Road No. 1 Government Reorganization, North 89°10'00" West 612.56 feet to the southeastern right-of-way of the Turlock Irrigation District Lateral No. 1; thence along said right-of-way of Lateral No. 1, South 0°26'00" West 50.00 feet to the north line of the alley in Block 9812 of the Rutherford Tract according to the official map thereof recorded in Volume 16 of Maps, Page 37 Stanislaus County Records; thence along said north line of alley South 89°10'00" East 96.62 feet to the northerly extension of the east line of Lot 10 of said Block 9812; thence along said northerly extension of the east line of Lot 10 and the southerly extension thereof, South 0°13'00" West 165.51 feet to the centerline of said 60 foot wide Glenn Avenue (formerly 5th Avenue on said Rutherford Tract); thence along said center line South 89°20'00" East 190.77 feet to an angle point; thence along said center line North 57°12'00" East 388.08 feet to the beginning.

Containing: 80,781 SF (1.854 AC)
EXHIBIT E-1

BRET HARTE
ELEMENTARY SCHOOL

CITY OF MODESTO
PUBLIC AREA TO
BE ABANDONED
A. IN CONJUNCTION WITH THE SUBMITTAL OF THIS VESTING TENTATIVE PARCEL MAP, AN APPLICATION FOR ANNEXATION TO THE CITY OF MODESTO, PRE-ZONING, AND ABANDONMENT OF PUBLIC RIGHTS-OF-WAY IS ALSO BEING SUBMITTED TO APPROPRIATE AUTHORITIES FOR PROCESSING.

B. THE INTENT OF THIS VESTING TENTATIVE PARCEL MAP IS TO COMBINE THE SEVEN INDIVIDUAL LOTS AND THE PUBLIC RIGHTS-OF-WAY SHOWN WITHIN THE HEAVY BORDER WITH THE CURRENT BRETT HARRIS ELEMENTARY SCHOOL SITE AND CREATE ONE PARCEL.

C. THIS VESTING TENTATIVE PARCEL MAP HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH BY SEC. 4.501 OF THE CITY OF MODESTO MUNICIPAL CODE.

1. ZONING: R-1
2. ASSESSOR'S PARCEL NO. 050-00-09, 050-44-13, 12, 13, 14, 16, 49 & 50
3. SANITARY SEWAGE DISPOSAL BY THE CITY OF MODESTO.
4. WATER SUPPLY BY THE CITY OF MODESTO.
5. STORM DRAINAGE BY PRIVATE ON-SITE SYSTEM.
6. GAS SERVICE BY PACIFIC GAS & ELECTRIC CO.
7. ELECTRICAL SERVICE BY TURLOCK IRRIGATION DISTRICT.
8. TELEPHONE SERVICE BY SBC.
9. CABLE TELEVISION BY COMCAST.
10. STREET IMPROVEMENTS SHALL BE DONE PER CITY OF MODESTO STANDARD SPECIFICATIONS.
11. ADDITIONAL PUBLIC UTILITIES REQUIRED WILL BE INSTALLED UNDERGROUND OR OVERHEAD IN PUBLIC UTILITY EASEMENTS.
12. SCHOOL BUILDINGS ARE EXISTING ON THIS SITE.
13. PUBLIC IMPROVEMENT PLANS TO BE PREPARED AND SIGNED BY A STATE OF CALIFORNIA REGISTERED CIVIL ENGINEER.
14. ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH CITY OF MODESTO STANDARDS.
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-237

A RESOLUTION ESTABLISHING FEES FOR THE TUOLUMNE RIVER REGIONAL PARK FACILITIES AND RESCINDING RESOLUTION NO. 2002-383.

WHEREAS, on August 8, 2002, the City Council adopted Resolution No. 2002-383 establishing certain fees for use of Tuolumne River Regional Park facilities managed by the City’s Parks, Recreation and Neighborhoods Department, and

WHEREAS, on March 23, 2004, the City Council adopted Resolution No. 2004-167, establishing policies and procedures and fees for Parks, Recreation and Neighborhoods Department facilities and services, and

WHEREAS, said resolution did not include establishing fees for facilities of the Tuolumne River Regional Park, and

WHEREAS, the Tuolumne River Regional Park Citizens Advisory Committee met on March 24, 2004, and supported the recommended fees for Tuolumne River Regional Park facilities and related services managed by the Parks, Recreation and Neighborhoods Department, and

WHEREAS, the Tuolumne River Regional Park Commission met on April 12, 2004, and supported the recommended fees for Tuolumne River Regional Park facilities and related services managed by the Parks, Recreation and Neighborhoods Department, and

WHEREAS, pursuant to an agenda report to the City Council dated April 12, 2004, the Parks, Recreation and Neighborhoods Department staff has recommended to the City Council certain fee assessments relating to the use of facilities and other related services for Tuolumne River Regional Park facilities managed by the Parks, Recreation
and Neighborhoods Department, a copy of which is attached hereto as Exhibit 1 and incorporated herein by reference, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 p.m. on April 27, 2004 in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto California, and

WHEREAS, on said date and time said duly noticed public hearing of the City Council was held for the purpose of receiving public comment on the proposed fees for Tuolumne River Regional Park facilities managed by the Parks, Recreation and Neighborhoods Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves certain fees relating to the use of Tuolumne River Regional Park facilities managed by the Parks, Recreation and Neighborhoods Department, a copy of which is attached hereto as Exhibit “1” and incorporated herein by reference.

BE IT FURTHER RESOLVED that Resolution No. 2002-383 is hereby rescinded effective April 30, 2004.

BE IT FURTHER RESOLVED that this resolution shall become effective on May 1, 2004.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 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, Jackman, Keating, Marsh, Mayor Ridenour

NOES: Councilmembers None

ABSENT: Councilmembers Hawn, O’Bryant

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
<table>
<thead>
<tr>
<th>Facilities</th>
<th>Current Fee</th>
<th>FY 03-04 Cost of Service</th>
<th>Proposed FY 03-04 Fee</th>
<th>Proposed FY 04-05 Fee</th>
<th>Proposed FY 05-06 Fee</th>
<th>Proposed FY 06-07 Fee</th>
<th>Proposed FY 07-08 Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ballfields</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ballfield-without lights, per 2 hours</td>
<td>$16.00</td>
<td>$19.48</td>
<td>$20</td>
<td>$21</td>
<td>$21</td>
<td>$21</td>
<td>$22</td>
</tr>
<tr>
<td>Ballfield-with lights, per 2 hours</td>
<td>$38.00</td>
<td>$43.34</td>
<td>$44</td>
<td>$45</td>
<td>$47</td>
<td>$48</td>
<td>$50</td>
</tr>
<tr>
<td>American Legion Hall</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Per 4 hours (M-Th, 8am-5)</td>
<td>$550.00</td>
<td>$553.67</td>
<td>$554</td>
<td>$571</td>
<td>$588</td>
<td>$605</td>
<td>$624</td>
</tr>
<tr>
<td>Per Day</td>
<td>$925.00</td>
<td>$1,077.33</td>
<td>$1,075</td>
<td>$1,107</td>
<td>$1,140</td>
<td>$1,175</td>
<td>$1,210</td>
</tr>
<tr>
<td>Event Staffing Per Hour</td>
<td>New</td>
<td>$30.76</td>
<td>$31</td>
<td>$32</td>
<td>$33</td>
<td>$34</td>
<td>$35</td>
</tr>
<tr>
<td>Picnic Areas</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>per section -all day</td>
<td>$85.00</td>
<td>$73.42</td>
<td>$73</td>
<td>$75</td>
<td>$77</td>
<td>$80</td>
<td>$82</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-238  

A RESOLUTION RESTATING USAGE POLICIES, BOOKING PROCEDURES AND RENTAL RATES FOR JOHN THRUMAN FIELD, AND AUTHORIZING STAFF TO NEGOTIATE THE PARKING FEES FOR NON-BASEBALL EVENTS AT JOHN THRUMAN FIELD AT A RATE FROM $3.00 TO $5.00 PER CAR, AND RESCINDING RESOLUTION NO. 98-51.

WHEREAS, the City owns, operates and manages John Thurman Field, a Class A professional baseball stadium, and

WHEREAS, Section 12-3.03 of the Modesto Municipal Code authorizes the City Council by resolution to control and regulate the use of John Thurman Field, and

WHEREAS, special non-baseball events are held at John Thurman Field on occasion, and

WHEREAS, on January 27, 1998, by Resolution No. 98-51, the City Council established rental fees, usage policies and booking procedures for use of John Thurman Field, including parking rates for private non-baseball events at John Thurman Field at $3.00 per car and no charge for non-profit special events, and

WHEREAS, pursuant to an agenda report to the City Council dated April 7, 2004, the Parks, Recreation and Neighborhoods Department staff has recommended to the City Council that certain usage policies and booking procedures for rental and use of John Thurman Field be restated, a copy of which is attached hereto as Exhibit “1” and Exhibit “2”, respectively, and incorporated herein by reference, and

WHEREAS, pursuant to an agenda report to the City Council dated April 7, 2004, the Parks, Recreation and Neighborhoods Department staff has recommended to the City Council that certain fee assessments relating to the use of John Thurman Field be restated, a copy of which is attached hereto as Exhibit “3” and incorporated herein by reference, and
WHEREAS, pursuant to an agenda report to the City Council dated April 7, 2004, the Parks, Recreation and Neighborhoods Department staff has recommended to the City Council that staff be authorized to negotiate parking rates for all non-baseball events at John Thurman Field at a rate from $3.00 to $5.00 per car, as shown on Exhibit “3”, a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, at their April 5, 2004, meeting, the Safety and Communities Committee recommended authorizing staff to negotiate the parking fees for non-baseball events at John Thurman Field at a rate from $3.00 to $5.00 per car, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 p.m. on April 27, 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 parking fees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the usage policies, booking procedures and rental rates for John Thurman Field previously approved by the Council are hereby restated as set forth in Exhibits “1” and “2” attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the fee assessments for rental of John Thurman Field previously approved by the Council are hereby restated as set forth in Exhibit “3” attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Council authorizes staff to negotiate the parking fees for non-baseball events at John Thurman Field at a rate from $3.00 to $5.00 per car.
BE IT FURTHER RESOLVED that Resolution No. 98-51 is hereby rescinded effective April 27, 2004.

BE IT FURTHER RESOLVED that this resolution shall become effective on April 28, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 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, Jackman, Keating, Marsh, Mayor Ridenour

NOES: Councilmembers None

ABSENT: Councilmembers Hawn, O’Bryant

ATTEST: ________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By ________________
MICHAEL D. MILICH, City Attorney
GENERAL INFORMATION

No person may use John Thurman Field without first having obtained a written license. Parties to license and use negotiations with John Thurman Field must be legally qualified to execute binding contracts. Licensee shall not conduct within or upon the premises any other operations except those described in the license unless prior written consent of the City of Modesto is given. Licensee, its officers, agents, and employees shall comply with all rules and regulations, laws, and ordinances adopted or established, from time to time, by any governmental agent or department thereof.

1. Rates and Services

Rates for the rental of John Thurman Field shall be indicated in the rate schedule. These rates are adjusted periodically to reflect the Mission Statement and budgetary goals for John Thurman Field. Changes in the schedule of rates for John Thurman Field are approved by the Modesto City Council.

The rental rate schedule states the maximum rentals to be collected by the stadium management. These rates will be charged to all stadium users with few exceptions. At the discretion of the stadium manager, lower rental rates can be negotiated by the stadium manager for one or more of these reasons:

- A quantity of dates that are scheduled in the same calendar year.
- A use that will render appropriate revenue levels to the stadium through other means than rent.
- In order to foster the addition of desirable events to the calendar that were unattainable in the past.
- A proposed use that does not fit the current rental rate schedule.

2. Scope of Rental Payment

The agreement to pay a stated rental amount for the stadium entitles the Licensee to these facilities and services unless specifically stated in the license.

- The stated public space(s) at the stated times on the stated day(s).
- Concourse lighting as appropriate.
- Event supervision by the stadium management.
- Any other equipment or services specifically provided for in the use license.

3. Rental Rate Categories

The applicable rate to be charged for the use of the stadium will vary according to the prospective Licensee, the public space(s) requested, the time(s) requested, and the contemplated use of the space. Based on the above factors, the stadium management will establish the applicable rate to be charged that is also consistent with the rental schedule and stadium policies.

Definitions of the rental rate categories are below.

LICENSEE CATEGORIES:

A. Non-profit. Rates listed for non-profit groups shall be extended to non-profit organizations that have a 501 (c) (3) tax status with the I.R.S.

B. Private. All individuals and organizations that do not meet the non-profit criteria as set out above.

TIME CATEGORIES:

A. Overtime. Will be facility usage that extends beyond the normal operation hours of the stadium.

B. Rehearsal. Time used the day before the event for rehearsal or setup, or the day after an event for move-out. Rehearsal rates are only applicable on days when the public or event attendees are not present.

C. General time calculation. The time of use begins when the Licensee, its representatives, employees, or contractors arrive at the stadium to begin event preparations. The time of use ends when the Licensee, its representatives, employees, contractors, and event attendees have totally vacated the stadium.

D. Normal operating hours. Building usage before 6:00 a.m. and after 2:00 a.m. will only be allowed with stadium management approval.

USE CATEGORIES:

A. Ticketed events. Events that fit some or all of these descriptions:

- Typically sports or entertainment events.

- Events where an admission is charged and the gross potential is greater than ten times the base rent.

- Events where the general public is invited.

- Not to include picnics and banquets where the admission charge is not predominantly aimed at the cost of entertainment.
Licenses in this category will be charged a flat guarantee versus 10% of the gross ticket sales, whichever is greater.

B. Trade shows. Licensees that sublet space to exhibitors and charge for the right to exhibit will be charged a flat guarantee versus a net square foot cost, whichever is greater. The net square foot charge will be calculated on all floor space that is utilized by the exhibitors. Licensees that plan a trade show, craft show, etc., where the exhibitor=s fee paid to the Licensee is too low to justify the net square foot rental rate, will be charged the flat rate for the stadium at the stadium management=s discretion.

C. Baseball. Non-profit Licensees that wish to use the stadium for the sole purpose of hosting a baseball game will pay the baseball rate.

4. Expiration of License

Licensee shall remove from the facilities all property, goods, and effects belonging to Licensee or caused by him to be brought upon the premises. If property is not removed within the time limits stated in the license, City shall have the right to dispose of, sell, store, or cause to be stored any property, for which Licensee shall pay a penalty fee, plus all storage and moving expenses incurred therefor, prior to release of the property from storage.

At the expiration of the time of use of the facilities set forth, Licensee shall quit the facilities and return all equipment and facilities procured, which premises, equipment, and facilities shall be in as good condition and repair as before Licensee's use thereof except for ordinary wear and use.

5. Payment for Damages

Licensee agrees to pay costs of repair or replacement for any and all damages of whatever origin or nature to property of City and John Thurman Field equipment resulting from Licensee's exercise of its license, whether deliberate, accidental, or other causes not predicated on active negligence of City. If possible, John Thurman Field management may withhold from box office receipts before settlement a reasonable amount to cover the costs arising from such damages. John Thurman Field management shall refund to Licensee any amount withheld in excess of actual damages. Otherwise, John Thurman Field management will bill Licensee for damage costs.

6. Scheduling

John Thurman Field management will at its sole discretion determine the acceptable frequency in a one-year period and the acceptable closeness of two similar events. If similar events are too frequent or too close on the calendar, John Thurman Field management reserves the right to deny permission to use John Thurman Field for the event.

7. Event Information

Licensee shall provide John Thurman Field management, at least fourteen days prior to the first day of a scheduled event, a full and detailed outline of all event requirements, including the setup, equipment, personnel, and all other such information as may be required by management.
8. **Lawful Activity**

No performance, exhibition, or activity shall be given or held in John Thurman Field which is illegal.

9. **Tickets**

Licensee will pay the City for all box office services as may be required. Licensee is required to sell all tickets at prices advertised, and no deviation will be allowed without the prior written consent of John Thurman Field management. In the handling, control, custody, and keeping of funds, the City is acting for the accommodation of Licensee, and as to such funds the City shall not be liable to Licensee or to any other persons for any loss, theft, or defalcation thereof whether such loss, theft, or defalcation is caused or done by employees of City or otherwise.

10. **Concession Sales**

Licensee shall not sell, serve, or give away any concession items, including but not limited to tobacco products, beverages, food, candy, or refreshments of any kind, within the leased space except with prior written permission from John Thurman Field management. Licensee, his exhibitors, or persons caused by him to come on the premises may distribute free samples of food or beverages only upon receipt of written permission from John Thurman Field Manager.

City reserves the right to operate or contract for operation and receive the income from concessions for the events to be covered by this license. Such concessions shall include, but not be limited to, the dispensing or sale of food, beverages, programs, souvenirs, and novelties. John Thurman Field shall designate stand and/or bar locations for selling and serving such items.

11. **Merchandise Sales**

A. Performances, Entertainment, Concerts, Dances: Programs, garments, tapes, CDs, and other novelties may be offered for sale in authorized spaces during the time of the license with approval in advance from John Thurman Field management. Licensee shall pay 20% of the gross receipts from such sales to the stadium management. Licensee should be prepared to inventory in all merchandise available for sale before sales are begun. Additionally, an inventory will be conducted at the conclusion of the sale to establish gross sales.

B. Conferences, Conventions, Meetings, Seminars, etc.: Merchandise may be offered for sale in authorized spaces during the time of the license with approval in advance from John Thurman Field management. The organization or company which is using John Thurman Field and hosting the event may sell merchandise and educational materials that promote their organization or its mission and/or bear its name or logo at no charge to the organization. When the sponsoring organization makes space available to another company or organization for the purpose of selling merchandise, the sponsor will be charged $75 for each such merchant per day.
12. Broadcasting

No event presented in John Thurman Field shall be broadcasted, televised, or in any manner recorded for reproduction without the written consent of John Thurman Field management, and then only upon the express condition that all John Thurman Field expenses pertaining thereto will be paid in advance. Additionally, John Thurman Field management reserves the right to charge a reasonable usage fee for any broadcast or recording activity. Licensee shall hold City harmless from such broadcasting activity and shall provide all insurance requested by John Thurman Field management prior to conducting the broadcasting.

13. Copyrights

Licensee agrees, represents, and warrants that nothing contained in the program, performance, or exhibition, or in any other way connected with Licensee’s activities under this contract, shall violate or infringe upon any copyrights patented, right of privacy, or other statutory or common law right of any person, firm, or corporation. John Thurman Field will not be responsible for any violations of copyright laws by Licensee.

14. Advertising

It is agreed that no signs, posters, or advertisements shall be posted in, on, or about John Thurman Field without the prior written consent and approval of John Thurman Field Manager. In addition, Section 10-2.2108(o) of the Modesto Municipal Code reads as follows:

"No signs on street trees, utility poles or structure in street right-of-way. No signs will be attached to any City street tree, or any poles such as utility poles, street signals, street lights, street name signs, or traffic warning signs, or on any bus shelter."

Advertising materials must assure "truth in advertising" and good taste for the event authorized by this license.

Prior to the execution of this license, Licensee shall not publicize, nor cause to be publicized, in any manner, a performance or event at John Thurman Field. John Thurman Field reserves all rights to the information and manner of publicized display on John Thurman Field scoreboard or marquee.

15. Security

Licensee shall engage, through John Thurman Field management, and reimburse City for the services of adequate security personnel, to be appropriate for the intended facility use as required by John Thurman Field management. John Thurman Field management shall determine the number of officers, and duties will be assigned at the sole discretion of the City.

Licensee shall be solely responsible for the orderly conduct of all persons using the premises by its invitation, either expressed or implied, during all times covered by this license. City reserves the right to eject or cause to be ejected from the premises any person or persons objectionable due to unlawful conduct.
16. Seating Capacity

Licensee shall not sell or permit to be sold or distributed, tickets or passes in excess of the capacity of facilities leased nor admit thereto a larger number of persons than can safely and freely move about therein. The decision of John Thurman Field management in this respect shall be final and shall include the right to cancel the event if the number present exceeds the number permitted by law.

17. Control of Stadium

The entrances and exits of said premises shall be locked and unlocked at such times as may be required for Licensee's use, but Licensee at his expense must place proper watchmen at all entrances and exits when same are unlocked. The City and all duly authorized representatives of the City shall have the right to enter John Thurman Field and all parts thereof at all times.

18. Lost Articles

City shall have the right to collect and have custody of articles left in the building by persons attending any event in John Thurman Field, and Licensee or any person in Licensee's employ shall not collect nor interfere with the collection or custody of such articles.

19. Flammable Materials

No flammable materials such as bunting, tissue paper, crepe paper, etc., will be permitted to be used for decorations, and all materials used for decorating purposes must be approved by the Fire Department.

20. Utility Connections

Unless otherwise authorized by John Thurman Field management, all plumbing, electrical, domestic gas, or carpenter's work required to be done on the premises of John Thurman Field in connection with Licensee's use thereof, shall be done or furnished by City or approved representative.

21. Storage

In the receipt, handling, care, or custody of property of any kind shipped or otherwise delivered to the premises by any Licensee, the City, John Thurman Field management, and its employees shall act solely for the accommodation of the Licensee, and neither City, John Thurman Field management, nor employees shall be liable for any loss, damage, or injury to such property.
22. Business License

Private individuals and private companies utilizing John Thurman Field as a place to conduct business are required to have a City of Modesto business license. One-day licenses can be obtained from the City of Modesto Finance Department at (209) 577-5389.

LICENSEE HAS READ AND UNDERSTANDS THE STADIUM USAGE POLICIES AS SET FORTH ABOVE. LICENSEE AGREES TO OBSERVE AND ABIDE BY THE RULES AND REGULATIONS GOVERNING THE USAGE OF JOHN THURMAN FIELD FOR PURPOSES AS STATED PER USE LICENSE.
John Thurman Field

BOOKING PROCEDURES

A. Calendar Distance From Proposed Date

Full Stadium or Full Concourse Rentals:

1. During Professional Baseball Season

Uses for John Thurman Field that use the entire stadium or the entire concourse and take place during the professional baseball season (approximately April 1 through September 7 of each year) will only be booked after the professional baseball schedule is announced for each year. Stadium management will not make available dates that are scheduled for home games and dates that are required for the field maintenance that supports professional baseball. Field maintenance days will be selected at the sole discretion of stadium management.

2. Outside of the Professional Baseball Season

Uses for John Thurman Field that use the entire stadium or the entire concourse and do not occur during the professional baseball season may be booked a maximum of 13 months prior to the requested event date.

Partial Stadium Rental

1. During Professional Baseball Season

Uses for John Thurman Field use less than the entire stadium or the entire concourse and take place during the professional baseball season, approximately April first through September seventh of each year, will only be booked after the professional baseball schedule is announced for each year. Stadium management will not make available dates that are scheduled for home games and dates that are required for the field maintenance that supports professional baseball. Field maintenance days will be selected at the sole discretion of stadium management.

2. Outside of the Professional Baseball Season

Uses for John Thurman Field that use less than the entire stadium or the entire concourse and do not occur during the professional baseball season may be booked a maximum of 6 months prior to the requested event date.

Exceptions to the above are:

Large date-specific events that do not occur during the professional baseball season may be guaranteed use dates up to five years prior to a selected event date at the sole discretion of John Thurman Field management. By definition date-specific events are those that are held on
specific dates and can not occur on another day because of the type or theme of the event. These tend to be holiday or other significant date events. Examples would be Halloween or the Fourth of July.

B. Spacing of Similar Public Events

At its sole discretion, John Thurman Field management will establish appropriate spacing for similar public events.

C. Tentative Event Date Holds

1. John Thurman Field management will hold tentative dates that are more than 13 months out until someone else requests the same date(s).

2. John Thurman Field will hold tentative dates that are less than 13 months out for a maximum of six weeks. If the prospective licensee does not call John Thurman Field staff and request a license for the tentative hold within the six-week period, the hold will automatically be dropped at the end of the six-week period.

3. Requests for the same event space on the same date are handled as follows:
   The prospective licensee that has the date as a tentative will be notified. They will be required to make their deposit payment within two working days. If they fail to do so, their date will be released to the second party. The second party will then be required to make the deposit payment within two working days.

D. License Deposit

1. No license is valid unless it is returned to John Thurman Field staff with the specified deposit by the date specified on the license.

2. Half of the space rental rate will be required as a deposit, with these exceptions:
   a. The minimum guaranteed rental will be required as deposit for percentage based and square foot rentals.
   b. Licensees who hold more than three licenses in a calendar year may be allowed to submit one deposit to apply to all contracts. This deposit will be rolled over and held continually against future licenses at the conclusion of each event. It is understood with the above arrangement that the amount stated as deposit on each license will serve as damages for each event in the case that it is canceled. Despite the above arrangement, it is further understood that multiple cancellations may result in damages paid to John Thurman Field in excess of the original deposit payment.
   c. At its sole discretion, management may elect to waive the deposit payment. Typically, this will be considered based on one or more of the factors below:
      (1) Past successful events where dates were not canceled and all fees and charges were paid in a timely manner.
      (2) Institutional financial stability; i.e., government and schools.
(3) Minimal entrepreneurial risk associated with the event.

3. In the case of cancellation of the event by the lessee or a default of license terms by the licensee causing the City to void the license, the City will retain the entire deposit as damages and bill the licensee for any and all out-of-pocket expenses incurred as preparation for the canceled event. Any notice of cancellation, with the exception of ticketed entertainment, must be received a minimum of 48 hours prior to event date or full rental will be charged. When an event is booked as ticketed entertainment, whether flat rate or percentage based, any cancellation notice must be received a minimum of one week prior to event date or full room rental will be charged.

When a date is canceled and rebooked within the same six-month period, half of the deposit will be retained by John Thurman Field as damages; additionally, the licensee will be billed for any and all out-of-pocket expenses incurred as preparation for the canceled date.

4. In cases when a licensee reduced the total number of spaces described in the license, the City will collect the standard deposit amount for the unused space instead of full rent.

E. Cause to Deny John Thurman Field Use

1. Failure to fully pay bills that were incurred in connection with another event at another facility, regardless of who had not been fully paid.

2. Failure to fully pay John Thurman Field settlement statements on or before the date specified on the license, including all rental fees, services, and other charges.

3. Failure to perform to the letter of John Thurman Field license agreement on a past event.

4. Damage to John Thurman Field or another facility in excess of normal wear, that was of an intentional or willful nature.

5. Past situations where a prospective less condoned, encouraged, or engaged in activities that were deemed dangerous or harmful or potentially dangerous or harmful to event attendees and/or employees of John Thurman Field or another facility.

6. Any event that is deemed potentially intrusive of the neighborhood that surrounds John Thurman Field.

7. When the proposed activity is deemed to be unlawful according to City, State, or Federal law.

1/26/98
<table>
<thead>
<tr>
<th>Square Feet</th>
<th>Capacity</th>
<th>Private Rent</th>
<th>Cost per Person</th>
<th>Cost per Sq. Ft</th>
<th>Non-Profit Rent</th>
<th>Cost per Person</th>
<th>Cost per Sq. Ft</th>
<th>Private Rehearsal</th>
<th>Non-profit Rehearsal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full Stadium</td>
<td>3,850</td>
<td>$2,000</td>
<td>$0.52</td>
<td>NA</td>
<td>$1,400</td>
<td>$0.36</td>
<td>NA</td>
<td>$1,000</td>
<td>$700</td>
</tr>
<tr>
<td>Baseball</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Neece Picnic</td>
<td>540</td>
<td>$425</td>
<td>$0.79</td>
<td>$0.06</td>
<td>$300</td>
<td>$0.56</td>
<td>$0.04</td>
<td>$210</td>
<td>$150</td>
</tr>
<tr>
<td>Neece Concourse</td>
<td>940</td>
<td>$735</td>
<td>$0.78</td>
<td>$0.06</td>
<td>$515</td>
<td>$0.55</td>
<td>$0.04</td>
<td>$370</td>
<td>$260</td>
</tr>
<tr>
<td>Sunset Picnic</td>
<td>450</td>
<td>$425</td>
<td>$0.94</td>
<td>$0.07</td>
<td>$300</td>
<td>$0.67</td>
<td>$0.05</td>
<td>$210</td>
<td>$150</td>
</tr>
<tr>
<td>Sunset Concourse</td>
<td>800</td>
<td>$735</td>
<td>$0.92</td>
<td>$0.07</td>
<td>$515</td>
<td>$0.64</td>
<td>$0.05</td>
<td>$370</td>
<td>$260</td>
</tr>
<tr>
<td>Half Concourse</td>
<td>1,480</td>
<td>$1,000</td>
<td>$0.68</td>
<td>$0.05</td>
<td>$700</td>
<td>$0.47</td>
<td>$0.03</td>
<td>$500</td>
<td>$350</td>
</tr>
<tr>
<td>Entire Concourse</td>
<td>2,730</td>
<td>$1,500</td>
<td>$0.55</td>
<td>$0.04</td>
<td>$1,050</td>
<td>$0.38</td>
<td>$0.03</td>
<td>$750</td>
<td>$525</td>
</tr>
<tr>
<td>Parking</td>
<td></td>
<td>$3-$5 per vehicle</td>
<td>$3-$5 per vehicle</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-239

A RESOLUTION REJECTING ALL BIDS AND AUTHORIZING RE-BIDDING FOR THE PURCHASE AND ASSEMBLY OF TEN (10) GRANULAR ACTIVATED CARBON (GAC) UNITS

WHEREAS, granular activated carbon (GAC) units are pressure vessels filled with granular activated carbon, and

WHEREAS, granular activated carbon is a filter used to remove and dissolve organics and chlorine from drinking water, and

WHEREAS, on February 24, 2004, in an effort to return inactive wells to service prior to the peak water use season, Council approved Resolution No. 2004-115, authorizing the Purchasing Supervisor to formally solicit bids for the purchase and assembly of nine (9) granular activated carbon (GAC) units for the Operations and Maintenance Department, Water Division for an engineer’s estimated unit cost of $80,000, and for an engineer’s estimated combined total cost of approximately $720,000, and

WHEREAS, the purchase of these vessels would provide treatment capability at four (4) priority wells; Well 225, 303, 21 and 8, and

WHEREAS, returning these wells to service, coupled with the completion of work on Well 65 (new well at Tank 5), Well 312 (new well in Empire), and the return to service of Well 50 (work already underway to install GAC treatment) will regain approximately thirty-six (36%) percent of the lost drinking water well production capacity, and

WHEREAS, on February 25, 2004, the Purchasing Division solicited Request for Bid No. 0304-19, for the purchase and assembly of nine (9) granular activated carbon
(GAC) units to three (3) vendors, plus posted the bid on the City’s web site. The bid was also formally advertised by the City Clerk’s Office, and

WHEREAS, during the bid process, the Operations and Maintenance Department, Water Division made a request to add one (1) additional GAC vessel for Well 303, and

WHEREAS, on March 5, 2004, Addendum No. 1 was issued adding one (1) additional GAC vessel, bringing the bid total to ten (10) GAC vessels, and

WHEREAS, on March 10, 2004, Addendum No. 2 was issued affording prospective bidders the opportunity to submit bids for vessels filled with either “Domestic” or “Foreign” GAC, or both, if they were capable of supplying both, and

WHEREAS, bids were opened in the City Clerk’s Office on March 16, 2004, and

WHEREAS, of the three (3) vendors solicited, all chose to respond, and

WHEREAS, two (2) out of the three (3) vendors submitted responsive bids, providing the required number of signed original bid documents and copies per the bid requirements, and

WHEREAS, one (1) vendor Carbon Activated Corporation (CAC), submitted one (1) signed original bid marked “Foreign” and one (1) signed original bid marked “Domestic”, along with four (4) required bid copies marked “Domestic”, and

WHEREAS, based on the documents submitted it appeared as though Carbon Activated Corporation was submitting a bid for “Domestic” GAC, and

WHEREAS, a phone call was made to clarify Carbon Activated Corporation’s bid intention, and

WHEREAS, Carbon Activated Corporation submitted an email stating that they had intended to bid “Foreign” GAC, and
WHEREAS, based on not submitting the Council required number of signed original bid documents for either “Foreign” or “Domestic” GAC, their bid was deemed to be non-responsive and was disqualified, and

WHEREAS, Carbon Activated Corporation filed a written protest to the Purchasing Supervisor, and

WHEREAS, the Purchasing Supervisor reviewed Carbon Activated Corporation’s written protest and supporting documents and responded in writing the following: This mandatory Purchasing Division formal bid requirement is based on direction from Council and is clearly stated in three (3) different sections within the bid document, and

WHEREAS, based on being directed by Council, the language is absolute and staff does not have the authority to disregard it, and

WHEREAS, in order to comply with Council policy ensuring the integrity of the bidding process, the Purchasing Division had no option but to reject the bid of the non-responsive vendor, and

WHEREAS, City staff recommends rejecting all bids for Request for Bid No. 0304-19 for the purchase and assembly of ten (10) granular activated carbon (GAC) units based on responsive bids received exceeding the engineer’s estimate. Staff also recommends authorizing the Purchasing Supervisor to re-bid for the purchase and assembly of ten (10) granular activated carbon units, and

WHEREAS, re-bidding is the recommended option because the responsive bid packages were significantly higher than the original engineer’s estimate. This is likely due to the steel shortage. According to industry experts, there has been an international
shortage of steel due to strong international economic growth in the past year. This situation has impacted the pressure vessel industry in multiple ways,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids for the purchase and assembly of ten (10) granular activated carbon (GAC) units.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to re-bid for the purchase and assembly of ten (10) granular activated carbon (GAC) units.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Keating, 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, Keating, Marsh, Mayor Ridenour
NOES: Councilmembers Jackman
ABSENT: Councilmembers Hawn, O’Bryant

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION OPPOSING STATE SENATE BILL 1866, LEGISLATION RELATING TO POLICE MOTOR VEHICLE PURSUIT

WHEREAS, the Council of the City of Modesto has considered the provisions of Senate Bill 1866 relating to police officer motor vehicle pursuits, and

WHEREAS, Senate Bill 1866 proposes the virtual elimination of police officer vehicle pursuits, and

WHEREAS, Senate Bill 1866, if passed into law, would eliminate immunity for law enforcement in civil claims related to police motor vehicle pursuits, and

WHEREAS, Senate Bill 1866, if passed into law, will greatly increase the City of Modesto's exposure to civil liabilities, and

WHEREAS, Senate Bill 1866, if passed into law, will allow for the potential escape of suspected dangerous felons,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it is hereby strongly opposed to the passage of Senate Bill 1866 into law.

BE IT FURTHER RESOLVED that certified copies of this resolution shall be sent to the author of Senate Bill 1866, Senator Aanestad, and to the City of Modesto’s State representatives.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 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, 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
MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-241

A RESOLUTION REJECTING THE BID OF $218,039 FROM D.A. WOOD CONSTRUCTION, INC., FOR THE PROJECT TITLED “PRESSURE MANHOLES EAST OF MORTON BOULEVARD AND 11TH STREET,” AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT AT A FUTURE DATE

WHEREAS, the bids received for “Pressure Manholes East Of Morton Boulevard and 11th Street,” were opened at 11:00 a.m. on April 6, 2004, and

WHEREAS, during the bid evaluation process staff determined that the sole bid unreasonably exceeded the Engineer’s estimate. Therefore, staff recommends the bid be rejected and staff be allowed to re-advertise the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid received for “Pressure Manholes east Of Morton Boulevard and 11th Street,” opened in the office of the City Clerk on April 6, 2004, is hereby rejected.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project at a future date.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 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: 

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-242

A RESOLUTION ACCEPTING THE BID AND AWARDING A $265,672.50 CONTRACT WITH RODGERS CONSTRUCTION & ENGINEERING CO., INC., FOR THE PROJECT TITLED “HATCH ROAD IMPROVEMENTS AT DALLAS STREET INTERSECTION,” AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT

WHEREAS, the bids received for the Hatch Road Improvements at Dallas Street Intersection project were opened at 11:00 a.m., on April 6, 2004, and later tabulated by the Acting Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Acting Engineering and Transportation Director has recommended that the bid of $265,672.50 received from Rodgers Construction & Engineering Co., Inc., be accepted as the lowest responsible bid and the contract be awarded to Rodgers Construction & Engineering Co., Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of Rodgers Construction & Engineering Co., Inc., in the amount of $265,672.50, and hereby awards Rodgers Construction & Engineering Co., Inc., the contract titled “Hatch Road Improvements at Dallas Street Intersection” for $265,672.50.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-243

A RESOLUTION AMENDING THE FY 2003-2004 CAPITAL IMPROVEMENT BUDGET TO TRANSFER $77,967 FROM THE 1410 FUND BALANCE TO CIP PROJECT (MY-1410-430-A014) FOR STREET WIDENING IMPROVEMENTS ALONG HATCH ROAD AT ITS INTERSECTION WITH DALLAS STREET

WHEREAS, the bids received for the Hatch Road Improvements at Dallas Street Intersection project were opened at 11:00 a.m., on April 6, 2004, and later tabulated by the Acting Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Acting Engineering and Transportation Director has recommended that the bid of $265,672.50 received from Rodgers Construction & Engineering Co., Inc., be accepted as the lowest responsible bid and the contract be awarded to Rodgers Construction & Engineering Co., Inc.,

WHEREAS, on February 24, 2004, the City Council passed Resolution No. 2004-108 amending the FY 2003-04 Capital Improvement Budget to reduce the Traffic Signals Modifications’ CIP appropriation by $80,640 and return those funds to the fund balance, and appropriate $240,840 to the Capital Improvement Project for Street Widening Improvements along Hatch Road at its intersection with Dallas Street (MY-1410-430-A014), and

WHEREAS, the Acting Engineering and Transportation Director has determined that $77,967 in additional funds is required to fully fund the construction of this project, and
WHEREAS, the Finance Department has indicated that there are sufficient funds in the Fund 1410 fund balance for the appropriation of this project within the FY 2003-2004 Capital Improvement Program Budget to fully fund MY-1410-430-A014,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves amending the FY2003-2004 Capital Improvement Budget to transfer $77,967 from the CFF reserves to MY-1410-430-A014 to cover the increase in expenditure appropriation.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the steps necessary to amend the Capital Improvement Program Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-244

A RESOLUTION ADOPTING AN INITIAL STUDY FOR THE HATCH ROAD IMPROVEMENTS AT DALLAS STREET INTERSECTION IN THE CITY OF MODESTO, AND ADOPTING A FINDING THAT THE CITY COUNCIL HAS REVIEWED AND CONSIDERED AND MADE FINDINGS REGARDING THE CEQA ENVIRONMENTAL REVIEW DOCUMENT (ATTACHMENT B)

WHEREAS, on March 4, 2003, the City Council of the City of Modesto adopted Resolution No. 2003-123 certifying that the Modesto Urban Area General Plan Master Environmental Impact Report ("Master EIR") (SCH No. 1999082041) for the Modesto Urban Area General Plan is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

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

WHEREAS, the Engineering and Transportation Department, by Initial Study, EA/ET 2003-29, reviewed the proposed Hatch Road Improvements at Dallas Street Intersection, which determined that the proposed project is within the scope of the project covered by the Master EIR and that the project will have no additional significant effect on the environment that was not identified in the Master EIR; and further, that no new or additional mitigation measures or alternatives may be required, and
WHEREAS, on February 8, 2004, the Engineering and Transportation Department caused to be published notification of the determination conferred in Initial Study 2003-29, pursuant to Public Resources Code Section 21092, and

WHEREAS, said matter was considered by the City Council at a duly noticed meeting held on the 4th day of May, 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 EA 2003-29 prepared for the proposed Hatch Road Improvements at Dallas Street Intersection project, a copy of which is attached hereto as Attachment “B”, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

A. The proposed Hatch Road Improvements at Dallas Street Intersection project is within the scope of the General Plan Master EIR (SCH No. 1999082041), which analyzed the potential impacts of buildout of the Urban Area General Plan, including roadways in this area.

B. No additional significant environmental effects will occur as a result of the Hatch Road Improvements at Dallas Street Intersection project that were not previously examined in the General Plan Master EIR.

C. No new or additional mitigation measures or alternatives will be required as a result of the proposed Hatch Road Improvements at Dallas Street Intersection that were not previously considered in the General Plan Master EIR.

D. There are no specific features unique to the Hatch Road Improvements project at Dallas Street Intersection that requires specific mitigation measures. All certified mitigation measures identified in the MEIR would apply city wide, including this project, as appropriate.

E. This Initial Study, Environmental Assessment No. EA 2003-29 provides substantial evidence to support findings A, B, C, and D above.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a Notice of Approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 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
ATTACHMENT “B”

INITIAL STUDY

EA/ET 2003-29
City of Modesto
Initial Study

HATCH ROAD IMPROVEMENTS AT DALLAS STREET INTERSECTION

E.A./E.T. No: 2003-29

I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 199082041), adopted March 4, 2003, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:
Hatch Road Improvements at Dallas Street Intersection

B. Lead agency name and address:
City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact person, address and phone number:
Melchor C. Funtilla, Engineering and Transportation Department, (209) 571-5181

D. Project Location:
Along south side of Hatch Road and its intersection with Dallas Street

E. Project sponsor:
City of Modesto, P.O. Box 642, Modesto, CA 95353

F. General Plan Designation:
1
Planned Development Zone, P-D(542) per Ordinance No. 3188-C.S., a City of Modesto ordinance amending Section 8-4-9 of the Zoning Map to rezone from low density Residential Zone, R-1 to Planned Development P-D(542) (Donald L. Sanders)

G. **Zoning:**

Planned Development Zone, P-D(542)

H. **Description of Proposed Project:**

This is an application to construct Hatch Road street widening improvements including asphaltic concrete paving, curbs, gutters, sidewalks, curb ramps, rockwells; and to relocate and modify the existing traffic signalization system at its intersection with Dallas Street. The street improvements and the traffic signalization system modification are required for coordination with the abutting existing convenience market/gas station and a future commercial development located on the southeast and southwest corners of the intersection of Hatch Road and Dallas Street.

The right-of-way and public utility easements dedications required for this widening has been completed and accepted by the City of Modesto through the Planned Development P-D 542 conditions of approval. Hatch Road is a designated Class C 4-lane expressway. The ultimate design of the roadway would follow Standard Detail No. 356 of the City of Modesto’s Standard Specifications for a Class C 6-lane expressway at a minor collector.

The widening, modifications to the existing traffic signalization system and new traffic striping will help reduce stopping delay, increase traffic safety, and result in a reduction in air pollution. The proposed project will include improvements to the pedestrian phasing and crosswalks, vehicle detection, and other typical improvements associated with traffic signal installation.

I. **Surrounding land uses:**

The project is bounded on the North and Northwest by City of Modesto zoned R-1 lots and county village residential lots within Stanislaus County. The project is also bounded on the South by county zoned village residential lots and the Turlock Irrigation District (T.I.D.) Lateral No. 1. Southwest of the project are City of Modesto zoned R-1 lots. The Northeast area consists of county village residential lots.

J. **Other public agencies whose approval is required:**

None
III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms to the analysis contained within the Master EIR.

A. Traffic and Circulation

The project proposes public improvements consistent with the General Plan designation for this site. The project would be within existing rights-of-way. Land for public right of way and for public utility easements was dedicated by the adjacent landowner for public use. The ultimate design calls for a Class C 4-lane expressway per the General Plan Program Circulation and Transportation Diagram of Figure V-1. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages V-1-1 through V-1-33) are, therefore, still valid.

B. Degradation of Air Quality

The air quality impacts for this development are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this development would not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages V-2-1 through V-2-26) are, therefore, still valid.

C. Generation of Noise

The proposed project will create additional noise, but this additional noise is not significant in comparison to the general traffic noise on Hatch Road. The noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. The project will not create additional significant effects, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages V-3-1 through V-3-22) are therefore still valid.

D. Loss of Productive Agricultural Land

This area is located in an urbanized portion of Modesto, and there are no agricultural lands affected by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages V-4-1 through V-4-12) are still valid.
E. Increased Demand for Water Supplies

The proposed project will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages V-5-1 through IV-5-13 are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services

The proposed project will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages V-6-1 through V-6-12) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The project is located in a built-up urban area and is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages V-7-1 through V-7-29) are still valid.

H. Disturbance of Archaeological and Historic Sites

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages V-8-1 through V-8-22) are, therefore, still valid.

I. Drainage, Flooding and Water Quality

The proposed project will conform to the City’s Standards for drainage, flood control and water quality. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages V-9-1 through V-9-13) are, therefore, still valid.
J. Increased Demand for Storm Drainage

The proposed project will provide the necessary infrastructure to provide storm drainage to meet City Standards. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages V-10-1 through V-10-16) are, therefore, still valid.

K. Increased Demand for Parks and Open Space

The proposed project will not have an effect upon the parks or open space needs in the area over that anticipated in the Master EIR. The MEIR concluded that demand for parks and open space would be mitigated through the payment of Capital Facilities Fees (CFF) for new development, which would be used for the development of new parks. Since the City’s CFF program applies to this project, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages V-11-1 through V-11-14) are therefore still valid.

L. Increased Demand for Schools

The proposed project will not create any additional demand for schools. The MEIR concluded that demand for schools would be mitigated by collection of fees by the affected school districts. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages V-12-1 through V-12-11) are still valid.

M. Increased Demand for Police Services

The proposed project will not result in any significant increase in the demand for police services in the context of the MEIR, because of the small size of the project and its location in a highly-urbanized area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages V-13-1 through V-13-7) are therefore still valid.

N. Increased Demand for Fire Services

This project will not result in any significant increase in the demand for fire services in the context of the MEIR, because of the small size of the project and its location in a highly-urbanized area. In addition, the project provides for emergency access to meet City Standards. The Existing Conditions, Impacts
Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages V-14-1 through V-14-9) are therefore still valid.

O. Generation of Solid Waste

This proposed project will not result in any significant increase in the generation of solid waste in the context of the MEIR, because of the small size of the project and its location in a highly-urbanized area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages V-15-1 through V-15-10) are therefore still valid.

P. Generation of Hazardous Materials

This proposed project will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages V-16-1 through V-16-15) are therefore still valid.

Q. Landslides and Seismic Activity

This proposed project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages V-17-1 through V-17-12) are therefore still valid.

R. Energy

This proposed project will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages V-18-1 through V-18-7) are still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed Hatch Road Improvements at Dallas Street Intersection is within the scope of the General Plan Master EIR (SCH No. 1999082041), which analyzed the potential impacts of buildout of the Urban Area General Plan, including roadways in this area.

B. No additional significant environmental effects will occur as a result of the Hatch Road Improvements at Dallas Street Intersection that were not previously examined in the General Plan Master EIR.
C. No new mitigation measures or alternatives will be required as a result of the proposed Hatch Road Improvements at Dallas Street Intersection that were not previously considered in the General Plan Master EIR.

D. There are no specific features unique to the Hatch Road Improvements at Dallas Street Intersection that requires project specific mitigation measures. All certified mitigation measures identified in the MEIR would apply city wide, including this project as appropriate.

E. This initial study provides substantial evidence to support findings A, B, C, and D above.

Signature:

Melchor C. Funtula,
Associate Civil Engineer
Bid Tabulation
Project Title: Hatch Road Improvements at Dallas Street Intersection

Project ID #: 2004-012
Vault ID #: 20-D-0603
Bid Opening: 4/6/2004 at 11:00 AM
Basis of Award: By Base Bid

Fund #: 1410
Agency #: 160
Organization: M195
Designer: Ed Eshoo
Design Manager: Mel Funtula

Project Description: Street improvement, signal and drainage improvements

<table>
<thead>
<tr>
<th>Item #</th>
<th>Item Description</th>
<th>Units</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Bidder</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rodgers Construction &amp; Engineer Co., Inc.</td>
<td>Stockton, CA 95206</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(209) 464-5780 1807 Navy Dr., Suite #1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Base Bid</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Traffic Control &amp; Construction Area Signs</td>
<td>LS</td>
<td>1</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Clearing &amp; Grubbing</td>
<td>LS</td>
<td>1</td>
<td>$4,700.00</td>
<td>$4,700.00</td>
</tr>
<tr>
<td>3</td>
<td>Sawcut existing pavement</td>
<td>LF</td>
<td>1050</td>
<td>$1.00</td>
<td>$1,050.00</td>
</tr>
<tr>
<td>4</td>
<td>Roadway excavation</td>
<td>CY</td>
<td>770</td>
<td>$31.00</td>
<td>$23,870.00</td>
</tr>
<tr>
<td>5</td>
<td>Curb drain inlet &amp; rockwell</td>
<td>EA</td>
<td>4</td>
<td>$6,300.00</td>
<td>$25,200.00</td>
</tr>
<tr>
<td>6</td>
<td>Additional rockwell depth past 50 Feet</td>
<td>LF</td>
<td>80</td>
<td>$40.00</td>
<td>$3,200.00</td>
</tr>
<tr>
<td>7</td>
<td>Abandon existing rockwell</td>
<td>LS</td>
<td>1</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>8</td>
<td>Adjust utility covers</td>
<td>EA</td>
<td>1</td>
<td>$750.00</td>
<td>$750.00</td>
</tr>
<tr>
<td>9</td>
<td>Street lights</td>
<td>EA</td>
<td>2</td>
<td>$6,100.00</td>
<td>$12,200.00</td>
</tr>
<tr>
<td>10</td>
<td>6-inch vertical curb &amp; gutter</td>
<td>LF</td>
<td>855</td>
<td>$23.50</td>
<td>$20,092.50</td>
</tr>
<tr>
<td>11</td>
<td>Concrete sidewalk</td>
<td>SF</td>
<td>7550</td>
<td>$4.00</td>
<td>$30,200.00</td>
</tr>
<tr>
<td>12</td>
<td>Driveway approach</td>
<td>EA</td>
<td>2</td>
<td>$1,800.00</td>
<td>$3,600.00</td>
</tr>
<tr>
<td>13</td>
<td>Curb ramps</td>
<td>EA</td>
<td>2</td>
<td>$3,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>14</td>
<td>Aggregate base class 2</td>
<td>CY</td>
<td>510</td>
<td>$32.00</td>
<td>$16,320.00</td>
</tr>
<tr>
<td>15</td>
<td>Asphalt concrete (Type B; 1/2-inch Max.)</td>
<td>TON</td>
<td>510</td>
<td>$49.00</td>
<td>$24,990.00</td>
</tr>
<tr>
<td>16</td>
<td>Traffic signal</td>
<td>LS</td>
<td>1</td>
<td>$72,000.00</td>
<td>$72,000.00</td>
</tr>
<tr>
<td>17</td>
<td>Striping</td>
<td>LS</td>
<td>1</td>
<td>$15,500.00</td>
<td>$15,500.00</td>
</tr>
<tr>
<td></td>
<td><strong>Total:</strong></td>
<td></td>
<td></td>
<td><strong>$265,672.50</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Percent From Engineer's Estimate:</strong></td>
<td></td>
<td></td>
<td><strong>32.42%</strong></td>
<td></td>
</tr>
<tr>
<td>Item #</td>
<td>Item Description</td>
<td>Units</td>
<td>Quantity</td>
<td>Unit Price</td>
<td>Extension</td>
</tr>
<tr>
<td>--------</td>
<td>-------------------------------------------------------</td>
<td>-------</td>
<td>----------</td>
<td>------------</td>
<td>-----------</td>
</tr>
<tr>
<td></td>
<td>Construction Contingency - 10%</td>
<td></td>
<td></td>
<td></td>
<td>$26,567.25</td>
</tr>
<tr>
<td></td>
<td>Estimated Contract Total</td>
<td></td>
<td></td>
<td></td>
<td>$292,239.75</td>
</tr>
<tr>
<td></td>
<td>Construction Administration - 10%</td>
<td></td>
<td></td>
<td></td>
<td>$26,567.25</td>
</tr>
<tr>
<td></td>
<td>Estimated Project Total</td>
<td></td>
<td></td>
<td></td>
<td>$318,807.00</td>
</tr>
<tr>
<td>1</td>
<td>Traffic Control &amp; Construction Area Signs</td>
<td>LS</td>
<td>1</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Clearing &amp; Grubbing</td>
<td>LS</td>
<td>1</td>
<td>$3,950.00</td>
<td>$3,950.00</td>
</tr>
<tr>
<td>3</td>
<td>Sawcut existing pavement</td>
<td>LF</td>
<td>1050</td>
<td>$1.36</td>
<td>$1,428.00</td>
</tr>
<tr>
<td>4</td>
<td>Roadway excavation</td>
<td>CY</td>
<td>770</td>
<td>$40.00</td>
<td>$30,800.00</td>
</tr>
<tr>
<td>5</td>
<td>Curb drain inlet &amp; rockwell</td>
<td>EA</td>
<td>4</td>
<td>$3,100.00</td>
<td>$12,400.00</td>
</tr>
<tr>
<td>6</td>
<td>Additional rockwell depth past 50 Feet</td>
<td>LF</td>
<td>80</td>
<td>$110.00</td>
<td>$8,800.00</td>
</tr>
<tr>
<td>7</td>
<td>Abandon existing rockwell</td>
<td>LS</td>
<td>1</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>8</td>
<td>Adjust utility covers</td>
<td>EA</td>
<td>1</td>
<td>$315.00</td>
<td>$315.00</td>
</tr>
<tr>
<td>9</td>
<td>Street lights</td>
<td>EA</td>
<td>2</td>
<td>$8,232.75</td>
<td>$12,465.50</td>
</tr>
<tr>
<td>10</td>
<td>6-inch vertical curb &amp; gutter</td>
<td>LF</td>
<td>855</td>
<td>$27.50</td>
<td>$23,512.50</td>
</tr>
<tr>
<td>11</td>
<td>Concrete sidewalk</td>
<td>SF</td>
<td>7550</td>
<td>$3.40</td>
<td>$25,670.00</td>
</tr>
<tr>
<td>12</td>
<td>Driveway approach</td>
<td>EA</td>
<td>2</td>
<td>$5,480.00</td>
<td>$10,960.00</td>
</tr>
<tr>
<td>13</td>
<td>Curb ramps</td>
<td>EA</td>
<td>2</td>
<td>$2,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>14</td>
<td>Aggregate base class 2</td>
<td>CY</td>
<td>510</td>
<td>$44.00</td>
<td>$22,440.00</td>
</tr>
<tr>
<td>15</td>
<td>Asphalt concrete (Type B; 1/2-inch Max.)</td>
<td>TON</td>
<td>510</td>
<td>$73.00</td>
<td>$37,230.00</td>
</tr>
<tr>
<td>16</td>
<td>Traffic signal</td>
<td>LS</td>
<td>1</td>
<td>$70,727.00</td>
<td>$70,727.00</td>
</tr>
<tr>
<td>17</td>
<td>Striping</td>
<td>LS</td>
<td>1</td>
<td>$15,801.00</td>
<td>$15,801.00</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>$290,499.00</td>
</tr>
<tr>
<td></td>
<td>Percent From Engineer's Estimate:</td>
<td></td>
<td></td>
<td></td>
<td>44.79%</td>
</tr>
</tbody>
</table>

---

**George Reed Inc.**  
(209) 523-0734  P.O. Box 4760  
Modesto  CA  95352

<table>
<thead>
<tr>
<th>Item #</th>
<th>Item Description</th>
<th>Units</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Traffic Control &amp; Construction Area Signs</td>
<td>LS</td>
<td>1</td>
<td>$8,000.00</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Clearing &amp; Grubbing</td>
<td>LS</td>
<td>1</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>3</td>
<td>Sawcut existing pavement</td>
<td>LF</td>
<td>1050</td>
<td>$1.00</td>
<td>$1,050.00</td>
</tr>
</tbody>
</table>

Page 2 of 5
<table>
<thead>
<tr>
<th>Item #</th>
<th>Item Description</th>
<th>Units</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Roadway excavation</td>
<td>CY</td>
<td>770</td>
<td>$49.00</td>
<td>$37,730.00</td>
</tr>
<tr>
<td>5</td>
<td>Curb drain inlet &amp; rockwell</td>
<td>EA</td>
<td>4</td>
<td>$6,400.00</td>
<td>$25,600.00</td>
</tr>
<tr>
<td>6</td>
<td>Additional rockwell depth past 50 Feet</td>
<td>LF</td>
<td>80</td>
<td>$41.00</td>
<td>$3,280.00</td>
</tr>
<tr>
<td>7</td>
<td>Abandon existing rockwell</td>
<td>LS</td>
<td>1</td>
<td>$5,700.00</td>
<td>$5,700.00</td>
</tr>
<tr>
<td>8</td>
<td>Adjust utility covers</td>
<td>EA</td>
<td>1</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>9</td>
<td>Street lights</td>
<td>EA</td>
<td>2</td>
<td>$5,975.00</td>
<td>$11,950.00</td>
</tr>
<tr>
<td>10</td>
<td>6-inch vertical curb &amp; gutter</td>
<td>LF</td>
<td>855</td>
<td>$20.00</td>
<td>$17,100.00</td>
</tr>
<tr>
<td>11</td>
<td>Concrete sidewalk</td>
<td>SF</td>
<td>7550</td>
<td>$3.50</td>
<td>$26,425.00</td>
</tr>
<tr>
<td>12</td>
<td>Driveway approach</td>
<td>EA</td>
<td>2</td>
<td>$1,400.00</td>
<td>$2,800.00</td>
</tr>
<tr>
<td>13</td>
<td>Curb ramps</td>
<td>EA</td>
<td>2</td>
<td>$1,500.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>14</td>
<td>Aggregate base class 2</td>
<td>CY</td>
<td>510</td>
<td>$53.00</td>
<td>$27,030.00</td>
</tr>
<tr>
<td>15</td>
<td>Asphalt concrete (Type B; 1/2-inch Max.)</td>
<td>TON</td>
<td>510</td>
<td>$48.50</td>
<td>$24,735.00</td>
</tr>
<tr>
<td>16</td>
<td>Traffic signal</td>
<td>LS</td>
<td>1</td>
<td>$73,250.00</td>
<td>$73,250.00</td>
</tr>
<tr>
<td>17</td>
<td>Striping</td>
<td>LS</td>
<td>1</td>
<td>$25,000.00</td>
<td>$25,000.00</td>
</tr>
</tbody>
</table>

**Total:** $294,650.00

Percent From Engineer's Estimate: 46.86%

---

Professional Construction Services
(510) 526-0667  6509 Stockton Ave.
El Cerrito CA 94530

Base Bid

1. Traffic Control & Construction Area Signs
   | LS | 1 | $5,000.00 | $5,000.00 |
2. Clearing & Grubbing
   | LS | 1 | $1,500.00 | $1,500.00 |
3. Sawcut existing pavement
   | LF | 1050 | $1.32 | $1,385.00 |
4. Roadway excavation
   | CY | 770 | $22.00 | $16,940.00 |
5. Curb drain inlet & rockwell
   | EA | 4 | $12,750.00 | $51,000.00 |
6. Additional rockwell depth past 50 Feet
   | LF | 80 | $180.00 | $14,400.00 |
7. Abandon existing rockwell
   | LS | 1 | $7,000.00 | $7,000.00 |
8. Adjust utility covers
   | EA | 1 | $3,000.00 | $3,000.00 |
9. Street lights
   | EA | 2 | $4,500.00 | $9,000.00 |
10. 6-inch vertical curb & gutter
    | LF | 855 | $21.00 | $17,950.00 |
11. Concrete sidewalk
    | SF | 7550 | $3.20 | $24,160.00 |
12. Driveway approach
    | EA | 2 | $1,750.00 | $3,500.00 |
13. Curb ramps
    | EA | 2 | $1,600.00 | $3,200.00 |
14. Aggregate base class 2
    | CY | 510 | $53.00 | $27,030.00 |
15. Asphalt concrete (Type B; 1/2-inch Max.)
    | TON | 510 | $79.00 | $40,290.00 |
16. Traffic signal
    | LS | 1 | $66,000.00 | $66,000.00 |

Page 3 of 5
<table>
<thead>
<tr>
<th>Item #</th>
<th>Item Description</th>
<th>Units</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>Striping</td>
<td>LS</td>
<td>1</td>
<td>$18,400.00</td>
<td>$18,400.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total:  $309,761.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Percent From Engineer's Estimate: 54.39%</td>
</tr>
</tbody>
</table>

**BDS Construction**  
(559) 665-5005  18448 Ave. 24  
Chowchilla  Ca  93610

Base Bid

1  Traffic Control & Construction Area Signs  
   LS  1  $10,422.00  $10,422.00

2  Clearing & Grubbing  
   LS  1  $4,360.00  $4,360.00

3  Sawcut existing pavement  
   LF  1050  $1.60  $1,680.00

4  Roadway excavation  
   CY  770  $6.00  $4,692.00

5  Curb drain inlet & rockwell  
   EA  4  $5,278.00  $21,112.00

6  Additional rockwell depth past 50 Feet  
   LF  80  $176.00  $14,080.00

7  Abandon existing rockwell  
   LS  1  $4,692.00  $4,692.00

8  Adjust utility covers  
   EA  1  $354.00  $354.00

9  Street lights  
   EA  2  $6,833.00  $13,666.00

10  6-inch vertical curb & gutter  
    LF  855  $19.30  $16,501.50

11  Concrete sidewalk  
    SF  7550  $5.60  $42,280.00

12  Driveway approach  
    EA  2  $1,392.00  $2,784.00

13  Curb ramps  
    EA  2  $1,810.00  $3,620.00

14  Aggregate base class 2  
    CY  510  $56.00  $28,560.00

15  Asphalt concrete (Type B; 1/2-inch Max.)  
    TON  510  $82.00  $41,820.00

16  Traffic signal  
    LS  1  $77,535.00  $77,535.00

17  Striping  
    LS  1  $26,732.00  $26,732.00

Total:  $353,318.50  
Percent From Engineer's Estimate: 76.10%

**Engineer's Estimate**

Base Bid

1  Traffic Control & Construction Area Signs  
   LS  1  $5,000.00  $5,000.00

2  Clearing & Grubbing  
   LS  1  $2,000.00  $2,000.00

3  Sawcut existing pavement  
   LF  1050  $5.00  $5,250.00

Page 4 of 5
<table>
<thead>
<tr>
<th>Item #</th>
<th>Item Description</th>
<th>Units</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Roadway excavation</td>
<td>CY</td>
<td>770</td>
<td>$12.00</td>
<td>$9,240.00</td>
</tr>
<tr>
<td>5</td>
<td>Curb drain inlet &amp; rockwell</td>
<td>EA</td>
<td>4</td>
<td>$3,000.00</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>6</td>
<td>Additional rockwell depth past 50 Feet</td>
<td>LF</td>
<td>80</td>
<td>$30.00</td>
<td>$2,400.00</td>
</tr>
<tr>
<td>7</td>
<td>Abandon existing rockwell</td>
<td>LS</td>
<td>1</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>8</td>
<td>Adjust utility covers</td>
<td>EA</td>
<td>1</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>9</td>
<td>Street lights</td>
<td>EA</td>
<td>2</td>
<td>$5,600.00</td>
<td>$11,200.00</td>
</tr>
<tr>
<td>10</td>
<td>6-inch vertical curb &amp; gutter</td>
<td>LF</td>
<td>855</td>
<td>$15.00</td>
<td>$12,825.00</td>
</tr>
<tr>
<td>11</td>
<td>Concrete sidewalk</td>
<td>SF</td>
<td>7550</td>
<td>$3.00</td>
<td>$22,650.00</td>
</tr>
<tr>
<td>12</td>
<td>Driveway approach</td>
<td>EA</td>
<td>2</td>
<td>$1,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>13</td>
<td>Curb ramps</td>
<td>EA</td>
<td>2</td>
<td>$1,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>14</td>
<td>Aggregate base class 2</td>
<td>CY</td>
<td>510</td>
<td>$27.00</td>
<td>$13,770.00</td>
</tr>
<tr>
<td>15</td>
<td>Asphalt concrete (Type B; 1/2-inch Max.)</td>
<td>TON</td>
<td>510</td>
<td>$60.00</td>
<td>$30,600.00</td>
</tr>
<tr>
<td>16</td>
<td>Traffic signal</td>
<td>LS</td>
<td>1</td>
<td>$60,000.00</td>
<td>$60,000.00</td>
</tr>
<tr>
<td>17</td>
<td>Striping</td>
<td>LS</td>
<td>1</td>
<td>$7,200.00</td>
<td>$7,200.00</td>
</tr>
<tr>
<td></td>
<td>Total:</td>
<td></td>
<td></td>
<td></td>
<td>$200,635.00</td>
</tr>
</tbody>
</table>

Page 5 of 5
A RESOLUTION AMENDING THE FISCAL YEAR 2003-2004 ANNUAL BUDGET

WHEREAS, a monthly financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2003-2004,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2003-2004 budget have been adjusted as shown in Schedule A.

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 at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 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: Mike Milich

MIKE MILICH, City Attorney
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: ____________________________ Council Action Date: ____________________________
Telephone No.: ____________________________ Resolution Number: ____________________________
Department: ________________________________ FY: 03-04
Fund Title: ________________________________ Transfer No. ____________________________

<table>
<thead>
<tr>
<th>Fund-Agency-Organization-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENTAL REVENUES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7310-030-6610-4971</td>
<td>n/a</td>
<td>$3,890,000</td>
<td>$524,115</td>
<td>$4,414,115</td>
<td>Liability Premium Assessment</td>
</tr>
</tbody>
</table>

| APPROPRIATIONS                   |           |                |                   |                |                      |
| FROM                             |           |                |                   |                |                      |
| TO                               |           |                |                   |                |                      |
| 7330-800-8000-8003               | 0100R     | $200,000       | ($2,416,782)      | ($2,216,782)   | Liability Fund Reserve |
| 0100-800-8000-8003               |           | ($2,683,660)   | ($524,115)        | ($3,207,795)   | General Fund Reserve   |
| 7320-800-8000-8003               |           | $500,000       | $2,940,897        | $3,440,897     | Workers Compensation Fund |
| 0100-510-9510-0162              |           |               | $524,115          | $524,115       | General Fund           |

| TRANSFERS BETWEEN FUNDS          |           |                |                   |                |                      |
| FROM                             |           |                |                   |                |                      |
| TO                               |           |                |                   |                |                      |
| 7330-700-7000-7732               |           | $500,000       | $2,416,782        | $2,916,782     | Transfer out to Fund 7320 |
| 7520-700-7000-9733               | n/a       | $500,000       | $2,416,782        | $2,916,782     | Transfer in from Fund 7330 |

| COMMENTS/JUSTIFICATION           |           |                |                   |                |                      |
These transfers adjust claims expense in the Workers' Compensation and General Liability Funds to the "Expected Claims Loss" from the "75% Confidence Level". The Finance Committee informally approved this action at its March 22, 2004 meeting.

<table>
<thead>
<tr>
<th>AUTHORIZATION (check if required)</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)</td>
<td>Peggy Netherton</td>
<td>4-19-04</td>
</tr>
<tr>
<td>FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

W.C.Liab.03-30-04.v3
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison
Council Action Date: 
Telephone No.: 1-5855
Resolution Number: ___
Department: Finance
Transfer No. ___
FY: 03-04

Fund Title: Water Fund

<table>
<thead>
<tr>
<th>Fund-Agency-Organ-Object</th>
<th>Appropriation Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MY-6100-430-A021-6010</td>
<td>A021</td>
<td>$240,000</td>
<td>($200,000)</td>
<td>$40,000</td>
<td>Design</td>
</tr>
<tr>
<td>MY-6100-430-A024-6010</td>
<td>A024</td>
<td>$400,000</td>
<td>($400,000)</td>
<td></td>
<td>Design</td>
</tr>
<tr>
<td>MY-6100-430-A024-6030</td>
<td>A024</td>
<td>$250,000</td>
<td>($250,000)</td>
<td></td>
<td>Land Acq</td>
</tr>
<tr>
<td>MY-6100-430-A028-6010</td>
<td>A028</td>
<td>$40,000</td>
<td>($40,000)</td>
<td></td>
<td>Design</td>
</tr>
<tr>
<td>MY-6100-430-A028-6040</td>
<td>A028</td>
<td>$400,000</td>
<td>($250,000)</td>
<td>$150,000</td>
<td>Construction</td>
</tr>
<tr>
<td>MY-6100-430-A028-6040</td>
<td>A028</td>
<td>$400,000</td>
<td>($40,000)</td>
<td></td>
<td>Contingency</td>
</tr>
<tr>
<td>MY-6100-430-A028-6040</td>
<td>A028</td>
<td>$400,000</td>
<td>($20,000)</td>
<td></td>
<td>Admin</td>
</tr>
<tr>
<td>MY-6100-430-A200-6010</td>
<td>A200</td>
<td>$250,000</td>
<td>($100,000)</td>
<td>$150,000</td>
<td>Design</td>
</tr>
<tr>
<td>MY-6100-430-M210-6010</td>
<td>M210</td>
<td>$77,000</td>
<td>($76,022)</td>
<td>$978</td>
<td>Design</td>
</tr>
<tr>
<td>MY-6100-430-M210-6040</td>
<td>M210</td>
<td>$586,530</td>
<td>($565,998)</td>
<td>$20,532</td>
<td>Construction</td>
</tr>
<tr>
<td>MY-6100-430-M210-6050</td>
<td>M210</td>
<td>$70,000</td>
<td>($70,000)</td>
<td></td>
<td>Contingency</td>
</tr>
<tr>
<td>MY-6100-430-M210-6060</td>
<td>M210</td>
<td>$53,000</td>
<td>($53,000)</td>
<td></td>
<td>Admin</td>
</tr>
<tr>
<td>MY-6100-430-N160-6030</td>
<td>N160</td>
<td>$100,000</td>
<td>($99,611)</td>
<td>$389</td>
<td>Land Acq</td>
</tr>
<tr>
<td>MY-6100-480-A022-6041</td>
<td>A022</td>
<td>$550,000</td>
<td>($350,000)</td>
<td></td>
<td>O&amp;M Construction</td>
</tr>
<tr>
<td>MY-6100-480-A042-6040</td>
<td>A042</td>
<td>$250,000</td>
<td>($225,000)</td>
<td>$25,000</td>
<td>Construction</td>
</tr>
<tr>
<td>MY-6100-480-A042-6050</td>
<td>A042</td>
<td>$250,000</td>
<td>($25,000)</td>
<td></td>
<td>Contingency</td>
</tr>
<tr>
<td>MY-6100-480-M216-6010</td>
<td>M216</td>
<td>$100,000</td>
<td>($41,758)</td>
<td>$58,242</td>
<td>Design</td>
</tr>
<tr>
<td>MY-6100-480-Q214-6010</td>
<td>Q214</td>
<td>$30,000</td>
<td>($30,000)</td>
<td></td>
<td>Design</td>
</tr>
<tr>
<td>MY-6100-480-Q214-6030</td>
<td>Q214</td>
<td>$100,000</td>
<td>($99,000)</td>
<td>$1,000</td>
<td>Land Acq</td>
</tr>
<tr>
<td>MY-6100-480-Q215-6030</td>
<td>Q215</td>
<td>$150,000</td>
<td>($108,608)</td>
<td>$41,392</td>
<td>Land Acq</td>
</tr>
<tr>
<td>04-6100-800-8000-8003</td>
<td>6100R</td>
<td>$2,893,643</td>
<td>($2,893,997)</td>
<td>($354)</td>
<td>Water Fund Contingency</td>
</tr>
<tr>
<td>TO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>04-6100-800-8000-8003</td>
<td>6100R</td>
<td>($135,998)</td>
<td>$2,893,997</td>
<td>$2,757,999</td>
<td>Water Fund Contingency</td>
</tr>
<tr>
<td>MY-6100-430-A202-6010</td>
<td>A202</td>
<td>$700,000</td>
<td>$2,893,997</td>
<td>$3,593,997</td>
<td>Design</td>
</tr>
</tbody>
</table>

COMMENTS/JUSTIFICATION

In a joint effort to eliminate redundant projects and reprioritize existing projects, O&M and E&T have gone through existing Water CIP and identified these projects as either redundant or in need of reprioritizing in order budget for predesign work needed for MID Phase II. Projects A021 Ground Water Mgmt, A200 Water System Analysis, A022 Replace and Upgrade Water Mains, and A042 Satellite Corp Yard Wall have all reduced their budgets. Projects A024 Tank 10, A028 Retro Tank 2, M210 Extend New Water Mains, N160 Purchase Land Tank 10, M216 Expand Surface Water, Q214 Purchase land Tank 11, and Q215 Purchase Land Tank 12 will be closed since they fall under the scope of A202 MRWTP Phase II. All funds will be returned to Water fund Reserves then be reallocated based on the priority of the Phase II expansion to A202.

<table>
<thead>
<tr>
<th>AUTHORIZATION (check if required)</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT DIRECTOR or Authorized Assistant (Allocation of Dept Appt to Line-Item Level)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison
Telephone No.: 1-5855
Department: Finance
Fund Title: Water Fund

Council Action Date: 
Resolution Number: 
FY: 03-04
Transfer No. 

<table>
<thead>
<tr>
<th>Fund-Agency-Object</th>
<th>Appro</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DEPARTMENTAL REVENUES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

APPROPRIATIONS

FROM

<table>
<thead>
<tr>
<th>FY</th>
<th>J505</th>
<th>$54,332</th>
<th>($49,222)</th>
<th>$5,110</th>
<th>Construction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q217</td>
<td>$27,000</td>
<td>($23,140)</td>
<td>$3,860</td>
<td>Design</td>
<td></td>
</tr>
<tr>
<td>Q217</td>
<td>$273,000</td>
<td>($272,000)</td>
<td>$1,000</td>
<td>Construction</td>
<td></td>
</tr>
<tr>
<td>Q217</td>
<td>$27,000</td>
<td>($27,000)</td>
<td>Contingency</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q217</td>
<td>$23,000</td>
<td>($23,000)</td>
<td>Construction Admin</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A028</td>
<td>$150,000</td>
<td>($150,000)</td>
<td>Design</td>
<td></td>
<td></td>
</tr>
<tr>
<td>04-6100-800-8000-8003</td>
<td>6100R</td>
<td>$261,470</td>
<td>($544,362)</td>
<td>($282,892)</td>
<td>Water Fund Contingency Res</td>
</tr>
</tbody>
</table>

TO

<table>
<thead>
<tr>
<th>FY</th>
<th>6100R</th>
<th>($135,998)</th>
<th>$547,468</th>
<th>$411,470</th>
<th>Water Fund Contingency Res</th>
</tr>
</thead>
<tbody>
<tr>
<td>A023</td>
<td>$4,000</td>
<td>$23,140</td>
<td>$27,140</td>
<td>Design</td>
<td></td>
</tr>
<tr>
<td>A023</td>
<td>$39,000</td>
<td>$471,222</td>
<td>$510,222</td>
<td>O&amp;M Construction</td>
<td></td>
</tr>
<tr>
<td>A023</td>
<td>$4,000</td>
<td>$27,000</td>
<td>$31,000</td>
<td>Contingency</td>
<td></td>
</tr>
<tr>
<td>A023</td>
<td>$3,000</td>
<td>$23,000</td>
<td>$26,000</td>
<td>Construction Admin</td>
<td></td>
</tr>
</tbody>
</table>

COMMENTS/JUSTIFICATION

This adjustment is to close projects J505 Install GAC, Q217 Wellhead Treatment Well 21 and A028 Retro Tank2. In a joint effort to eliminate redundant projects and reprioritize existing projects, O&M and E&T have gone through existing Water CIP and identified these projects as redundant needing to be closed and funds returned to reserves then reallocated to A023 Wellhead Treatment.

AUTHORIZATION (check if required) 

| DEPARTMENT DIRECTOR or |
| AUTHORIZED ASSISTANT |
| (Allocation of Dept Appr to Line-Item Level) |
| FINANCE DIRECTOR |
| (Transfers to/from Internal Service Charges) |
| (All items requiring City Manager's Approval) |
| CITY MANAGER |
| (Transfers between Budgeted Activities of Departments within Funds) |
| (Appropriation of Unbudgeted Dept Revenues) |
| (Salary lines movement in or out) |

SIGNATURE 

DATE
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison  
Telephone No.: 1-5855  
Department: Finance  
Fund Title: Water

Council Action Date:  
Resolution Number:  
FY: 03-04

Transfer No.

<table>
<thead>
<tr>
<th>Fund-Agency-Object</th>
<th>Appropriation Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DEPARTMENTAL REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FROM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**APPROPRIATIONS**

<table>
<thead>
<tr>
<th>FROM</th>
<th>Appropriation Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
<tbody>
<tr>
<td>MY-6150-480-M223-6040</td>
<td>M223</td>
<td>$30,000</td>
<td>($16,711)</td>
<td>$13,289</td>
<td>Construction</td>
</tr>
<tr>
<td>MY-6150-800-8000-8003</td>
<td>6150R</td>
<td>$332</td>
<td>($16,711)</td>
<td>($16,379)</td>
<td>Water Z2 Contingency</td>
</tr>
<tr>
<td>TO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MY-6150-800-8000-8003</td>
<td>6150R</td>
<td>($16,379)</td>
<td>$16,711</td>
<td>$332</td>
<td>Water Z2 Contingency</td>
</tr>
<tr>
<td>MY-6150-430-M231-6041</td>
<td>M231</td>
<td>$16,711</td>
<td></td>
<td>$16,711</td>
<td>07M Construction</td>
</tr>
</tbody>
</table>

**COMMENTS/JUSTIFICATION**

In a joint effort to eliminate redundant projects and to reprioritize existing projects, O&M and E&T have gone through existing Water CIPs and identified project M223 Drill Test Holes in Zone 2 to close and return to fund reserves and reallocate those monies to M231 Install New Wells.

**AUTHORIZATION (check if required)**

<table>
<thead>
<tr>
<th>DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appropriation to Line-Item Level)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)</td>
</tr>
<tr>
<td>CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)</td>
</tr>
</tbody>
</table>

**SIGNATURE**

**DATE**
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison
Telephone No.: 1-5855
Department: Finance
Fund Title: Water

Council Action Date: ____________________________
Resolution Number: ____________________________
FY: 03-04
Transfer No. ____________________________

<table>
<thead>
<tr>
<th>April Monthly Adj</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund-Agency-Organization-Object</td>
</tr>
</tbody>
</table>

DEPARTMENTAL REVENUES
FROM

TO

APPROPRIATIONS
FROM

| MY-6150-480-M225-6010 | M225 | $25,000 | ($25,000) | Construction |
| MY-6150-800-8000-8003 | 6150R | $8,621 | ($25,000) | ($16,379) Water Z2 Contegency |

TO

| MY-6150-800-8000-8003 | 6150R | ($16,379) | $25,000 | $8,621 Water Z2 Contegency |
| MY-6150-430-A205-6010 | A205 | $300,000 | $25,000 | $325,000 Design |

COMMENTS/JUSTIFICATION
In a joint effort to eliminate redundant projects and to reprioritize existing projects, O&M and E&T have gone through existing Water CIPs and identified project M225 Expand Surface Treatment in Zone 2 to close and return to fund reserves and reallocate those monies to A205 MRWTP Phase II

<table>
<thead>
<tr>
<th>AUTHORIZATION (check if required)</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT DIRECTOR or AUTHORIZE ASSISTANT (Allocation of Dept Appr to Line-Item Level)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison
Telephone No.: 1-5855
Department: Finance
Fund Title: Water

Council Action Date: __________ 
Resolution Number: __________ 
Transfer No. __________ 
FY: 03-04

<table>
<thead>
<tr>
<th>Fund-Agency-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/ (Decrease)</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

DEPARTMENTAL REVENUES

FROM

TO

APPROPRIATIONS

FROM

MY-6160-480-Q222-6010 Q222 $20,000 ($20,000) $5,310 Design
MY-6160-800-8000-8003 6150R $25,310 ($20,000) $25,310 Water Z2 Contingency

TO

MY-6160-800-8000-8003 6160R $5,310 $20,000 $25,310 Water Z3 Contingency
MY-6160-430-A035-6010 A035 $40,000 $20,000 $60,000 Design

COMMENTS/JUSTIFICATION

In a joint effort to eliminate redundant projects and to reprioritize existing projects, O&M and E&T have gone through existing Water CIPs and identified project Q222 Ground Water Mgmt in Zone 3 to close and return to fund reserves and reallocate those monies to A035 Ground Water Mgmt Zone 3

AUTHORIZATION (check if required) SIGNATURE DATE

DEPARTMENT DIRECTOR or
AUTHORIZED ASSISTANT
(Allocation of Dept Appt to Line-Item Level)

FINANCE DIRECTOR
(Transfers to/from Internal Service Charges)
(All items requiring City Manager's Approval)

CITY MANAGER
(Transfers between Budgeted Activities of Departments within Funds)
(Appropriation of Unbudgeted Dept Revenues)
(Salary lines movement in or out)
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison
Telephone No.: 1-5855
Department: Finance
Fund Title: Water

<table>
<thead>
<tr>
<th>Fund-Agency-Object</th>
<th>Appr. Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
<tbody>
<tr>
<td>FROM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MY-6160-480-Q221-6010</td>
<td>Q221</td>
<td>$13,000</td>
<td>($13,000)</td>
<td>$50,000</td>
<td>Design</td>
</tr>
<tr>
<td>MY-6160-480-Q221-6040</td>
<td>Q221</td>
<td>$125,000</td>
<td>($75,000)</td>
<td>$50,000</td>
<td>Construction</td>
</tr>
<tr>
<td>MY-6160-480-Q221-6060</td>
<td>Q221</td>
<td>$12,000</td>
<td>($12,000)</td>
<td>$15,000</td>
<td>Admin</td>
</tr>
<tr>
<td>MY-6160-480-A034-6010</td>
<td>A034</td>
<td>$8,000</td>
<td>($8,000)</td>
<td>$15,000</td>
<td>Design</td>
</tr>
<tr>
<td>MY-6160-480-A034-6040</td>
<td>A034</td>
<td>$86,000</td>
<td>($71,000)</td>
<td>$15,000</td>
<td>Construction</td>
</tr>
<tr>
<td>MY-6160-480-A034-6060</td>
<td>A034</td>
<td>$6,000</td>
<td>($6,000)</td>
<td>$15,000</td>
<td>Admin</td>
</tr>
<tr>
<td>MY-6160-800-8000-8003</td>
<td>6150R</td>
<td>$190,310</td>
<td>($185,000)</td>
<td>$5,310</td>
<td>Water Z2 Contengency</td>
</tr>
<tr>
<td>TO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MY-6160-800-8000-8003</td>
<td>6160R</td>
<td>$5,310</td>
<td>$185,000</td>
<td>$190,310</td>
<td>Water Z3 Contengency</td>
</tr>
<tr>
<td>MY-6160-480-M242-6010</td>
<td>M242</td>
<td>$40,000</td>
<td>$21,000</td>
<td>$61,000</td>
<td>Design</td>
</tr>
<tr>
<td>MY-6160-480-M242-6041</td>
<td>M242</td>
<td>$146,000</td>
<td>$146,000</td>
<td>$18,000</td>
<td>O&amp;M Construction</td>
</tr>
<tr>
<td>MY-6160-480-M242-6060</td>
<td>M242</td>
<td>$18,000</td>
<td>$18,000</td>
<td></td>
<td>Admin</td>
</tr>
</tbody>
</table>

COMMENTS/JUSTIFICATION
In a joint effort to eliminate redundant projects and to reprioritize existing projects, O&M and E&T have gone through existing Water CIPs and identified project Q221 Extend Water Mains and A034 Extend 12" Water Mains to close and return to fund reserves and reallocate those monies to M242 Replace and Upgrade existing Water Mains.

<table>
<thead>
<tr>
<th>AUTHORIZATION (check if required)</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (All allocation of Dept Appr to Line-Item Level)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison
Telephone No.: 1-5855
Department: Finance
Fund Title: Water
Council Action Date: 
Resolution Number: 
FY: 03-04

<table>
<thead>
<tr>
<th>Fund-Agency-Organ-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/ (Decrease)</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
</table>

DEPARTMENTAL REVENUES
FROM

TO

APPROPRIATIONS
FROM
MY-6100-480-M213-6040 M213 $399,205 $(33,539) $365,666 Construction
MY-6100-480-M213-6060 M213 $24,000 $(24,000) $25,770 Admin Design
MY-6100-480-M213-6010 M213 $25,770 $25,770 $259,770 Design
MY-6100-480-A020-6010 A020 $234,000 $33,539 $33,539 O&M Construction
MY-6100-480-A020-6041 A020 $19,000 $24,000 $43,000 Admin
MY-6100-480-A020-6060 A020 $259,770 $259,770

TO
04-6100-800-8000-8003 6100R $(135,998) $(83,309) $(52,689) Water Reserves
04-6100-800-8000-8003 6100R $(52,689) $(83,309) $(135,998) Water Reserves

COMMENTS/JUSTIFICATION
In a joint effort to eliminate redundant projects and to reprioritize existing projects, O&M and E&T have gone through existing Water CIPs and identified project M213 Extend Mains Unspecified to close and return to fund reserves and reallocate those monies to A020 Extend Water Mains New Area

AUTHORIZATION (check if required) SIGNATURE DATE
DEPARTMENT DIRECTOR or
AUTHORIZED ASSISTANT
(Allocation of Dept APPR to Line-Item Level)
FINANCE DIRECTOR
(Transfers to/from Internal Service Charges)
(All items requiring City Manager's Approval)
CITY MANAGER
(Transfers between Budgeted Activities of Departments within Funds)
(Appropriation of Unbudgeted Dept Revenues)
(Salary lines movement in or out)
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison
Telephone No.: 1-5855
Department: Finance
Fund Title: Water
Council Action Date: 
Resolution Number: 
FY: 03-04
Transfer No. 

<table>
<thead>
<tr>
<th>Fund-Agency-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/ (Decrease)</th>
<th>Revised Budget</th>
<th>Description of Object</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:21:4:52-6040</td>
<td>L052</td>
<td>$60,000</td>
<td>($3,512)</td>
<td>$56,488</td>
<td>Construction</td>
</tr>
<tr>
<td>1:21:4:80-800-8003</td>
<td>6100R</td>
<td>$3,512</td>
<td></td>
<td>$3,512</td>
<td>Water Z1 Contingency</td>
</tr>
<tr>
<td>1:21:4:48-6041</td>
<td>M214</td>
<td>$3,512</td>
<td></td>
<td>$3,512</td>
<td>O7M Construction</td>
</tr>
</tbody>
</table>

DEPARTMENTAL REVENUES

FROM

TO

APPROPRIATIONS

FROM

MY-6100-480-L052-6040 | L052 | $60,000 | ($3,512) | $56,488 | Construction |
|----------------------|------|---------|----------|---------|--------------|

MY-6100-800-8000-8003 | 6100R | $3,512 | ($3,512) |         | Water Z1 Contingency |
|----------------------|-------|--------|----------|---------|----------------------|

TO

MY-6100-800-8000-8003 | 6100R | $3,512 |         | $3,512 | Water Z1 Contingency |
|----------------------|-------|--------|----------|---------|----------------------|

MY-6100-480-M214-6041 | M214 | $3,512 |         | $3,512 | O7M Construction |
|----------------------|------|--------|----------|---------|-------------------|

COMMENTS/JUSTIFICATION

In a joint effort to eliminate redundant projects and to reprioritize existing projects, O&M and E&T have gone through existing Water CIPs and identified project L052 Drill Test Holes in Zone1 to close and return to fund reserves and reallocate those monies to M214 Install New Wells.

AUTHORIZATION (check if required) SIGNATURE DATE

DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)

FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)

CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Salary lines movement in or out)
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Tracie Madison
Telephone No.: 1-5855
Department: Finance
Fund Title: Water

Council Action Date: ___________
Resolution Number: ___________
FY: 03-04
Transfer No. ___________

DEPARTMENTAL REVENUES

<table>
<thead>
<tr>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
</table>

APPROPRIATIONS

<table>
<thead>
<tr>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
</table>

MY-6150-480-Q219-6010 | Q219 | $35,000 | ($35,000) | Design |
MY-6150-800-8000-8003 | 6150R | $18,621 | ($35,000) | ($16,379) | Water Z2 Contengency |

MY-6150-800-8000-8003 | 6150R | ($16,379) | $35,000 | $18,621 | Water Z2 Contengency |
MY-6150-430-A030-6010 | A030 | $70,000 | $35,000 | $105,000 | Design |

COMMENTS/JUSTIFICATION

In a joint effort to eliminate redundant projects and to reprioritize existing projects, O&M and E&T have gone through existing Water CIPs and identified project Q219 Ground Water Mgmt in Zone 2 to close and return to fund reserves and reallocate those monies to A030 Ground Water Mgmt.

<table>
<thead>
<tr>
<th>AUTHORIZATION (check if required)</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT</td>
<td>(Allocation of Dept Appr to Line-item Level)</td>
<td></td>
</tr>
<tr>
<td>FINANCE DIRECTOR</td>
<td>(Transfers to/from Internal Service Charges)</td>
<td></td>
</tr>
<tr>
<td>CITY MANAGER</td>
<td>(Transfers between Budgeted Activities of Departments within Funds)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(Appropriation of Unbudgeted Dept Revenues)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(Salary lines movement in or out)</td>
<td></td>
</tr>
</tbody>
</table>
## Proposed Budget Changes to Make the Budget Consistent with the LTF Claim

<table>
<thead>
<tr>
<th>ACTION</th>
<th>FD</th>
<th>AG</th>
<th>ORG</th>
<th>Org Name</th>
<th>EXISTING</th>
<th>CHANGE</th>
<th>FINAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>TRANSFER TO</td>
<td>0700</td>
<td>700</td>
<td>L023</td>
<td>TRAFFIC SIGNAL MODIFYS-NEW</td>
<td>$ -</td>
<td>$ 4,128</td>
<td>$ 4,128</td>
</tr>
<tr>
<td>TRANSFER FROM</td>
<td>0510</td>
<td>700</td>
<td>L023</td>
<td>TRAFFIC SIGNAL MODIFYS-NEW</td>
<td>$ -</td>
<td>$ 4,128</td>
<td>$ 4,128</td>
</tr>
<tr>
<td>APPROPRIATION TO</td>
<td>0700</td>
<td>800</td>
<td>8000</td>
<td>contingency</td>
<td>$ 1,356,050</td>
<td>$ 4,128</td>
<td>$ 1,360,178</td>
</tr>
<tr>
<td>APPROPRIATION FROM</td>
<td>0510</td>
<td>800</td>
<td>8000</td>
<td>contingency</td>
<td>$(1,312,000)</td>
<td>$(4,128)</td>
<td>$(1,316,128)</td>
</tr>
<tr>
<td>TRANSFER TO</td>
<td>0700</td>
<td>700</td>
<td>Q208</td>
<td>Upgrade High Voltage Circuits</td>
<td>$ -</td>
<td>$ 208,977</td>
<td>$ 208,977</td>
</tr>
<tr>
<td>TRANSFER FROM</td>
<td>0510</td>
<td>700</td>
<td>Q208</td>
<td>Upgrade High Voltage Circuits</td>
<td>$ -</td>
<td>$ 208,977</td>
<td>$ 208,977</td>
</tr>
<tr>
<td>APPROPRIATION TO</td>
<td>0700</td>
<td>800</td>
<td>8000</td>
<td>contingency</td>
<td>$ 1,356,178</td>
<td>$ 208,977</td>
<td>$ 1,565,155</td>
</tr>
<tr>
<td>APPROPRIATION FROM</td>
<td>0510</td>
<td>800</td>
<td>8000</td>
<td>contingency</td>
<td>$(1,312,128)</td>
<td>$(208,977)</td>
<td>$(1,525,105)</td>
</tr>
<tr>
<td>TRANSFER TO</td>
<td>0700</td>
<td>700</td>
<td>4622</td>
<td>TRAFFIC OPERATIONS</td>
<td>$ -</td>
<td>$ 457,025</td>
<td>$ 457,025</td>
</tr>
<tr>
<td>TRANSFER FROM</td>
<td>0700</td>
<td>700</td>
<td>4622</td>
<td>TRANSFER</td>
<td>$ 457,025</td>
<td>$(457,025)</td>
<td>-</td>
</tr>
<tr>
<td>TRANSFER FROM</td>
<td>0700</td>
<td>700</td>
<td>7070</td>
<td>TRAFFIC OPERATIONS</td>
<td>$ -</td>
<td>$ 457,025</td>
<td>$ 457,025</td>
</tr>
<tr>
<td>TRANSFER TO</td>
<td>0700</td>
<td>700</td>
<td>4725</td>
<td>CURB &amp; SIDEWALK REPAIR</td>
<td>$ 110,000</td>
<td>$ 10,000</td>
<td>$ 120,000</td>
</tr>
<tr>
<td>TRANSFER FROM</td>
<td>0510</td>
<td>700</td>
<td>4725</td>
<td>CURB &amp; SIDEWALK REPAIR</td>
<td>$ 110,000</td>
<td>$ 10,000</td>
<td>$ 120,000</td>
</tr>
<tr>
<td>APPROPRIATION TO</td>
<td>0700</td>
<td>800</td>
<td>8000</td>
<td>contingency</td>
<td>$ 2,239,970</td>
<td>$ 10,000</td>
<td>$ 2,239,970</td>
</tr>
<tr>
<td>APPROPRIATION FROM</td>
<td>0510</td>
<td>800</td>
<td>8000</td>
<td>contingency</td>
<td>$(2,195,920)</td>
<td>$(10,000)</td>
<td>$(2,195,920)</td>
</tr>
<tr>
<td>TRANSFER TO</td>
<td>2200</td>
<td>700</td>
<td>M144</td>
<td>Traffic Signal Modifications</td>
<td>$ -</td>
<td>$ 768,308</td>
<td>$ 768,308</td>
</tr>
<tr>
<td>TRANSFER FROM</td>
<td>0510</td>
<td>700</td>
<td>M144</td>
<td>Traffic Signal Modifications</td>
<td>$ -</td>
<td>$ 768,308</td>
<td>$ 768,308</td>
</tr>
<tr>
<td>APPROPRIATION TO</td>
<td>2300</td>
<td>800</td>
<td>8000</td>
<td>contingency</td>
<td>$ 524,000</td>
<td>$ 768,308</td>
<td>$ 1,292,308</td>
</tr>
<tr>
<td>APPROPRIATION FROM</td>
<td>0510</td>
<td>800</td>
<td>8000</td>
<td>contingency</td>
<td>$(2,195,920)</td>
<td>$(768,308)</td>
<td>$(2,964,228)</td>
</tr>
<tr>
<td>TRANSFER TO</td>
<td>2300</td>
<td>700</td>
<td>Q206</td>
<td>New Traffic Signals - Gas Tax</td>
<td>$ -</td>
<td>$ 3,712</td>
<td>$ 3,712</td>
</tr>
<tr>
<td>TRANSFER FROM</td>
<td>0510</td>
<td>700</td>
<td>Q206</td>
<td>New Traffic Signals - Gas Tax</td>
<td>$ -</td>
<td>$ 3,712</td>
<td>$ 3,712</td>
</tr>
<tr>
<td>APPROPRIATION TO</td>
<td>2300</td>
<td>800</td>
<td>8000</td>
<td>contingency</td>
<td>$ 1,292,308</td>
<td>$ 3,712</td>
<td>$ 1,296,020</td>
</tr>
<tr>
<td>APPROPRIATION FROM</td>
<td>0510</td>
<td>800</td>
<td>8000</td>
<td>contingency</td>
<td>$(2,964,228)</td>
<td>$(3,712)</td>
<td>$(2,967,940)</td>
</tr>
<tr>
<td>TRANSFER TO</td>
<td>2300</td>
<td>700</td>
<td>M205</td>
<td>Sisk Road - Evergreen to Dale</td>
<td>$ -</td>
<td>$ 742,125</td>
<td>$ 742,125</td>
</tr>
<tr>
<td>TRANSFER FROM</td>
<td>2300</td>
<td>700</td>
<td>M205</td>
<td>Sisk Road - Evergreen to Dale</td>
<td>$ -</td>
<td>$ 742,125</td>
<td>$ 742,125</td>
</tr>
<tr>
<td>APPROPRIATION TO</td>
<td>2300</td>
<td>800</td>
<td>8000</td>
<td>contingency</td>
<td>$ 1,296,020</td>
<td>$ 742,125</td>
<td>$ 2,038,145</td>
</tr>
<tr>
<td>APPROPRIATION FROM</td>
<td>0510</td>
<td>800</td>
<td>8000</td>
<td>contingency</td>
<td>$(2,967,940)</td>
<td>$(742,125)</td>
<td>$(3,710,065)</td>
</tr>
<tr>
<td>TRANSFER TO</td>
<td>2300</td>
<td>700</td>
<td>N157</td>
<td>MCNERY MEDIAN LANDSCP IMPRV</td>
<td>$ -</td>
<td>$ 120,000</td>
<td>$ 120,000</td>
</tr>
<tr>
<td>TRANSFER FROM</td>
<td>0510</td>
<td>700</td>
<td>N157</td>
<td>MCNERY MEDIAN LANDSCP IMPRV</td>
<td>$ -</td>
<td>$ 120,000</td>
<td>$ 120,000</td>
</tr>
<tr>
<td>APPROPRIATION TO</td>
<td>2300</td>
<td>800</td>
<td>8000</td>
<td>contingency</td>
<td>$ 2,038,145</td>
<td>$ 120,000</td>
<td>$ 2,158,145</td>
</tr>
<tr>
<td>APPROPRIATION FROM</td>
<td>0510</td>
<td>800</td>
<td>8000</td>
<td>contingency</td>
<td>$(3,710,065)</td>
<td>$(120,000)</td>
<td>$(3,830,065)</td>
</tr>
</tbody>
</table>
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Mark Murphy
Telephone No.: 577-5215
Department: Engineering & Transportation
Fund Title: gas tax fund

Council Action Date: 3/23/2004
Resolution Number: 
FY: 03-04
Transfer No.: 

<table>
<thead>
<tr>
<th>Fund-Agency-Organization</th>
<th>Appr. Unit</th>
<th>Current Budget</th>
<th>Increase/Decrease</th>
<th>Revised Budget</th>
</tr>
</thead>
</table>

**DEPARTMENTAL REVENUES**

**FROM**

| TOTAL | $1,356,050 | ($297) | $1,355,753 | decrease contingency |

**TRANSFER BETWEEN FUNDS**

| FROM | $12,000 | $297 | $12,297 | increase to invoice |

**APPROPRIATIONS**

| FROM | $1,356,050 | ($297) | $1,355,753 | decrease contingency |

| TO | $12,000 | $297 | $12,297 | increase to invoice |

Final adjustments of the federal invoice required the increase of the budget to assure that the invoice will match the ledger.

| JOURNAL TOTAL | $1,368,050 | $1,368,050 |

**AUTHORIZATION** (check if required) | SIGNATURE | DATE

DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT
(Allocation of Dept Appr to Line-Item Level)

FINANCE DIRECTOR
(Transfers to/from Internal Service Charges)
(All items requiring City Manager's Approval)

CITY MANAGER
(Transfers between Budgeted Activities of Departments within Funds)
(Appropriation of Unbudgeted Dept Revenues)
(Transfers into Personnel Services)

Budget Office Form (Oct 2001) gh
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-246A

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. 1

WHEREAS, this Council did, on March 23, 2004, adopt its Resolution No. 2004-146 (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; and

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; and

WHEREAS, a map of the Annexed Territory, entitled “Proposed Boundaries of Annexation #1 to City of Modesto CFD No. 2004-1 (“Village One #2)” was recorded on March 25, 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 86; and

WHEREAS, at the time and date set for the hearing (May 4, 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; and
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; and

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; and

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 fifty percent or more of the registered voters or six registered voters, whichever is more, 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; and

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 twelve (12) persons have been registered to vote within the Annexed Territory for each of the ninety (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 4th day of May, 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.

SECTION 12. In order to amend the title on the map of the Annexed Territory heretofore approved by Resolution No. 2004-146, adopted by this Council on March 23, 2004, and thereafter recorded with the County Recorder in Book 3 of Maps of Assessment and Community Facilities Districts, at page 86, the City Clerk is directed to file with the County Recorder a map, hereby approved, entitled “Annexation Map No. 1 of Community Facilities District No. 2004-1 (Village One #2) of the City of Modesto, County of Stanislaus, State of California”.

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 10 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, and a reference to the previously recorded map of the Annexed Territory.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2004, by Councilmember Jackman, 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, O'Bryant, Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHNR, City Clerk
(SEAL)

APPROVED AS TO FORM:
By: Michael D. Milich, City Attorney
SAMPLE

OFFICIAL BALLOT

BALLOT NO. ___

CITY OF MODESTO
COMMUNITIES FACILITIES DISTRICT NO. 2004-1
(VILLAGE ONE #2)
ANNEXATION NO. 1
SPECIAL TAX ELECTION
May 4, 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 existing 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. 2004-146, 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. 1)”
(the “Resolution of Intention to Annex”) adopted by they City Council of the City of
Modesto on May 23, 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. 2004-146, 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. 1]” adopted on March 23, 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”); and

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. 2004-246A, adopted on May 4, 2004, and, as a result, this Council called an election within the territory proposed to be annexed to the District (the “Election”) for May 4, 2004, relative to the foregoing; and

WHEREAS, on May 4, 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. 2004-146 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 4th day of May, 2004, by Councilmember Jackman, 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, 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
CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2004-2 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. 1," adopted on May 4, 2004, by the City Council of the City of Modesto, I did conduct the Special Tax Election on May 4, 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. 2004-146, 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. 1)” (the “Resolution of Intention to Annex”) adopted by the City Council of the City of Modesto on May 23, 2004, for the purposes set forth in the Resolution of Formation?

TOTAL VOTES CAST: YES 11 NO 0

[Signature]
Jean Zahr
City Clerk of the City of Modesto

Dated: May 5, 2004
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-247

A RESOLUTION DENYING AN APPEAL OF MR. ERIC REIMER AND MR. GREG DIAS TO A BOARD OF ZONING ADJUSTMENT DECISION GRANTING THE APPEAL OF MR. YOURA TARVERDI DETERMINING THAT A CONDITIONAL USE PERMIT IS NOT REQUIRED FOR CONTINUED USE OF THE PARKING AREA BEHIND 945 MCHENRY AVENUE. (REIMER/DIAS)

WHEREAS, Mr. Youra Tarverdi, the owner of “The Seasons”, formerly the Elks Lodge property at 945 McHenry Avenue, was advised by City staff that a Conditional Use Permit is required by the Modesto Municipal Code for the existing non-conforming parking area to continue to serve a changed use or occupancy, and

WHEREAS, after considerable exchange of correspondence between City staff and Mr. Tarverdi, as authorized by Section. 10-1.202(b) of the Modesto Municipal Code, an appeal was filed on February 11, 2004, to an administrative decision by a City official pertaining to the requirement for a Conditional Use Permit, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on March 25, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, Resolution No. 2004-10, the Board of Zoning Adjustment granted the appeal of Mr. Youra Tarverdi determining that a Conditional Use Permit is not required to continue use of the parking area for the property located at 945 McHenry Avenue, for the following reasons:

1. The subject parking area is established as a nonconforming use which “runs with the land,” and for which rights are not affected by change of ownership.
2. The Subject parking area, in serving the Elks Lodge, has for many years provided parking for restaurant use, catering, and large functions much like the current usage.

3. The subject parking area which is the nonconforming use will continue unchanged as a parking area serving the commercially zoned property

WHEREAS, an appeal to the decision of the Board of Zoning Adjustment was filed with the office of the City Clerk on April 8, 2004 by Mr. Eric Reimer and Mr. Greg Dias, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council to be held on May 4, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said public hearing was held and evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing the Council found and determined that the appeal of Mr. Eric Reimer and Mr. Greg Dias to the decision of the Board of Zoning Adjustment should be denied and the decision of the Board of Zoning Adjustment should be affirmed for the reasons set forth in Board of Zoning Adjustment Resolution No. 2004-10, and quoted above,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Mr. Eric Reimer and Mr. Greg Dias to the decision of the Board of Zoning Adjustment granting the appeal of Mr. Youra Tarverdi to an administrative decision by a City official pertaining to the requirement for a Conditional Use Permit for a nonconforming parking area serving a change in use from a fraternal organization to a commercial use, property located at 945 McHenry Avenue, is denied, and the decision of
the Board of Zoning Adjustment is hereby affirmed for the reasons set forth in Board of Zoning Adjustment Resolution No. 2004-10 and quoted above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2004, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, 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. 2004-248

A RESOLUTION IN SUPPORT OF AB 2318, PROPOSED LEGISLATION TO EXTEND CONFIDENTIALITY PROTECTIONS TO CITY AUDITORS EQUAL TO THOSE CURRENTLY HELD BY STATE AUDITORS.

WHEREAS, State of California auditors currently possess confidentiality protections for their documents supporting audit reports and for persons providing confidential information, and

WHEREAS, city auditors do not possess these protections, and

WHEREAS, such protections would enhance the ability of city auditors to obtain confidential information in support of their work, and

WHEREAS, there is currently legislation proposed in the State Assembly that would remedy the lack of confidentiality protections for city auditors, and

WHEREAS, at its April 20, 2004, meeting the Audit Committee recommended that the Council approve a resolution in support of the aforementioned legislation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports Assembly Bill 2318 which provides confidentiality protections to the city auditors.

BE IT FURTHER RESOLVED that the City Clerk and Auditor, or her designee, is hereby authorized to communicate the Council's support for the aforementioned legislation.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 11th day of May, 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: [Signature]

(SEAL)

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
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. 2]

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 Chapter 3.5 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
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. 2 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 10 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, June 22, 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 (7) 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 11th day of May, 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

APPROVED AS TO FORM:

BY: ________________________________
MICHAEL D. MILICH, City Attorney

ATTEST: ________________________________
JEAN ZAHR, City Clerk
EXHIBIT A

ANNEXATION NO. 2 TO
COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)