A RESOLUTION AMENDING THE 2004-2005 BUDGET TO RECOGNIZE AND APPROPRIATE AN ANONYMOUS DONATION IN THE AMOUNT OF $28,000, FOR FISCAL YEAR 2004-2005

WHEREAS, City Traffic Engineering staff received a request from a Modesto citizen, who would like to remain anonymous, to install a lighted crosswalk on Snyder Avenue at Saint Nicholas, and

WHEREAS, the citizen has committed up to $28,000 for said equipment and installation of the lighted crosswalk, and

WHEREAS, a Capital Improvement Program (CIP) project titled, “Snyder Lighted Crosswalk,” will be created in the amount of $28,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the 2004-2005 Budget to recognize and appropriate an anonymous donation in the amount of $28,000 for fiscal year 2004-2005, for the purchase of equipment and installation of a lighted crosswalk on Snyder Avenue at Saint Nicholas.

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January 2005, 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: 

REBECCA BARTHOLOMEW
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-063

A RESOLUTION AMENDING THE 2004-2005 CAPITAL IMPROVEMENT PROGRAM (CIP) TO INCLUDE THE “INSTALLATION OF A LIGHTED CROSSWALK ON SNYDER AVENUE AT SAINT NICHOLAS,” PROJECT USING FUNDS IN THE AMOUNT OF $28,000 ANONYMOUSLY DONATED TO THE CITY OF MODESTO

WHEREAS, City Traffic Engineering staff received a request from a Modesto citizen, who would like to remain anonymous, to install a lighted crosswalk on Snyder Avenue at Saint Nicholas, and

WHEREAS, the citizen committed up to $28,000 for the equipment and installation of the lighted crosswalk, and

WHEREAS, the plan is to have the citizen purchase and provide the City with the lighted crosswalk equipment per City standards, and

WHEREAS, City Electrical staff will install the equipment, and

WHEREAS, the equipment and installation can be done for $28,000 or less, and

WHEREAS, a CIP project titled, “Snyder Lighted Crosswalk,” will be created in the amount of $28,000, and

WHEREAS, acceptance and appropriation of the donated funding in the amount of $28,000 requires amending the City’s CIP to include this project, since it was not included at the time the CIP was considered for adoption, and

WHEREAS, staff recommends the City take advantage of the donated funds in the amount of $28,000 to increase safety and encourage pedestrian use in this neighborhood, and
WHEREAS, the Economic Development Committee (EDC) at their December 13, 2004, meeting reviewed and concurred with staff's recommendation to install a lighted crosswalk on Snyder Avenue at Saint Nicholas.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the 2004-2005 Capital Improvement Program (CIP) to include the, “Snyder Lighted Crosswalk,” CIP project using funds in the amount of $28,000 anonymously donated to the City of Modesto,

BE IT FURTHER RESOLVED that City staff is hereby authorized to install the equipment for said lighted crosswalk with City crews,

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January 2005, 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: Rebecca Bartholomew

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-064

A RESOLUTION GRANTING A TEMPORARY EXCEPTION TO THE
MODESTO MUNICIPAL CODE (MMC) SECTION 4-5.10 PROHIBITING
ADVERTISING BANNERS IN ORDER TO HANG A BANNER OVER I STREET
FROM MARCH 7 THROUGH MARCH 11, 2005 CELEBRATING MODESTO'S
25TH YEAR AS A TREE CITY USA

WHEREAS, the Tree City USA program is conducted by the National Arbor Day
Foundation in conjunction with the National Association of State Foresters, and

WHEREAS, to qualify as a Tree City in a given year, a jurisdiction must have a
tree board or department responsible for tree care (and a tree ordinance establishing or
designating such), have an urban forestry program supported by the spending of at least
$2 per capita and have a proclamation recognizing and celebrating Arbor Day, and

WHEREAS, this year (2005) marks Modesto’s 25th year as a Tree City USA-
designated community, and

WHEREAS, in the state of California, only six other cities have received this
designation for more years than Modesto, and

WHEREAS, to celebrate this monumental anniversary, the Forestry Division
proposes hanging a banner, and

WHEREAS, the proposed location for said banner is across I Street, between 8th
and 9th Street, and

WHEREAS, the proposed banner, which will be 20-30 feet long and 2-1/2 feet
tall, will be in place from March 7 through March 11, 2005, to coincide with Arbor Day,
and

WHEREAS, the lettering on the proposed banner will read:
“Celebrating 25 years TREE CITY USA”, and

WHEREAS, Section 4-5.10 of the Modesto Municipal Code prohibits advertising devices from being stretched across City streets, and

WHEREAS, this temporary exception to the Modesto Municipal Code proclaims a monumental anniversary for the City, and

WHEREAS, this will be coordinated with the Downtown Improvement District and the Greater Modesto Tree Foundation, and

WHEREAS, the City has budgeted $800 for the Tree City USA Banner in the Community Forestry Division, and

WHEREAS, the City will continue to seek funding partnerships, and

WHEREAS, at its meeting of January 10, 2005, the Economic Development Committee approved this request and further recommended approval to Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby grants a temporary exception to MMC Section 4-5.10 prohibiting advertising banner in order for the City to hang a banner over I Street from March 7 through March 11, 2005, celebrating Modesto’s 25th year as a Tree City USA.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January 2005, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-065

A RESOLUTION AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO SOLICIT A REQUEST FOR PROPOSALS (RFPs) FOR ON-CALL ENGINEERING SERVICES FOR THE PUBLIC WORKS WASTEWATER COLLECTIONS DIVISION

WHEREAS, the Wastewater Collections Division anticipates tasks that can be best accomplished with the maximum efficiency and effectiveness of outside consultant engineers providing targeted services, and

WHEREAS, last year, Wastewater Collection's engineering consultants combined with internal expertise, assisted in the thorough compilation of asset information on the City’s sanitary sewage system final asset analysis, and

WHEREAS, a number of related, short-term projects are projected for the coming years which could involve numerous small projects ranging from trenchless technology to lift station efficiency analysis, and

WHEREAS, there is insufficient in-house staff to perform these On-call engineering services, and

WHEREAS, the Public Works Department desires to solicit a Request for Proposals (RFPs) for On-call engineering services for the Wastewater Collections Division for a one-year agreement, with four (4) one-year extension options, at an anticipated cost of $44,000 per year, for outside consultant engineers to assist with short-term projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Public Works Department to solicit RFPs for On-call
engineering services for the Wastewater Collections Division for a one-year agreement, with four (4) one-year extension options, at an anticipated cost of $44,000 per year.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 2005, 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: REBECCA BAETTREY

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY: MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH DEL VALLE CAPITAL CORPORATION, INC. (DEL VALLE) TO ALLOW FINAL INSPECTION AND OCCUPANCY OF CERTAIN HOMES PRIOR TO COMPLETION AND ACCEPTANCE OF INFRASTRUCTURE IMPROVEMENTS IN GALAS BROTHERS UNIT NO. 1 AND UNIT NO. 2 SUBDIVISIONS, AND AUTHORIZING THE ACTING CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

WHEREAS, the City entered into an agreement with Del Valle on December 23, 2003, which required Del Valle to complete necessary infrastructure prior to final inspection or occupancy of any home within the Galas Brothers Unit No. 1 and Unit No. 2 subdivisions, and

WHEREAS, due to unforeseen circumstances, Del Valle is unable to complete the necessary infrastructure improvements for the water system for several more months, and

WHEREAS, this delay is impacting Del Valle's ability to meet contractual obligations with third party home builders, and

WHEREAS, Del Valle has proposed an amendment to its Agreement with the City to allow for phasing in of the water infrastructure in order to allow for occupancy of a limited number of units prior to final infrastructure completion, and

WHEREAS, this amendment will allow Del Valle to meet commitments and obligations it has made to third party home builders while ensuring the City's infrastructure needs are minimally met, and

WHEREAS, due to time constraints, this item was not considered by a Council Committee, and

WHEREAS, the costs of the proposed "phased" improvements are estimated at $136,000 and Del Valle has agreed to pay $100,000 toward these improvements, and

1/25/05/ PW / P Cowles/Item 22 1 2005-066
WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for an EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City’s Community & Economic Development Department by Environmental Assessment Initial Study No. EA/C&ED 2002-59 reviewed the proposed project to determine whether the project is within the scope of the Fairview Specific Plan EIR, and made the determination that the project will have no additional significant effect on the environment that was not identified in the 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 EIR,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/C&ED 2002-59, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference, and based on the substantial evidence included in said Initial Study, makes the following findings:

1. As per Section 15182 of the California Environmental Quality Act (“CEQA”) Guidelines, this project is within the scope of the projects covered by the Fairview Village Focused EIR (SCH No. 95032006) and no new environmental document or findings are required by CEQA.

2. There are no substantial changes proposed in the project which will require major revisions to the Fairview Village Focused EIR.
3. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Fairview Village Focused EIR.

4. No new information of substantial importance, which was not known and could not have been known at the time the Fairview Village Focused EIR was certified as complete, has become available.

5. The Initial Study, Environmental Assessment EA/C&ED 2002-59, provides the substantial evidence to support findings 1-4 above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that, pursuant to Public Resources Code Section 21152, the Public Works Director or designee is hereby authorized and directed to file a Notice of Determination with the Stanislaus County Clerk within five (5) business days after the adoption of this Resolution.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Acting City Manager, or his designee, is hereby authorized to execute the Amendment to Agreement on behalf of the City.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 2005, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Rebecca Bartholomew

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

BY: Michael D. Milich, City Attorney
First Amendment to Development Agreement Between the City of Modesto and Norman Galas, June Galas, Stanley Galas, Bonnie K. Galas and Del Valle Capital Corporation, Inc.

EA/CDD 2002-59
October 30, 2002

I. PURPOSE

On December 12, 1995, the Modesto City Council certified the Final Focused Environmental Impact Report for the Fairview Village Specific Plan (SCH# 95032006). This Final Focused EIR analyzed the impacts of build-out of the Fairview Village Specific Plan, which includes the area in which this project is proposed.

Section 15182 of the CEQA Guidelines allows the Fairview Village Specific Plan Final Focused EIR to be used for subsequent projects, if the following findings can be made:

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.

B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.

C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The purpose of this Initial Study is to provide the substantial evidence for the above findings.

II. PROJECT DESCRIPTION

A. Project title:
First Amendment to Development Agreement Between the City of Modesto and Norman Galas, June Galas, Stanley Galas, Bonnie K. Galas and Del Valle Capital Corporation, Inc.

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

C. Contact person and phone number:
Steve Mitchell, Community Development Department, (209) 577-5287

D. Project Location:
The south side of Hatch Road west of Dezzani Lane and Ironside Drive.

E. Project Sponsor:
Del Valle Capital Corporation, 1012 Tenth Street, Modesto, CA 95354
F. General Plan Designation:
Village Residential (VR)

G. Current Zoning:
Specific Plan-Overlay (SP-O) Zone

H. Description of Proposed Project:
This is an amendment to the development agreement for the Galas Brothers vesting tentative subdivision map. The purpose of the development agreement is to extend the life of the tentative map to June 30, 2003, to provide a commitment to make available a percentage of the houses to low and moderate income families, and to provide a commitment to do storm drainage master planning.

I. Surrounding land uses:
The project is surrounded on the north by existing ranchettes, to the east by existing single-family homes, and to the south and west by agricultural land designated in the Specific Plan for residential development.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Fairview Village Specific Plan Final Focused EIR:

1. Traffic and Circulation Needs

Impacts to traffic and circulation are discussed on pages 18 through 42 of the Fairview Village Specific Plan Final Focused EIR. The approved subdivision is consistent with the Fairview Village Specific Plan in land use and intensity, and will have access to adjacent streets consistent with the Specific Plan. This development agreement will not affect the traffic and circulation design of the subdivision. Therefore, the traffic generation from this development is consistent with the assumptions in the EIR, and there would be no change needed to this section of the EIR.

2. Degradation of Air Quality

Impacts to air quality are analyzed on pages 43 through 47 of the Fairview Village Specific Plan Final Focused EIR. Air quality impacts are directly related to traffic impacts for this project, as automobile exhaust emissions account for the vast majority of impacts to air quality in a residential development. Since the traffic impacts are consistent with those analyzed in the EIR, the air quality impacts are also consistent with those analyzed in the EIR.
3. Noise

Noise impacts are analyzed on pages 48 through 54 of the Fairview Village Specific Plan Focused EIR. The Galas Brothers subdivision is consistent with the Fairview Village Specific Plan in land use and intensity, and will have sound a wall along Hatch Road. The development agreement does not affect the land use, intensity or layout of the subdivision. Therefore, there would be no change needed to this section of the EIR.

4. Loss of Productive Agricultural Land

Loss of productive agricultural land is analyzed on pages 55 through 59 of the Fairview Village Specific Plan Focused EIR. The Galas Brothers subdivision is consistent with the Specific Plan in land use and intensity. Therefore, there would be no additional impacts to agricultural land with this development agreement, and no change needed to this section of the EIR.

5. Loss of Sensitive Wildlife and Plant Habitat

Impacts to sensitive wildlife and plant habitat are analyzed on pages 60 through 64 of the Fairview Village Specific Plan Focused EIR. The subdivision is consistent with the Specific Plan in land use, intensity and physical location. Therefore, there would be no additional impacts to sensitive wildlife and plant habitat with this development agreement, and no change needed to this section of the EIR.

6. Disturbance of Archaeological or Historical Sites

Impacts to cultural resources are analyzed on pages 65 through 68 of the Fairview Village Specific Plan Focused EIR. The subdivision is consistent with the Specific Plan in land use, intensity and physical location. Therefore, there would be no additional impacts to cultural resources with this development agreement, and no change needed to this section of the EIR.

7. Increased Demand for Schools

Demand for schools is analyzed on pages 69 through 73 of the Fairview Village Specific Plan Focused EIR. It concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project would be required to pay these fees, this conclusion remains valid, and no changes are needed to this section of the EIR.

8. Generation of Hazardous Materials

Generation of hazardous materials is analyzed on pages 74 through 76 of the Fairview Village Specific Plan Focused EIR. The subdivision is consistent with the Specific Plan in land use and intensity. Because this development agreement would not affect the land use and intensity of the subdivision, no changes are needed to this section of the EIR.

B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report

The Fairview Village Specific Plan Focused EIR was certified by the Modesto City Council on
December 12, 1995. In the period since then, there has been no significant development in the surrounding area, and physical conditions affecting the subdivision have not changed significantly since then. Therefore, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Fairview Village Specific Plan Focused EIR or General Plan Master EIR.

C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available

The Fairview Village Specific Plan Focused EIR was certified by the Modesto City Council on December 12, 1995. Since then, there is no new information, which was not known at the time the Fairview Village Specific Plan Focused EIR was certified, has become available, that would change the conclusions of the EIR.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Fairview Village Specific Plan Focused EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Fairview Village Specific Plan Focused EIR.

C. No new information, which was not known and could not have been known at the time the Fairview Village Specific Plan Focused EIR was certified as complete, has become available.

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

Signature:

Steve Mitchell,
Principal Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-067

RESOLUTION ACCEPTING THE WORK BY INDUSTRIAL ELECTRICAL CO., FOR THE “EMERGENCY POWER ADDITION AT WATER WELLS 25, 43, 225, 282, 298, 299, 302, AND 313” PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING $601,355 PER THE CONTRACT. TOTAL PROJECT COST IS $680,524

WHEREAS, a report has been filed by the Public Works Director that the project titled “Emergency Power Addition at Water Wells 25, 43, 225, 282, 298, 299, 302, and 313” has been completed by Industrial Electrical Co., in accordance with the contract agreement dated May 11, 2004.

NOW, THEREFORE, BE IT RESOLVED that the “Emergency Power Addition at Water Wells 25, 43, 225, 282, 298, 299, 302, and 313” project be accepted from said contractor, Industrial Electrical Co., that the Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $601,355, as provided in the contract, be authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 2005, 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. 2005-068

A RESOLUTION APPROVING THE FINAL MAP OF THE KODIAK VILLAGE I SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, OF THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT WITH MERITAGE HOMES OF CALIFORNIA, A CALIFORNIA CORPORATION

WHEREAS, MERITAGE HOMES OF CALIFORNIA, INC., a California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 38.97 acres, known as the KODIAK VILLAGE I SUBDIVISION ("SUBDIVISION"), in the Village One Specific Plan Area, and

WHEREAS, an application for a vesting tentative subdivision map was deemed complete by the Secretary of the Planning Commission on December 4, 2003, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 15th day of December, 2003, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer have certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the
City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 2005, 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

01/25/05/B. Sandhu/Item 24
A RESOLUTION APPROVING AN AMENDMENT TO THE COFFEE/CLARATINA SPECIFIC PLAN TO CHANGE THE LAND USE DESIGNATION OF APPROXIMATELY TEN ACRES LOCATED EAST OF MCHENRY AVENUE AND SOUTH OF THE CLARATINA EXPRESSWAY FROM REGIONAL COMMERCIAL (RC) TO RESIDENTIAL (R). (RESOURCE DEVELOPMENT)

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

WHEREAS, on June 2, 1998, the City Council by Resolution No. 98-294 adopted the Coffee/Claratina Specific Plan, and

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

WHEREAS, on November 16, 1999, the City Council by Resolution No. 99-565 adopted Amendment No. 1 to the Coffee/Claratina Specific Plan to allow for Mixed Uses along Coffee Road, and

WHEREAS, Resource Development has filed an application to amend the Coffee/Claratina Specific Plan (File No. P-SPA-04-003) to redesignate approximately ten acres located east of McHenry Avenue and south of Claratina Avenue from Regional Commercial (RC) to Residential (R), and

WHEREAS, the proposed project was referred to affected agencies in accordance to California Government Code Sections 65352 and 65453 (a), and
WHEREAS, on December 20, 2004, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary relating to this proposed amendment to the Coffee/Claratina Specific Plan was considered, and

WHEREAS, after said public hearing held on December 20, 2004, the Planning Commission adopted Resolution No. 2004-72, recommending to the City Council an amendment to the Coffee/Claratina Specific Plan to redesignate approximately ten acres located east of McHenry Avenue and south of Claratina Avenue from Regional Commercial (RC) to Residential (R), and

WHEREAS, said matter was set for a public hearing of the City Council to be held on January 25, 2005, 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 Coffee/Claratina Specific Plan, and

WHEREAS, concurrent with consideration of this proposed amendment to the Coffee/Claratina Specific Plan, the City Council received and considered an Initial Study (EA/C&ED No. 2004-70) and adopted Resolution No. 2005-xx finding that the proposed Amendment is within the scope of, and conforms to the City’s Master Environmental Impact Report.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby considers the proposed amendment to the Coffee/Claratina Specific Plan to redesignate approximately ten acres located east of McHenry Avenue and south of
Claratina Avenue from Regional Commercial (RC) to Residential (R) and makes the following findings:

1. The project is consistent with the Modesto Urban Area General Plan, because it meets the Amendment Criteria set forth in Section II-C (4) of the General Plan in that the site is in an appropriate location for single residential development in that commercial development has access limitations, it is compatible with nearby residential development, traffic circulation and air quality impacts will be reduced, it will not affect land designated as Open Space in the General Plan, and public services and facilities can be provided.

2. The project is consistent with the intent of the Coffee/Claratina Specific Plan.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Coffee/Claratina Specific Plan is hereby amended to read as shown on Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the project applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning this Specific Plan Amendment (File No. SPA-04-003). The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify, or hold City harmless.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January 2005, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

ATTEST:

JEAN ZAHR, City Clerk
EXHIBIT "A"

COFFEE-CLARATINA SPECIFIC PLAN,
PROPOSED AMENDMENTS

Page 1-1

1. 430 125 acres designated "residential" for a maximum of 4,000-1,100 dwelling units.

2. 40 30 acres designated "regional commercial".

3. 15 acres of "Mixed Community Commercial" is allowed along Coffee Road.

4. Implementing adopted City General Plan policies.

Page 1-3

See attached new Figure 2.

Page 2-2

See attached new Figure 4

Page 2-3

a. Residential (R). The R designation accommodates single family residential uses. The maximum permitted number of units for the entire Specific Plan area shall be 4,000 1,100 as set forth in the Modesto Urban Area General Plan. Areas designated R utilize the City's R-1 zone as its development regulations with the following exceptions: Lot sizes smaller than 5,000 square feet and senior housing facilities, as an example, are permitted as long as the 4,000 1,100 dwelling unit maximum is not exceeded. Churches, parks and school sites can develop residentially and are consistent with this category. ....

Page 2-4

d. Regional Commercial (RC). The regional commercial designation applies to 40 30 acres, including the area within the Hetch-Hetchy R.O.W., located along McHenry Avenue (State Hwy. 108) to join the established commercial uses on McHenry Avenue. Land use and development standards shall be as set forth in the City's C-3 zoning designation contained in Article 12 of the Modesto Zoning Ordinance. Performance standards deemed necessary by the commission shall be required at that time.
1. Sanitary Sewer Service (See Figure 6)

The existing 18" subtrunk sewer main at Coffee Road and Sylvan Meadows Drive will be utilized to serve the North Beyer Park Plan Area. A sewer lift station will be installed in order to obtain the depth required to accommodate the expected construction and build-out of the Plan Area. A "sub-trunk" sewer line has been extended from the pump station north up Coffee Road to the proposed Claratina Expressway, and then east down the Expressway so serve the North Beyer project and west to serve the Coffee/Claratina Area through the Specific Plan area as shown on Figure 6. The pump station and the eight-inch sewer line and twelve-inch "sub-trunk" sewer system in Grecian Avenue and Coffee Road have been sized to serve both the North-Beyer Park Plan Area and the Coffee/Claratina Plan Area. The "sub-trunk" system and sewer lift station and force main shall be funded by the City with fees collected for that purpose.

A 10" sanitary sewer line exists in McHenry Avenue, terminating at Coralwood Avenue. However, this line does not have adequate capacity to serve the regional commercial area according to the 1995 Wastewater Master Plan. Sewer service to the Regional Commercial Area shall be provided with the extension of the line in Claratina Avenue which shall also be constructed to serve the balance of the Specific Plan Area. If capacity is available, sewer connection to this line in McHenry Avenue may be an alternative to connecting to the sewer line in Grecian Avenue to serve west portion of the Specific Plan area.

2. Storm Drainage (See Figures 8 and 8A)

A positive storm drainage system comprised of catch basins, pipelines and storm drain basins is proposed to serve this project (see Figure 8). The storm drain basins will be incrementally constructed as development occurs. The storm drain collection system and basins will be designed in accordance with the City of Modesto Standards and specifications. Exact locations may vary, depending on sub-area annexation to the City. The storm drain basin in the west half will serve the Regional Commercial, Residential and the Modesto Mobilehome Park (Sub-Areas A & B1), and be installed incrementally with the development of the Regional Commercial Area. In the east half the basin will be fully installed prior to any residential or Mixed Community Commercial development and serve Sub-Areas B2 and C.

3. Water (See Figure 7)

City water service will be provided to the entire plan area through connection and extensions of the existing water 12" main in Claratina Avenue, west of Coffee Road. The existing 12" water main and a 24" transmission water main which lie in Claratina
Avenue are part of a larger looped water system designed to serve the entire Plan Area. Water system should be looped to tie in with existing water lines in Dragoo Park Drive and Drakeshire Drive. All private wells located on any individual parcel slated for development shall be abandoned and capped at the time of development, in accordance with the City of Modesto, Stanislaus County and Department of Health Service Standards. In 2004, Public Works Department required a water capacity study to determine the best water source for undeveloped portions of the specific plan area. The water study may require that future development may be required to pay its fair share of any new water source.

**Page 3-10**

See attached new Figure 6.

**Page 3-11**

See attached new Figure 7.

**Page 3-12**

See attached new Figure 8.

**Pages 4-3 through 4-5**

3. Infrastructure to Serve Sub-area B_1.

Sub-area B_1 is proposed to be developed as 28,18 acres net of regional commercial and 30,40 acres net of Residential.

a. *Sewer service for Sub-area B_1 will be provided by the sewer line in Claratina Grecian Avenue extended from Coffee Road as shown in Figure 6.*

b. *Water Service will be provided to Sub-area B_1 from water lines proposed in Claratina Avenue, Grecian Avenue, and/or existing McHenry Avenue. Prior to development of Sub-area B_1, the City of Modesto Department of Public Works will determine the most appropriate method for provision of water service. In 2004, Public Works Department required a water capacity study to determine the best water source for undeveloped portions of the specific plan area. The water study may require that future development may be required to pay its fair share of any new water source.*

c. *One storm drainage basin of approximately 10 to 11 acre feet of capacity will be installed in Sub-area B_1, sized to provide storm drainage facilities for both Sub-area B_1 and Sub-area A. This basin will be constructed so that it can ultimately be connected to a regional basin via trunk lines in Claratina Avenue (see Figures 8*
and 8A), and reclaimed for development. The location of the storm drainage facility will be set with the first development proposal in Sub-area B1 is on the north side of Grecian Avenue north of Family Lane. This basin shall be installed in its entirety with the first development in Sub-area B1. As of 2004, about half of the basin has been installed and the remaining half shall be installed with any additional development in Sub-area B1. The expanded basin will need further modifications to serve Sub-area A to meet current standards. Storm drainage facilities will be appropriately sized and ultimately constructed to the east/west collector roadway so that, at the appropriate time, connection to the facilities may be made by Sub-area A.

d. With the additional development of Sub-area B1, signalization of the new project collector road-Grecian Avenue/McHenry Avenue intersection will be required prior by the City Transportation Traffic Division in coordination with Caltrans to the time at which that intersection would degrade to less than a Level of Service D. The developer's options will be:

(1) to install the signal with the first phase of development if signal warrants are met, or

(2) to satisfy the city traffic department, with appropriate traffic analysis, that the intersection will not degrade below level of Service D with the proposed development without the installation of the signal.

e. Prior to any new final entitlement approvals in Sub-area B1, appropriate right-of-way shall be provided/dedicated at the intersection of McHenry Avenue and Claratina Avenue consistent with the plan line for an Urban Interchange.

Ultimate traffic signals shall be installed at the intersections of McHenry Avenue and Claratina Avenue as determined by the Urban Interchange design, and Claratina Avenue and Coffee Road, when the signals warrants are met, in consultation with the City of Modesto Transportation Traffic Division.

f. Any development beyond 30 acres of the regional commercial area will require the project collector road to be completed for its entire length. As of 2004, Grecian Avenue, a collector road, extends from
McHenry Avenue to the easterly boundary of Sub-area B1, and then up Lifescape Drive extends north off Grecian Avenue to the right-in/right-out connection at Claratina Avenue. The geometries of the connection to Claratina Avenue will be established in consultation with the City of Modesto Transportation Division and will most likely be constructed as an interim improvement prior to full construction of Claratina Avenue.

g. At the time of development of Sub-area B1, additional rights-of-way for McHenry Avenue or Claratina Avenue, fronting the area proposed for development, will be dedicated consistent with City standards. Additional dedication may be required along McHenry Avenue to allow for the construction of dual-left turn lanes.

Hg. The intersection of the new east-west collector street Grecian Avenue with McHenry Avenue will include a minimum of two receiving lanes, two left turn lanes and one right turn lane is currently developed to allow only right turns in and out of Grecian Avenue. At the time of the review of any specific development request, the City of Modesto Transportation Division will evaluate whether another right turn lane is needed and Caltrans will determine if access on Grecian Avenue needs to be modified.

4. Infrastructure to serve Sub-area B2.

e. Prior to any new final entitlement approvals in Sub-area B1, appropriate right-of-way shall be provided/dedicated at the intersection of McHenry Avenue and Claratina Avenue consistent with the plan line for an Urban Interchange.

Ultimate traffic signals shall be installed at the intersections of McHenry Avenue and Claratina Avenue as determined by the Urban Interchange design, and Claratina Avenue and Coffee Road, when the signals warrants are met, in consultation with the City of Modesto Transportation Traffic Division.
A RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN TO CHANGE THE LAND USE DESIGNATION OF APPROXIMATELY TEN ACRES LOCATED EAST OF MCHENRY AVENUE AND SOUTH OF THE CLARATINA AVENUE FROM REGIONAL COMMERCIAL (RC) TO RESIDENTIAL (R). (RESOURCE DEVELOPMENT)

WHEREAS, a General Plan for the City of Modesto entitled “City of Modesto Urban Area General Plan”, was adopted by the City Council by Resolution No. 95-409 on August 15, 1995, in accordance with Section 65300 of the Government Code, and

WHEREAS, on August 15, 1995, prior to the adoption of the City of Modesto Urban Area General Plan, by Resolution No. 95-408, the City Council certified the Final Master Environmental Impact Report (“MEIR”) for the Urban Area General Plan (SCH No. 92052017), and

WHEREAS, Government Code Section 65358 permits the amendment of General Plans by the legislative body up to four times per year, and


WHEREAS, the General Plan has not been amended this year, and

WHEREAS, Resource Development has applied for an amendment to the Modesto Urban Area General Plan (File No. P-GPA-04-002) to redesignate approximately 10 located east of McHenry Avenue and south of Claratina Avenue from Regional Commercial (RC) to Residential (R), and
WHEREAS, the proposed project was referred to affected agencies in accordance to California Government Code Section 95352, and

WHEREAS, the Community and Economic Development Department has analyzed the proposed amendment and determined that said proposed amendment meets the Amendment Criteria set forth in Section II-C (4) of the General Plan and concluded that the site is in an appropriate location for single residential development in that commercial development has access limitations, it is compatible with nearby residential development, traffic circulation and air quality impacts will be reduced, it will not affect land designated as Open Space in the General Plan, and public services and facilities can be provided, and

WHEREAS, on December 20, 2004, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, relating to this proposed amendment to the Modesto Urban General Plan Land Use Diagram, and

WHEREAS, the Planning Commission agreed with the recommendation of the Community and Economic Development Department to change the land use designation, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 2004-72, recommending to the City Council an amendment to the Modesto Urban General Plan Land Use Diagram and Community Development Policies Section, Exhibit III-3, Coffee/Claratina Comprehensive Planning District to redesignate approximately ten acres east of McHenry Avenue and south of Claratina Avenue from Regional Commercial (RC) to Residential (R), and
WHEREAS, said matter was set for a public hearing of the City Council to be held on January 25, 2005, at 5:30 p.m. 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 amendment to the Modesto Urban General Plan Land Use Diagram, and

WHEREAS, concurrent with consideration of this proposed General Plan Amendment, the City Council received and considered an Initial Study (EA/C&ED No. 2004-70) and adopted Resolution No. 2005- xx finding that the proposed Amendment is within the scope of, and conforms to the City’s Master Environmental Impact Report.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban General Plan Land Use Diagram to re-designate ten acres located east of McHenry Avenue and south of Claratina Avenue from Regional Commercial (RC) to Residential (R) is in the public interest and is required for the public health, safety and welfare of the citizens of Modesto and said General Plan is hereby amended to read as shown on Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to send certified copies of this resolution and said amendment to the General Plan to the Board of Supervisors of the County of Stanislaus, within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

BE IT FURTHER RESOLVED that the project applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and
all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning this General Plan Amendment (File No. P-GPA-04-002). The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify, or hold City harmless.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 2005, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO URBAN AREA GENERAL PLAN AMENDMENT
GENERAL PLAN EXHIBIT III-3
COFFEE/CLARATINA
COMPREHENSIVE PLANNING DISTRICT AMENDMENTS
EXHIBIT A
General Plan Exhibit III-3
COFFEE/CLARATINA
COMPREHENSIVE PLANNING DISTRICT AMENDMENTS

1. Overview

This 170-acre Comprehensive Planning District is essentially an extension of the existing residential development pattern to the south.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 140 acres designated "Residential"
- 40 acres designated "Regional Commercial"

b. Distribution of Land Uses Within the CPD:

The Regional Commercial should be located along McHenry Avenue to join the established commercial uses on McHenry Avenue.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

(1) Overall Land Use Policies (Section III-C(1))
(2) "Neighborhood Plan Prototype" Policies (Section III-C(2))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:
(1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 1,100 dwelling units.

(2) Development in this Comprehensive Planning District should be considered an extension of the existing development immediately to the south.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

a. This Comprehensive Planning District will be served by a subtrunk in Coffee Road that ties into the existing sanitary sewer system. The west portion of the specific plan area may have to connect to the existing sewer line on McHenry Avenue.

6. Mitigated Negative Declaration:

General Plan Policy III(D)(1)(g) specifically exempts the Coffee/Claratina Specific Plan from the requirement to prepare a Focused EIR. CEQA review for this Comprehensive Planning District shall be satisfied by a Mitigated Negative Declaration prepared pursuant to Section 2115.71 of CEQA.

The Mitigated Negative Declaration for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

a. A total of 1,100 dwelling units was assumed for this Comprehensive Planning District.

b. A total of 1,005 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

None.
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-071


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

WHEREAS, Resource Development has filed an application to amend the Modesto Urban Area General Plan (File No. P-GPA-04-002) and Coffee/Claratina Specific Plan (File No. P-SPA-04-003) to redesignate approximately 10 acres located east of McHenry Avenue and south of Claratina Avenue from Regional Commercial (RC) to Residential (R), and

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

WHEREAS, the City’s Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED No. 2004-70 reviewed the proposed
amendment to the Modesto Urban Area General Plan and Coffee/Claratina Specific Plan to redesignate approximately ten acres located east of McHenry Avenue and south of Claratina Avenue from Regional Commercial (RC) to Residential (R) (collectively "Projects") to determine whether the Projects are within the scope of the project covered by the Modesto Urban Area General Plan Master EIR ("Master EIR"), and made the determination that the proposed Projects 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 Projects are within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines beginning on January 1, 2005, the City caused to be published a 20-day notice of the City’s intent to make a finding that the proposed Projects conform with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on January 25, 2005, 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/C&ED No. 2004-70) prepared for the proposed amendments to the Modesto Urban Area General Plan and Coffee/Claratina Specific Plan to redesignate approximately 10 acres located east of McHenry Avenue and south of Claratina Avenue from Regional Commercial (RC) to Residential (R), 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 the City Council hereby makes the following findings:
1. The type of project is described in Chapter II of the Master EIR (SCH No. 1999082041).

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

3. An Initial Study (EA/C&ED No. 2004-70) was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.

4. Based on the Initial Study (EA/C&ED No. 2004-70), the City of Modesto finds and determines:
   
a. The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.

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

c. The project is within the scope of the MEIR.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 2005, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: [Signature]

MICHAEL D. MILICH, City Attorney
EXHIBIT A

Initial Study

EA/C&ED No. 2004-70
City of Modesto

Finding of Conformance to the General Plan Master EIR:

Initial Study C&ED No. (2004-70)

For the proposed:

P-GPA-04-002, P-SPA-04-003, and P-TSM-04-012 Proposed General Plan Amendment and Specific Plan Amendment for the Coffee/Claratina Specific Plan and Vesting Tentative Subdivision Map

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division
December 9, 2004
I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master EIR. This Initial Study Checklist is used in determining whether the proposed Planned Development for new single family homes 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 by the Master EIR. (Public Resources Code Section 21158(d))

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

II. PROJECT DESCRIPTION

A. Title: General Plan Amendment, Specific Plan Amendment, and Vesting Tentative Subdivision Map to develop single family homes

B. Address or Location: Southeast corner of McHenry Avenue and Claratina Avenue

C. Applicant: Resource Development, 2020 Standiford Avenue, Bldg D-5, Modesto, Ca. 95355

D. City Contact Person: Paul Liu

Project Manager: Paul Liu
Department: Community and Economic Development Department
Phone Number: (209) 571-5540
E-mail address: pliu@modestogov.com

E. Current General Plan Designation(s): (RC) Regional Commercial and (R) Residential

F. Current Zoning Classification(s): Specific Plan-Overly (SP-O) Zone, with underlying zoning of (C-3) Highway Commercial and (R-1) Low Density Residential
G. Surrounding Land Uses:  
   North: Commercial, Vacant, Churches, and Residential  
   South: Single Family Residential  
   East: Single Family Residential  
   West: Vacant  

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):  

   The site is about 20.6 acres located on the southeast corner of McHenry Avenue and Claratina Avenue. This is an application for a General Plan Amendment and a Specific Plan Amendment to redesignate the center 10 acres from Regional Commercial to Residential. A tentative subdivision map would follow to create new single family lots. The tentative map would be covered by this environmental document if it is consistent with the amended Specific Plan. The west 9.2 acres and the east 1.4 acres will remain the unchanged.  

I. Other Public Agencies Whose Approval is Required:  

   None  

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

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

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

Project Manager

Title

Date
4. Within the Scope Analysis of this Document:

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

YES NO

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

(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 outside of the scope of the information identified in the Master EIR.  

(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.  

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.

YES NO

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

(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) 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.

IV. ENVIRONMENTAL ANALYSIS

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

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

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

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

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

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

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

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

Discussion: No mitigation measures are applicable to this project.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

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

Where a project exceeds an additional one hundred (100) or more peak hour trips contribution, a site access study may be conducted to determine to what extent the project would exceed the year 2025 level of service (LOS) expected for the adjoining roadways under the Master EIR. The site access study 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.

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Result in inadequate emergency access.

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Result in inadequate parking capacity.
Discussion:

(1) The proposed project will not generate traffic impacts to the adjacent roadways in excess of what was assumed under the MEIR. The daily and peak hour trips will be less with the change of 10 acres from commercial to residential. The entire 20.6 acre project site is currently designated for Highway Commercial (C-3) development. The site could be developed with an estimated 207,000 square feet of commercial uses and generate about 7,629 new daily trips.

The proposal to change 10 acres to R-1, Low Density Residential could provide for approximately 61 single-family and the remaining commercial site could develop with up to 92,000 square feet of commercial uses and generate combined total of 5,071 daily trips. The estimated total daily trips would be fewer daily trips than is current designation.

No traffic study is required. The applicant is working with Caltrans to review the traffic implications on McHenry Avenue, State Road 108, due to the land use change. Caltrans concurred for the traffic review to be completed prior to approval of the tentative subdivision map where any needed condition would be appropriately required.

(2) The project does not substantially increase hazards due to a design feature.

(3) The City's Standards for emergency access will be accommodated by this project.

(4) The project meets City Standards with regard to parking.

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 Measures appropriate to this project include: AQ-17, Reduce Construction Impacts.
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:

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

(1) The project exceeds the emissions thresholds established for CO and NOx by the San Joaquin Valley Unified Air Pollution Control District's (SJVUAPCD) adopted CEQA Guidelines.
(1) The project does not incorporate the best management practices for PM10 reduction established by the SJVUAPCD.
(2) The project does not comply with the air quality policies of the Modesto Urban Area General Plan.
(4) The project would expose sensitive receptors to substantial pollutant concentrations.
(5) The project would create objectionable odors affecting a substantial number of people.

Discussion:

(1) The project for up to 61 single-family dwellings will not exceed the emissions thresholds. Emissions will be less compared to the alternative of 10 acres of commercial development.
(2) This project does incorporate the best management practices for PM10 reduction established by the SJVUAPD (see mitigations measure above).
(3) Applicable General Plan Policies will be applied to the project. Therefore, project-specific effects will be less than significant for this impact (see mitigations measure above).
(4) The project is not a significant contributor to pollution levels in that it is a subdivision for residential development. PM10 emissions created through the construction phase will be mitigated as called for by the MEIR by the measures listed above.
(5) The residential subdivision should not produce objectionable odors.
3. NOISE

a. Significant Effects Identified in the Master EIR

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

Effect: Traffic noise levels for future conditions in the plan area have the potential to result in 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:

The project site is located within the Ldn 65 contour from Claratina Avenue and the developer will have to demonstrate that the proposed development will incorporate measures to reduce noise impacts to less-than-significant level. The Coffee/Claratina Specific Plan includes a requirement of an eight-foot high masonry wall along Claratina Avenue and to reduce second story noise levels to less than 45 CNEL, noise mitigating window assemblies shall be required for windows facing Claratina.

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

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

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

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

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

Discussion:

(1) The City’s noise policy is incorporated into the conditions of approval as a mitigation measure. The adopted Specific Plan includes some conditions to address the interior noise level.

(2) The project is consistent with what the General Plan assumed for the site both in land use and intensity and is consistent with the noise policies of the General Plan. The noise mitigation measures called for by the General Plan for projects within the baseline developed area and required by the Coffee/Claratina Specific Plan, are incorporated into the conditions of approval for the project.

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

(4) The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity. The noise mitigation measures called for by the General Plan are incorporated into the conditions of approval for the project.

4. AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

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

There are no mitigation measure applicable to this project.

c. Project-Specific Effects

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

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

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) Chapter IV Environmental Analysis, Section 4 Loss of Agricultural Land discusses the expected impacts due to the loss of agricultural land from the development of the General Plan. The project site is designated as prime agricultural land. On Page IV-4-13, the General Plan MEIR recognizes that loss of agricultural land is a significant and unavoidable impact under CEQA, even with the adoption of all feasible mitigation measures. Overriding consideration findings have been adopted for the General Plan.

(2) The March 2003 planning area includes the subject property within its boundaries.

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

(4) The project will not involve changes to the existing environment that could result in the conversion of farmland to non-agricultural uses.

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 cumulative considerable contribution to the cumulative impact on water supply under drought conditions. This is a significant and unavoidable cumulative impact.

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

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

Discussion:

There are no mitigation measures applicable to this project.

c. Project-Specific Effects

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

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

YES NO

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

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

Discussion:

(1) The project is consistent with the Modesto Urban Area General Plan both in land use and intensity.
(2) Sufficient water supplies are available to serve the proposed development. Public Works Department is requiring the developer to provide water capacity study to determine the best water source for this project. The water study must be completed prior to consideration of the subdivision map. The applicant has agreed to the findings of the water study that may include a requirement that the project pays its faire share of any new water source.

6. SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

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

Discussion:

There are no mitigation measures applicable to this project.

c. Project-Specific Effects

Section V-6.B of the MEIR provides analysis of Sanitary Sewer Service impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.
Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-than significant unless:

YES NO

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

(2) The project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

Discussion:

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

(2) Public Works Department has determined that sewer service can be provided by connecting to the existing sewer line in Grecian Avenue that travels east to Coffee Road and a lift station. An alternative connection would be to the existing line in McHenry Avenue at Corralwood Road.

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

Discussion:

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

Section V-7.B of the MEIR and 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 as supplemented by the FEIR.

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

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td>X</td>
</tr>
<tr>
<td>(2) 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.</td>
<td>X</td>
</tr>
<tr>
<td>(3) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

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

(2) Chapter IV Environmental Analysis, Section 7 Loss of Sensitive Wildlife and Plan Habitat discusses the expected impacts due to the loss of sensitive wildlife and plan habitat related to the development of the General Plan. Figure 7-1 contains potential biological resource study areas within the General Plan. This project does not fall within one of these areas. Further, the General Plan states that all impacts to sensitive wildlife and plan habitat can be mitigated. This project is a subsequent project under the General Plan and is not within a significant biological resource area.

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

8. ARCHAEOLOGICAL OR HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

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

**Effect:** If a site-specific project involves the modification or demolition of a qualifying structure more than 50 years in age, then the impact will be significant.

**Effect:** Areas of high probability for archaeological resources are located within the riparian corridors along the Tuolumne River, Dry Creek, and the Stanislaus River. There, the potential impact comes from earthmoving activities that could result in disturbance of resources or human remains. There is a low probability that archaeological resources will be uncovered in areas outside of the riparian corridors.
Effect: The City Zoning Ordinance requires that when substantial changes to a structure are proposed, the development will be required to comply with other Zoning Ordinance provisions such as parking or landscaping requirements. This could result in modifications to the structure, which substantially reduce its historical significance. This would be a less-than-significant impact with the imposition of new mitigation measure Cultural-1.

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

Archaeological or Historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-13 and V-8-14 MEIR. 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:

Mitigation Measures applicable to this project include: AH-8 and AH-12, Master EIR.

c. Project-Specific Effects

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

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

YES NO

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

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

Discussion:

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

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

a. Significant Effects Identified in the Master EIR

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

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

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

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

Storm Drainage mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. 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:

Mitigation measures appropriate to this project include: SD-7, MEIR.

c. Project-Specific Effects

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

Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-than significant unless:
YES NO

(1) The project is inconsistent with the Modesto Urban Area General Plan. X
(2) The project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite. X
(3) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. X

Discussion:

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

(2) The project proposes to increase the impervious surface. However, it should be designed to meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures," adopted by the City and applied to the project as a Mitigation Measure. With the application of the appropriate mitigation, the effect will be less than significant. The project will expand the existing storm drainage basin at the east end of the project site consistent with city requirements. The entire 20.6 acre project site will be adequately served by this expansion.

(3) The project will contribute additional water runoff. However, with the application of the mitigation measures called for in the conditions of approval of the project, the effect will be less than significant.

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 requires 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:

The site is not located within the 100-year flood zone. Mitigation measures appropriate to this project include: FWQ-14, MEIR.

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 as supplemented by the FEIR.

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

YES NO

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

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

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

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

1. The project is consistent with the General Plan Designation for the site both in land use and intensity.

2. The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

3. Mitigation Measures as called for by FWQ-14 will be applied to the project so that the project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures.

4. The project would not create or contribute to runoff water in excess of the capacity of existing or planned storm water drainage systems or provide additional sources of polluted runoff. The appropriate mitigation measures will be applied to the project.

11. PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

Discussion:

There are no mitigation measures applicable to this project.

c. Project-Specific Effects

Section V-11.B of the MEIR provides analysis of Parks and Recreation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR as supplemented by the FEIR.
Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

YES NO

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

Discussion:

(1) The project is consistent with the General Plan in both land use and intensity. The eight-acre Coffee/Claratina Park is developed within the specific plan area with a dual use as a storm basin site.

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:

The project will be made to comply with SB 50 as required by the MEIR.
c. Project-Specific Effects

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

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

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

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

Discussion:

(1) The project is consistent with the General Plan in both land use and intensity.
(2) The project addresses compliance with SB 50/Proposition 1A funding provisions as required by the MEIR.

13. POLICE SERVICES

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

No mitigation measures are applicable to this project.

c. Project-Specific Effects

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

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

YES  NO

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

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

Discussion:

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

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

14. FIRE SERVICES

a. Significant Effects Identified in the Master EIR

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

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

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

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

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.
Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures are applicable to this project.

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:

- (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 project is consistent with the General Plan in both land use and intensity.

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

15. SOLID WASTE

a. Significant Effects Identified in the Master EIR

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

Effect: 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 are applicable to this project.

c. Project-Specific Effects

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

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

(1) The project is inconsistent with the Modesto Urban Area General Plan.
(2) The County is unable to expand its solid waste disposal capacity and the project would result in waste stream levels that exceed disposal capacity.

Discussion:

(1) The project is consistent with the General Plan in both land use and intensity.
(2) This project was referred to the County and Solid Waste Division of the Engineering and Transportation Division for review, and no indication was given that there would be a problem serving this project.

16. HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

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

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

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

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

Discussion:

No mitigation measures are applicable to this project.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td>X</td>
</tr>
<tr>
<td>(2) 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.</td>
<td>X</td>
</tr>
<tr>
<td>(3) The project contains a contaminated site not identified as of March 2003.</td>
<td>X</td>
</tr>
<tr>
<td>(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.</td>
<td>X</td>
</tr>
<tr>
<td>(5) The project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.</td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the General Plan in both land use and intensity.
(2) The project does comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes.

(3) The project site is not known to contain any contaminants.

(4) The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. It is a residential subdivision.

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

17. LANDSLIDES AND SEISMIC ACTIVITY

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

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

Discussion:

No mitigation measures are applicable to this project.

c. Project-Specific Effects

Section V-17.B of the MEIR provides analysis of landslides and seismic impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the MEIR.
Determination of project effects will be based on the following thresholds. The project-specific effects will be less-than-significant unless:

YES  NO

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

2. The project would be located on soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. □  X

Discussion:

1. The project is consistent with the General Plan in both land use and intensity.

2. The project would not be located on soil that is unstable, or that would become unstable as a result of the project. There are no areas identified in the MEIR that are considered unstable or have the potential to become unstable and result in on or off-site 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 are applicable to this project.
c. Project-Specific Effects

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

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

YES NO

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

Discussion:

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

19. PLANNING AND LAND USE

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

a. Project-Specific Effects

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

YES NO

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

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

(3) The project would physically divide an established community

Discussion:

(1) The project proposes a General Plan amendment of 10 acres to be changed from Regional Commercial to Residential. The 20-acre project site has access difficulties for regional commercial development due to Claratina Avenue, an expressway, to the north and McHenry Avenue, a State road, to the west. This intersection is designated as an urban interchange with a considered design having Claratina Avenue with a grade separated overpass across McHenry Avenue. The City of Modesto has hired a consultant to design the interchange and the design should be completed before the map the considered. The standards discourage access on Claratina although there have been discussion right in and out possibilities. Access to McHenry may also be limited to right in and out only. As a result, the proposed residential use is a better suited use due to the limited access.
(2) The proposed General Plan amendment involves 10 acres to be changed from Regional Commercial to Residential. This is not a significant amendment to the Modesto Urban Area General Plan.

(3) The project will essentially be an infill project next to an existing residential area of the urbanized City. It will not divide an established community.

20. AESTHETICS

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

a. Project-Specific Effects

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

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td>☐  X</td>
</tr>
<tr>
<td>(2) The project would have a substantial adverse effect on a scenic vista.</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>☐  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>☐  X</td>
</tr>
</tbody>
</table>

Discussion:

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

(2) The project site is not located within a designated scenic vista. Therefore, this project will not have a substantial adverse affect on scenic vistas.

(3) The project would not substantially degrade the existing visual character or quality of the project site and its surroundings, because it is a low density single family subdivision consistent with the surrounding residential areas.

(4) The project would not create a substantial source of light or glare that would adversely affect daytime or nighttime views in the area.
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”) incorporation into the appropriate document or plan:

All applicable and appropriate mitigation measures have been applied to the project.

Traffic and Circulation Measures:

N/A

Air Quality Measures:

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

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

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

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

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

6. 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.

7. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;

8. Suspend excavation and grading activity when winds exceed 20 mph; and

9. Limit the area subject to excavation, grading and other construction activity at any one time.
Noise Measures:

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

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

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

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

   C. A hand-powered saw.

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

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

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

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

   H. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.
2. The City of Modesto shall require noise-reducing construction practices to be implemented as conditions of approval for development projects where substantial construction-related noise impacts would be likely to occur (e.g. where construction would include extended periods of pile driving, where construction would occur over an unusually long period, or where noise-sensitive uses like homes and schools would be in the immediate vicinity, etc.). The city should consider potential mitigation measures, including, but not limited to, the following:

   A. 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.

   B. Other proposed uses: the noise/land use compatibility guidelines (i.e., those noise levels which are "conditionally acceptable," "normally Unacceptable," or "clearly unacceptable," ) shown in Table 1 and the most recent noise contours for the City shown in Figure VII-1 [of the City's Urban Area General Plan].

**Agricultural Land Measures:**

N/A

**Water Supply Measures:**

N/A

**Sanitary Sewer Service Measures:**

N/A

**Sensitive Wildlife and Plant Habitat Measures:**

N/A

**Archaeological or Historic Sites Measures:**

1. For proposed development outside an identified archaeological resource study area (as depicted on Figure 8-1 in the 1995 Master EIR), no further research for prehistoric deposits is warranted unless specific information concerning the known or potential presence of significant cultural resources is identified in future updates at the applicable cultural resource information repository or through formal or informal input received from a qualified source. If previously unknown subsurface cultural resources are discovered during excavation activities, excavation would be temporarily halted and an archaeologist consulted as to the importance of the resources. Should the archaeologist determine that the resources are important, the project sponsor would follow the procedure described in Policy 2(a), above.
2. If archaeological resources are discovered at any time during construction, all activity shall cease until the site is surveyed by a qualified archaeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K.

**Storm Drainage Measures:**

1. The State Water Control Board and City of Modesto require a Storm Water Pollution Prevention Plan (SWPPP) to be developed prior to construction activity. A copy of the notice of intent (NOI) and SWPPP shall be required to obtain a grading permit if required by the Engineering and Transportation Director.

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

**Flooding and Water Quality Measures:**

1. The State Water Control Board and City of Modesto require a Storm Water Pollution Prevention Plan (SWPPP) to be developed prior to construction activity. A copy of the notice of intent (NOI) and SWPPP shall be required to obtain a grading permit if required by the Engineering and Transportation Director.

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

**Parks and Open Space Measures:**

N/A

**Schools Measures:**

1. To the extent allowed by state law, annexation to the appropriate schools community facilities district will be required as a condition of final map approval. If this requirement cannot be enforced due to the status of state law, then prior to issuance of the first building permit or final map approval, whichever is earlier, the developer shall provide written verification from the affected school districts that a determination has been made as to whether the developer will pay the school fees in effect or annex to the appropriate community facilities district.

**Police Services:**

N/A

**Fire Services:**

N/A

**Generation of Solid Waste**

N/A
Generation of Hazardous Materials
N/A

Potential for Landslides and Seismic Activity
N/A

Energy
N/A

Planning and Land Use
N/A

Aesthetics
N/A
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-072

A RESOLUTION DESIGNATING THE NAMING OF THE TERRACE LEVEL AT THE MODESTO CENTRE PLAZA IN HONOR OF FORMER MAYOR DICK LANG; ANNOUNCING A CAPITAL CAMPAIGN TO ACCOMPLISH THE EXPANSION OF THE TERRACE AND AUTHORIZING STAFF TO SEEK PROPOSALS FOR ARCHITECTS/DESIGNERS TO DO DEVELOPMENT WORK

WHEREAS, the City of Modesto owns the property known as the Modesto Centre Plaza, and

WHEREAS, the City has recently added elevator service to the terrace level of the Centre Plaza and wishes to expand the Plaza Terrace to extend the second tier to accommodate future rental opportunities, and

WHEREAS, with the recent death of former Mayor Dick Lang there has been interest expressed by the community to name a City facility in his honor, and

WHEREAS, the naming of the Plaza Terrace of the Modesto Centre Plaza in honor of Dick Lang would be an appropriate recognition due to his dedication to the downtown development, and

WHEREAS, a Capital Campaign will be conducted to collect the funds needed for the project, and

WHEREAS, the City of Modesto will seek proposals for architects/designers to do development work, and

WHEREAS, at its January 10, 2005, meeting, the Economic Development Committee supported the recommendations to designate the naming of the Terrace level at the Modesto Centre Plaza in honor of former Mayor Dick Lang, to announce a Capital
Campaign to accomplish the expansion of the terrace and to authorize staff to seek proposals for architects/designers to do development work,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby designates the naming of the Terrace Level at the Modesto Centre Plaza in honor of former mayor Dick Lang.

BE IT FURTHER RESOLVED by the Council that it hereby announces a Capital Campaign to accomplish the expansion of the terrace.

BE IT FURTHER RESOLVED by the Council that it hereby authorizes staff to seek proposals for architects/designers to do development work.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 2005, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

Attest: REBECCA BARTHOLOMEW

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-073

A RESOLUTION OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN
(ANNEXATION No. 7)

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, pursuant to the Act, this Council did, by its Resolution No. 2004-681, adopted on December 14, 2004, clarify the Rate and Method of Apportionment with respect to the Maximum Special Taxes to be generated by a parcel that has been rezoned, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-683, adopted on December 14, 2004 (“Resolution of Creation of Tax Zone #2), create Tax Zone #2 within the District, and

WHEREAS, the One-Time Facilities Special Tax is higher in Tax Zone #2, 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, and
WHEREAS, the territory to be annexed will be subject to the tax rates in Tax Zone #2,

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

SECTION 1. The above recitals are true and correct.

SECTION 2. The boundaries of the District are shown on a map entitled “Proposed Boundaries of Community Facilities District No. 2004-1 (Village One #2) of the City of Modesto, County of Stanislaus, State of California” on file with the County Recorder of the County of Stanislaus, at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 85; the map entitled “Proposed Boundaries of Annexation #1 to City of Modesto CFD No. 2004-1 (Village One #2),” on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at page 86 (as amended by the map entitled “Annexation Map No. 1 of Community Facilities District No. 2004-1 (Village One #2),” on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at page 90); the map entitled “Annexation Map No. 2 of Community Facilities District No. 2004-1 (Village One #2),” on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 91; the map entitled “Annexation Map No. 3 of Community Facilities District No. 2004-1 (Village One #2),” on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 96; the map entitled “Annexation Map No. 4 of Community Facilities District No. 2004-1 (Village One #2),” on file with the County Recorder at Book 3 of Maps of Assessment and Community Facilities Districts, at Page 99; the map entitled “Annexation Map No. 5 of Community Facilities District No. 2004-1 (Village One #2),” on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts, at Page 2; and the map entitled “Annexation Map No. 6 to
Community Facilities District No. 2004-1 (Village One #2), on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts, at Page 7.

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

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

SECTION 6. The special taxes to be levied in the District are set forth in the Resolution of Creation of Tax Zone #2. It is intended that the special taxes set forth in Tax Zone #2 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, March 8, 2005, at the regular meeting place of the City
Council, City Council Chambers, Basement Level, 1010 Tenth Street, Modesto, California 95353, such time being not less than 30 or more than 60 days following the adoption hereof.

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

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

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

SECTION 11. At the conclusion of the hearing, if the Council determines to annex the Territory to the District, it will submit the levy of the special taxes to the qualified electors of the Territory in a special election.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February 2005, 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]

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: [Signature]

MICHAEL D. MILICH, City Attorney
EXHIBIT A

ANNEXATION NO. 7 TO
COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-074

A RESOLUTION APPROVING THE TIMELINE FOR CITIZEN PARTICIPATION CALENDAR OF EVENTS FOR 2005-2006 HUD ANNUAL ACTION PLAN AND PUBLIC SERVICE GRANTS, AND ESTIMATED AMOUNTS FOR THE PUBLIC SERVICE GRANTS

WHEREAS, Federal Housing and Urban Development (HUD) regulations require the City of Modesto to have a Citizens’ Participation Plan which contains the City’s procedures for community participation in the development of the Annual Action Plan and the use of Community Development Block Grant (CDBG), HOME Investment Partnership Grant (HOME) and Emergency Shelter Grant (ESG) funds, and

WHEREAS, the City adopted and last amended its Citizen Participation Plan in October 1998, a copy of which is available for review at the Recreation and Neighborhood Services Division office at Tenth Street Place, and

WHEREAS, the proposed calendar for citizen participation includes Public Service grant applications for CDBG as well as ESG proposals, and

WHEREAS, staff anticipates the proposed allocation of $150,000 of Public Service grants will be designated for the operation of allowable City programs, such as the Crime Free Multi Housing Project and recreation programs, and

WHEREAS, staff anticipates the proposed estimated RFP amounts for Public Service grants will be a total of $360,953 in CDBG funds and $104,391 in ESG funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the timeline for the Citizen Participation Calendar of Events for Fiscal Year 2005-2006 HUD Annual Action Plan and Public Service Grants, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference.
BE IT FURTHER RESOLVED that the Council hereby approves the estimated RFP amounts for Public Service Grants of $465,344.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 2005, 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
<table>
<thead>
<tr>
<th>Event Description</th>
<th>Date</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Council Meeting to approve the draft timeline for Public Service Grants,</td>
<td>01 Feb 05</td>
<td>5:30 pm</td>
</tr>
<tr>
<td>Consolidated Plan, Annual Action Plan for 2005-2006 &amp; Citizen Participation</td>
<td>(Tuesday)</td>
<td></td>
</tr>
<tr>
<td>Calendar of Events</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council Chambers, Tenth Street Place</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application Period for Public Service Grants opens (02 Feb to 25 Feb)</td>
<td>02 Feb 05</td>
<td></td>
</tr>
<tr>
<td>Staff Technical Assistance Workshop for CDBG Public Service Grants</td>
<td>10 Feb 05</td>
<td>10:00 am</td>
</tr>
<tr>
<td>Room 3001, Tenth Street Place</td>
<td>(Thursday)</td>
<td></td>
</tr>
<tr>
<td>Staff Technical Assistance Workshop for ESG Public Service Grants</td>
<td>11 Feb 05</td>
<td>10:00 am</td>
</tr>
<tr>
<td>Room 3001, Tenth Street Place</td>
<td>(Friday)</td>
<td></td>
</tr>
<tr>
<td>Community meetings to obtain input on Consolidated Plan &amp; Annual Action Plan:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- King Kennedy Memorial Center</td>
<td>16 Feb 05</td>
<td>7:00 pm</td>
</tr>
<tr>
<td>- American Legion Hall</td>
<td>17 Feb 05</td>
<td>3:00 pm</td>
</tr>
<tr>
<td>- Modesto Senior Center</td>
<td>17 Feb 05</td>
<td>7:00 pm</td>
</tr>
<tr>
<td>Application due for funding requests for Public Service Grants</td>
<td>25 Feb 05</td>
<td>5:00 pm</td>
</tr>
<tr>
<td>(Friday)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Analysis of Public Service funding requests by staff and Review Committee</td>
<td>28 Feb to 11 Mar 05</td>
<td></td>
</tr>
<tr>
<td>CH&amp;CDC Meeting and public hearing to consider funding requests for Public</td>
<td>25 Mar 05</td>
<td>12:00 noon</td>
</tr>
<tr>
<td>Service Applications, Council Chambers, Tenth Street Place</td>
<td>(Friday)</td>
<td></td>
</tr>
<tr>
<td>City Council Study Session, City Council Chambers</td>
<td>05 Apr 05</td>
<td>5:30 pm</td>
</tr>
<tr>
<td>(Tuesday)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30-day Public notice announcing availability of final draft of Consolidated Plan &amp; 2005-2006 Annual Action Plan for review and comments (06 Apr to 06 May)</td>
<td>06 Apr 05</td>
<td>5:30 pm</td>
</tr>
<tr>
<td>(Wednesday)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City Council Meeting to consider and approve funding recommendations for Public Service Grants, Council Chambers, Tenth Street Place</td>
<td>12 Apr 05</td>
<td>5:30 pm</td>
</tr>
<tr>
<td>(Tuesday)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CH&amp;CDC Meeting to consider final draft of Consolidated Plan &amp; 2005-2006 Annual Action Plan</td>
<td>22 Apr 05</td>
<td>12:00 noon</td>
</tr>
<tr>
<td>Room 3001, Tenth Street Place</td>
<td>(Friday)</td>
<td></td>
</tr>
<tr>
<td>City Council Meeting and public hearing to consider and approve recommendations for the Consolidated Plan &amp; 2005-2006 Annual Action Plan</td>
<td>10 May 05</td>
<td>5:30 pm</td>
</tr>
<tr>
<td>Council Chambers, Tenth Street Place</td>
<td>(Tuesday)</td>
<td></td>
</tr>
<tr>
<td>Consolidated Plan due to HUD</td>
<td>16 May 05</td>
<td></td>
</tr>
<tr>
<td>(Monday)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2005-2006 Annual Action Plan due to HUD</td>
<td>31 May 05</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(Tuesday)</td>
<td></td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-075

A RESOLUTION INCREASING THE PUBLIC WORKS DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS ON THE "CENTRE PLAZA ELEVATOR EXTENSION" PROJECT FROM $45,000 TO $50,600

WHEREAS, on February 24, 2004, the City Council awarded a $232,900 contract to TCB Industrial, Inc., to construct the "Centre Plaza Elevator Extension" project, and

WHEREAS, the contractor started work on March 29, 2004, and

WHEREAS, additional work not included in the original bid needed to be added to the project to allow completion of a useable elevator that conforms to code requirements, and

WHEREAS, the cost of the extra work was estimated to be as high as $41,000, an amount which exceeded the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443 on July 19, 1994, and

WHEREAS, the Council by Resolution No. 2004-445 increased the Public Works Director's authority to approve change orders up to a cumulative amount of $41,000, and

WHEREAS, additional work needed to be performed that was not included in the previous estimate for the project, and

WHEREAS, the total cost of the extra work was estimated to be as high as $45,000, which exceeded the previously approved Director's Authority increase to $41,000, and

WHEREAS, the Council by Resolution No. 2004-603 increased the Public Works Director's authority to approve change orders up to a cumulative amount of $45,000, and
WHEREAS, the TCB Industrial, Inc., requested payment of an additional $14,922.13 for added costs incurred by them as a result of the Federal and State requirements that were not included in the original contract, and

WHEREAS, these costs were not included in the various change orders executed for the project, and

WHEREAS, City staff negotiated these costs to an acceptable and justifiable amount of $7,461.06, and

WHEREAS, the added unanticipated cost increased the total change order cost for the project to $50,567.57, which exceeded the previously approved Director's Authority increase to $45,000, and an increase in the Director's authority to issue change orders in the amount of $50,600.00 is requested.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Public Works Director's authority level to issue change orders, from $45,000 to $50,600, for the project entitled “Centre Plaza Elevator Extension.”
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 2005, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

APPROVED AS TO FORM:

By __________________________
MICHAEL D. MILICH, City Attorney

ATTEST: _________________________
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-076

RESOLUTION ACCEPTING THE WORK BY TCB INDUSTRIAL, INC., FOR THE “CENTRE PLAZA ELEVATOR EXTENSION” PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING $283,467.57 PER THE CONTRACT. TOTAL PROJECT COST IS $356,287.68

WHEREAS, a report has been filed by the Public Works Director that the project titled “Centre Plaza Elevator Extension” has been completed by TCB Industrial, Inc., in accordance with the contract agreement dated February 24, 2004.

NOW, THEREFORE, BE IT RESOLVED that the “Centre Plaza Elevator Extension” project be accepted from said contractor, TCB Industrial, Inc., that the Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $283,467.57 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 2005, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Jackman was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-077

A RESOLUTION AFFIRMING THE CITY’S CO-SPONSORSHIP OF “EARTHDAY IN THE PARK FESTIVAL, 2005” AT GRACEADA PARK AND ALLOWING THE SALE OF MERCHANDISE IN THE PARK DURING THE EVENT

WHEREAS, in 1970, Earth Day was established to make the public aware of programs successful in protecting the environment and conserving natural resources, and

WHEREAS, by Resolution No. 92-129, adopted March 24, 1992, the City Council acknowledged “Earth Day in the Park” as an annual event, and

WHEREAS, the Citizen’s Advisory Committee on Recycling (CACOR) sponsors the event, and the 16th Annual “Earth Day in the Park” will be held on Saturday, April 23, 2005, at Graceada Park, and

WHEREAS, “Earth Day in the Park Festival, 2004” drew approximately 90 vendors, and

WHEREAS, because the CACOR is an advisory committee to the City Council, the group’s ability to obtain event liability coverage is restricted, and City co-sponsorship of the event will allow provision of automatic coverage under the umbrella of the City’s existing insurance policy, and

WHEREAS, the City’s Risk Manager has assessed the scope of the event and determined it to be of minimal exposure to the City, and

WHEREAS, as in prior years’ events, the Committee seeks Council approval for the sale of merchandise in the Park during the event, and
WHEREAS, this event provides a forum for merchants to display and sell their “environmentally friendly” merchandise, and for the creation of a “festival atmosphere”, while giving the public an opportunity to make purchases of positive benefit to the environment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City hereby affirms its co-sponsorship of “Earth Day in the Park Festival, 2005”, at Graceada Park.

BE IT FURTHER RESOLVED by the Council that it hereby approves the sale of merchandise at Graceada Park during the “Earth Day in the Park Festival, 2005” event.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of February, 2005, 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, 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

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-078

A RESOLUTION APPROPRIATING $90,000 FROM GENERAL FUND RESERVE TO GRAFFITI ABATEMENT (ORGANIZATION 4722) TO FULLY FUND ABATEMENT ACTIVITIES FOR THE REMAINDER OF FISCAL YEAR 2004-2005

WHEREAS, Graffiti activity within the City of Modesto has substantially increased over the course of the past two calendar years, and

WHEREAS, in 2002, crews removed 189,991 square feet of graffiti, and

WHEREAS, in 2003, crews removed 467,449 square feet of graffiti, or 2.5 times the 2002 level, and

WHEREAS, record graffiti levels were reached in calendar year 2004, with 905,366 square feet of graffiti removed as of December 7, 2004, and

WHEREAS, 2004 graffiti levels are almost double those of 2003 and 4.8 times the amount of 2002, and

WHEREAS, in Fiscal Year 2003-2004, Council funded increased needs for graffiti removal through a Budget Adjustment in the amount of $80,000 from General Fund Reserve, and

WHEREAS, due to budgetary constraints, Graffiti Abatement was funded at the pre-amended level for Fiscal Year 2004-2005 with the expectation that staff would return to Council at mid-year with updated activity levels and an adjustment request, and

WHEREAS, Graffiti Abatement further experienced a budget reduction in the amount of $20,000 allocated for part-time labor for 2004-2005, and

WHEREAS, the current budget is insufficient to continue Graffiti Abatement activities even at the 2003-2004 levels, and
WHEREAS, swift removal of Graffiti is necessary in order to prevent increases in related criminal activity, and

WHEREAS, staff proposes allocating the reserve funds as identified below:

<table>
<thead>
<tr>
<th>Code</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0100-480-4722-0130</td>
<td>$25,000</td>
<td>Overtime Labor</td>
</tr>
<tr>
<td>0100-480-4722-0235</td>
<td>$25,000</td>
<td>Professional Services &amp; Other</td>
</tr>
<tr>
<td>0100-480-4722-0360</td>
<td>$40,000</td>
<td>Maintenance &amp; Repair Supplies</td>
</tr>
<tr>
<td>Total</td>
<td>$90,000</td>
<td></td>
</tr>
</tbody>
</table>

, and

WHEREAS, at its meeting of January 18, 2005, the Finance Committee approved this request and further recommended approval to Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes appropriating $90,000 from General Fund Reserve (0100-800-8000-8003) to Graffiti Abatement, Organization 4722.

BE IT FURTHER RESOLVED that City staff is hereby authorized to make the necessary budget adjustments in coordination with the Finance Department.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 1st day of February, 2005, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, 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
A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN
FOR THE CITY OF MODESTO

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

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

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

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

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

1. Deputy Director of Public Works-Operations

2. Deputy Director of Public Works-Engineering

Each classification is being created to reflect the recent reorganization of the former Operations and Maintenance Department and former Engineering and Transportation Department into the Public Works Department. The job specifications for the classifications of Deputy Director of Public Works-Operations and Deputy Director of Public Works-Engineering is shown on the attached Exhibit “A,” which is hereby made a
part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the job specifications for Paralegal. Said classification is being amended to update the essential functions to more accurately reflect the essential functions of the classification.

SECTION 3. CLASSIFICATIONS DELETED. The Position Classification Plan of the City of Modesto is hereby amended to delete the following classifications:

1. Deputy Director of Operations and Maintenance
2. Deputy Director of Engineering and Transportation

Said classifications are no longer being used.

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after February 8, 2005.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 2005, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
DEPUTY DIRECTOR OF PUBLIC WORKS-OPERATIONS

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

DEFINITION

To assist the Director of Public Works in the planning, directing, supervising, and coordinating of departmental functions and operational activities; to assist in the monitoring and preparation of operating and capital improvement budgets and management of personnel assigned to the department; and to provide highly complex staff assistance to the director.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Public Works Director.

Exercises direct supervision over professional, technical and clerical staff.

Exercises management of assigned operations and maintenance functions.

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

Essential Functions:

Assist in planning, directing, supervising, and coordinating departmental operations; oversee and participate in the development of departmental strategic planning; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Appear before the City Council, Council Committees, boards, commissions and numerous civic organizations representing the Department.

Assist with the preparation of operating and capital improvement budgets and control of expenditures, including the preparation of long-term maintenance management models.

Supervise and assist subordinate supervisors in the operations and maintenance of City infrastructure, particularly water, wastewater and storm drainage systems; establish long-range plans and goals, including strategic planning for the utility enterprise funds and issues dealing with environmental regulations.
Essential Functions: (Continued)

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the Public Works Director; prepare and present staff reports and other necessary correspondence.

Oversee storm water and wastewater NPDES permitting processes; maintain positive relationships with outside regulatory authorities, where assigned.

Work across departmental lines to insure long-term infrastructure needs of the city are met.

Establish performance expectations and evaluate performance of subordinate personnel.

Prepare a variety of correspondence including general and special reports.

May serve as the Public Works Director, as required.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of supervision, training, management and public works administration.

Principles of budget preparation and expenditure control.

Principles and practices of public administration labor relations and public personnel management.

Principles and practices as applied to the field of operating and maintaining the city infrastructure.

Technical, legal, and financial issues related to the conduct of municipal public works program.
Knowledge of: (Continued)

Strategic planning and environmental regulations for municipal utilities.

National Pollution Discharge Elimination Systems (NPDES) permitting and compliance.

Methods of preparing designs, plans, specifications, estimates, reports and recommendations relating to proposed public works projects.

Procedures, materials, equipment and methods used in all areas of public works activities.

Pertinent Federal, State, and local laws, codes and regulations.

Ability to:

Oversee and coordinate the activities of a number of sections within the Department.

Assist with the preparation of departmental operating and capital improvement budgets and control budget expenditures.

Review and interpret cost estimates.

Effectively represent the Department before the Council, Council Committees, boards, commissions, public agencies and private groups.

Prepare clear and concise written reports and develop appropriate recommendations.

Effectively manage assigned areas of the departmental program.

Establish and maintain cooperative relationships with those contacted during the course of work.

Perform a variety of technical research and prepare reports of findings.

Manage a large staff of field, office, professional and technical staff.
Experience and Training Guidelines:

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

**Experience:**

Seven years of increasingly responsible professional management experience in a public works environment, including at least five years in a supervisory or administrative capacity.

**Training:**

Equivalent to a Bachelor's degree from an accredited college or university with major course work in public administration, civil engineering, business administration or a related field.

**License or Certificate:**

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

Possession of certification in water distribution or wastewater treatment, dependent area of assignment.

**WORKING CONDITIONS**

**Environmental Conditions:**

Office environment; occasionally travel from site to site.

**Physical Conditions:**

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time; traveling to and from sites and attending meetings.
DEPUTY DIRECTOR OF PUBLIC WORKS-ENGINEERING

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

DEFINITION

To assist the Public Works Director in the planning, directing, supervising, and coordinating of departmental functions and engineering activities; to assist in the preparation of operating and capital improvement budgets; and to provide highly complex staff assistance to the director.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Public Works Director.

Exercises direct supervision over professional, technical and clerical staff.

Exercises responsible charge of assigned engineering, development services, transportation and utility planning functions.

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

Essential Functions:

Assist in planning, directing, supervising, and coordinating departmental operations; oversee and participate in the development of departmental strategic plan; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Appear before the City Council, Council Committees, boards, commissions and numerous civic organizations representing the Department.

Assist with the preparation of operating and capital improvement budgets and control of expenditures.

Supervise and assist subordinate supervisors in the planning, design, and construction management of City buildings, equipment, and City street, transportation, traffic, electrical, water, waste water and drainage systems; establish long-range plans and goals, including strategic planning for the utility enterprise funds, rate setting, and issues dealing with environmental regulations.
Essential Functions: (Continued)

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the Public Works Director; prepare and present staff reports and other necessary correspondence.

Monitor franchises and service agreements related to solid waste, telecommunications or other utilities.

Establish performance expectations and evaluate performance of subordinate personnel.

Prepare a variety of correspondence including general and special reports.

May be assigned special projects requiring engineering design calculations and using the judgment of a registered professional engineer.

May serve as Public Works Director, as required.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of supervision, training, management and public works administration.

Principles of budget preparation and expenditure control.

Principles and practices as applied to the field of municipal public works, including planning, development, design, and construction.

Technical, legal, and financial issues related to the conduct of municipal public works program.

Strategic planning, rate setting and environmental regulations for municipal utilities.

Methods of preparing designs, plans, specifications, estimates, reports and recommendations relating to proposed public works projects.
Knowledge of: (Continued)

Procedures, materials, equipment and methods used in all areas of public works activities.

Pertinent Federal, State, and local laws, codes and regulations.

Ability to:

Oversee and coordinate the activities of a number of sections within the Department.

Assist with the preparation of departmental operating and capital improvement budgets and control budget expenditures.

Review and interpret cost estimates.

Effectively represent the Department before the Council, Council Committees, boards, commissions, public agencies and private groups.

Prepare clear and concise written reports and develop appropriate recommendations.

Effectively manage assigned areas of the departmental program.

Establish and maintain cooperative relationships with those contacted during the course of work.

Perform a variety of technical and engineering research and prepare reports of findings.

Experience and Training Guidelines

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

Experience:

Five years of increasingly responsible professional civil engineering experience, including at least two years in a supervisory or administrative capacity.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil engineering or a related field.
License or Certificate

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

Possession of a valid Certificate of Registration as a Civil Engineer or Traffic Engineer issued by the California State Board of Registration for Professional Engineers. If licensed in another state, candidates will have six (6) months to obtain California Registration.

WORKING CONDITIONS

Environmental Conditions:

Office environment; occasionally travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time; traveling to and from sites and attending meetings.
PARALEGAL

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

DEFINITION

Under general supervision, a paralegal performs a variety of paraprofessional legal duties in support of the City Attorney's Office, prepares legal documents, interviews clients, and performs legal research and writing and provides general litigation support.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from various attorneys assigned to the City Attorney's Office.

May exercise technical supervision over clerical staff.

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

Essential Functions:

Draft legal documents, including discovery, administrative, pre-trial/trial documents, pleadings, motions, correspondence and memoranda.

Gather, organize, summarize and analyze materials obtained through the pre-trial process.

Maintain a master calendar of critical dates, including court appearances, court filings, pre-trial dates, and discovery response dates.

Gather and organize documents for administrative proceedings; may attend and take notes at hearings.

Participate in investigations, and facilitate the resolution of discrimination and harassment complaints and assist in developing procedures, which create a non-discriminatory work environment.

Act as a liaison between attorneys and client/witnesses.

Provide logistical support, including filing legal documents or collect legal documents at a variety of venues.
Essential Functions: (Continued)

Research specific questions of law for precedence, related case law, and/or citations and summarize the results in memoranda or reports.

Prepare witnesses to give testimony and depositions; review and summarize witness statements.

Analyze or distinguish cases that may have relevance, and present conclusions to attorney.

Respond to inquiries from the public

Monitor the progress of cases/projects as appropriate.

Prepare correspondence and reports.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods and techniques used in conducting legal research and available legal resource material, discovery, and fact investigation.

Applicable California Code of Civil Procedure; related municipal, state and federal laws, codes, and procedures.

Use and application of general legal principles and processes.

Principles of legal writing; basic communication skills.

Ethics of law practices.

General familiarity with State and Federal Trial Court practices.

Personal computers and related software.

Ability to:

Provide paralegal support during administrative hearings, in court and while performing related duties.

Make independent judgments within established guidelines.
Ability to: (Continued)

Prepare legal documents, including pleadings, motions, and discovery documents.

Organize work, set priorities, meet critical deadlines and follow-up on assignments with a minimum of directions.

Research and summarize case law and other legal documents.

Monitor progress of cases and projects as appropriate.

Follow verbal and written instructions.

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

Use a computer and related office equipment.

Experience and Training Guidelines

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

Experience:

One year of progressively responsible experience as a Paralegal working under the supervision of an attorney, **AND must possess at least one of the following:**

Training:

a) A certificate of completion of a paralegal program approved by the American Bar Association; b) A certificate of completion of a paralegal program or a degree from a post-secondary institution that requires the successful completion of a minimum of 24 semester units in law-related courses and that has been accredited by a national or regional accrediting organization or approved by the Bureau of Private Post-secondary and vocational education; c) a baccalaureate degree in any subject and a minimum of one year of law-related experience or a high school diploma or general equivalency diploma and a minimum of three years of law-related experience. The law-related experience must have been under the supervision of an attorney, who has been an active member of the State Bar of California or who has practiced in the federal courts of this state, for at least the preceding three years, and who must provide a written declaration stating the incumbent is qualified to perform paralegal tasks.
License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license. See “training” section above for specific details.

Additional Special Requirements

Four hours of mandatory continuing education in either general law or in a specialized area of law every two years, and

Four hours of mandatory continuing legal education in legal ethics every three years.

Note: The experience and training guidelines described above are based on AB 1761, Codified as Section 6450 Business and Professions Code.

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time, bending and stooping to retrieve files and using a personal computer and other office equipment.
MODESTO CITY COUNCIL  
RESOLUTION NO. 2005-081  

A RESOLUTION APPROVING CAPITAL IMPROVEMENT PROGRAM POLICIES AND PROCEDURES AND IMPLEMENTATION OF A CALENDAR FOR FISCAL YEAR 05-06 BUDGET ADOPTION

WHEREAS, staff has been requested to conduct a comprehensive review of the City’s capital improvement program and its future capital needs, and

WHEREAS, Phase II of this project requires the establishment of policies and procedures for the Capital Improvement Program budget, and

WHEREAS, there is a need to have an interim budget calendar to adopt the Capital Improvement Program for Fiscal Year 05-06,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Capital Improvement Program Policies and Procedures and the budget adoption calendar as shown in Attachment A is approved.

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 8th day of February 2005, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following votes:

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: Mike Milich, City Attorney
Capital Improvement Program Policies

Definition of a Capital Project

- Cost should be $100,000 or more for the life of the project
- Most will take more than a single year to complete
- Project revenues and expenditures should be clearly identified and balanced (e.g., revenue should equal project expenditures)
- Projects should have an identifiable schedule that includes a beginning, intervening milestones, and an end
- Primary-Secondary Projects – defined below and approved Oct. 12, 2004

The CIP frequently contains several projects that are similar in nature. For example, Public Works often proposes projects to replace or upgrade traffic signals at several different intersections throughout the City. Each intersection is formally a separate project, and funding may not be moved from one traffic signal project to another traffic signal project without Council action.

On October 12, 2004, the City Council approved grouping similar projects together in a “primary-secondary” relationship. Following the traffic signal example, “Traffic Signals” is the “primary” project, with individual “secondary” projects dedicated to each specific intersection where a project will be performed. The primary project description includes a description of each of the secondary projects related to it.

The primary project serves as the budgetary control device within the CIP. As approved, the City Manager has the authority to move CIP funding from one secondary project to another secondary project, as long as the overall primary project budget does not change. This approach allows for greater flexibility and efficiency when programming multiple CIPs of the same type.

- Maintenance costs to increase the life of the City’s infrastructure, replacement costs for infrastructure and reserves for future projects are not defined as a CIP, but are included in the CIP budget document. Examples of these include:
  - Pavement maintenance
  - Water Downstream Improvements
  - Fleet Maintenance Facility

Process

Existing projects are reviewed annually. This review compares user status and financial information to identify project progress and completion. This will be integrated into the budget proforma review process.

The Finance Department will work with the CIP project managers to develop CIP revenue forecasts for the budget year. This analysis will be compiled and distributed by the Finance Department to the appropriate project managers.

Projects to be closed will be identified by the project managers and submitted by the appropriate Department Director to the City Manager for closure. The City Manager has the final authority to close the projects. (CIP Closure Form).

The City Manager and Deputy City Manager and Department Heads review and prioritize all existing CIP’s to assure consistency with the City’s General Plan and the City’s vision statement.
Section 65401 of the Government Code and Section 10-1.102 of the Modesto Municipal Code, requires the Planning Commission review all capital improvement projects to determine if they conform with the City's adopted Modesto Urban Area General Plan.

The City Council will review new projects and approve re-appropriation of funds for existing projects as part of the annual budget cycle.

**Capital Improvement Program (CIP) Policies**

**CIP Projects.** Large construction projects, equipment purchases, infrastructure maintenance, replacement costs and future reserves will be included in the Capital Improvement Program.

**CIP Purpose.** The purpose of the CIP is to systematically plan, schedule, manage, monitor and finance capital projects to ensure cost-effectiveness as well as conformance with established policies. The CIP is a ten-year plan organized into the same functional groupings used for the operating programs. The CIP reflects a balance between capital replacement projects that repair, replace or enhance existing facilities, equipment or infrastructure; and capital facility projects that significantly expand or add to the City’s existing fixed assets.

**Project Manager.** Every CIP project will have a project manager who will prepare the project proposal, ensure that required phases are completed on schedule, authorize all project expenditures, ensure that all regulations and laws are observed, and periodically report project status. The project manager ensures that projects comply with Community Facility District (CFD) and Capital Facility Fees (CFF) regulations.

Projects may be appropriated for anticipated revenues but cannot be spent until revenues documents have been received.

Each proposed CIP project will include the approximate location, size, completion date (est.) and estimate of costs and source of funding such as General Fund, Capital Facility Fees, Federal or State Grant, etc.

**CIP Appropriation.** The City’s annual CIP appropriation for study, design, acquisition and/or construction is based on the projects designated by the Council through adoption of the Budget. **Adoption of the CIP appropriation does not automatically authorize funding for a specific project phase.** Project engineering and preliminary engineering will be appropriated at the time of Council action.

Authorization for construction generally occurs only after:
- The costs for the phases have been fully developed
- A grant is awarded and a copy of award is received in Finance
- A contract is granted after a competitive bid process
- A request for proposal (RFP) is approved by Council.

Actions involving any Federal or State funded CIP are restrained by the conditions of the grant.

Accordingly, if contract costs at the time of bid award are less than the budgeted amount, the unobligated balance will either be re-appropriated to project contingency or returned to fund balance. This action should be clearly explained in the fiscal impact section of a Council document and include any estimate for City engineering costs and required contingency to complete the project.
If project costs at the time of bid award are greater than budget amounts, four options are typically available:

1. Eliminate the project.
2. Defer the project for consideration to the next Budget cycle.
3. Re-scope or change the phasing of the project to meet the existing budget.
4. Appropriate additional resources as necessary from fund balance or other revenue sources.

For new CIP projects outside of the adoption process, resources need to be identified:

- Is there sufficient fund balance or monitored cash flow?
- Has an invoicing procedure been established?
- If sufficient funds are not available then lower priority projects may need to be eliminated and the budget for that project returned to fund balance and then re-appropriated to the higher priority project.

**Project Status.** Project milestones will be listed as objectives in the program narratives to facilitate project tracking.

**CIP Project Reporting and Update Process**

- Cost Estimates/Actuals by Phase
- Schedule (Time Line)
- Accounting Procedures/Revenue Tracking/Grant Invoicing /Project Closeout Procedures
- Timely Status Update Reporting (Note: Cost overruns and funding needs to be determined early. Updated costs and postponed timelines flag potential funding issues.)

**CIP Authority - Council**

1. City Council has authority to create new CIPs.
2. City Council has authority to increase the budget of CIPs.

**CIP Authority – City Manager**

1. City Manager has authority to close any CIP and to return project funds to the fund balance.
2. City Manager has authority to appropriate project contingency funds to individual budget lines.
3. The City Manager has authority to move funds between secondary projects of a primary CIP. The primary CIP budget will not change.
4. *NEW policy:* The City Manager has authority to approve funding source changes within a projects

Example: Project starts with full funding from CFF. After the adoption PW applies for CMAQ funds and list eligible projects. If a CFF project is eligible the City Manager can substitute one revenue source for another.
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-082

A RESOLUTION AUTHORIZING STAFF TO ISSUE A REQUEST FOR PROPOSALS TO SELL, INSTALL AND MAINTAIN ADVERTISING ON THE EXTERIORS OF MODESTO AREA EXPRESS BUSES

WHEREAS, the City of Modesto’s Modesto Area Express (MAX) transit system operates approximately 46 buses within the Modesto urban area, and

WHEREAS, a market appears to exist for the placement of advertising on the exteriors of MAX buses, and

WHEREAS, the Public Works Department staff recommended to the Economic Development Committee (EDC) that it authorize staff to issue a Request for Proposals (RFP) for the sale, placement and maintenance of advertising on the exteriors of MAX buses, and

WHEREAS, the EDC met on January 10, 2005 and supported this recommendation, and

WHEREAS, by an agenda report to the City Council dated January 21, 2005, from the Public Works Director, City staff recommended to the Council that it authorize staff to issue an RFP for the sale, placement and maintenance of advertising on the exteriors of MAX buses, and

WHEREAS, initial selection will be made by an evaluation panel of City and outside agency staff based on criteria outlined in said agenda report dated January 21, 2005, and

WHEREAS, said panel will make its recommendation to the Economic Development Committee which will then make a recommendation to the full Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorize staff to issue an RFP for the sale, placement and maintenance of
advertising on the exteriors of MAX buses.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 8th day of February, 2005, by Councilmember Jackman,
who moved its adoption, which motion being duly seconded by Councilmember Hawn,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers:  None

ABSENT: Councilmembers: None

ATTEST: ____________________________
         JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: ________________________________
    MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2005-083  

A RESOLUTION APPROVING THE SUBMITTAL OF A FEDERAL AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT APPLICATION IN THE AMOUNT OF $1,300,000 TO THE FEDERAL AVIATION ADMINISTRATION (FAA), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE APPLICATION

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

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

WHEREAS, the FAA has requested the City to submit its revised Airport Capital Improvement Plan (ACIP) by November 19, 2004 and its request for project funding by February 25, 2005, and

WHEREAS, the Airport Advisory Committee supported the airport’s revised ACIP at their September 15, 2004 meeting, and

WHEREAS, the Economic Development Committee considered the revised ACIP at their October 11, 2004 meeting, and endorsed recommending it for City Council approval, and

WHEREAS, the City Council approved the revised ACIP at their meeting on October 26, 2004, and the revised ACIP, in the amount of $3.7 million, has been submitted to the FAA, and
WHEREAS, the federal grant application is consistent with the City’s approved revised ACIP, and includes projects to rehabilitate the aircraft parking apron and upgrade the airport security identification area (SIDA), in an amount totaling $1,300,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submitting a grant application in the amount of $1.3 million to the FAA for Airport Improvement Program funds.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 2005 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn was upon roll call carrier and the resolution adopted by the following vote:

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

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO 2005-84

Was Not Used
MODESTO CITY COUNCIL  
RESOLUTION NO. 2005-085  

RESOLUTION ACCEPTING THE WORK BY AMERINE SYSTEMS, INC., FOR THE "WELL 312, SOUTH STREET, EMPIRE" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING $240,453.05 PER THE CONTRACT. TOTAL PROJECT COST IS $345,687.66  

WHEREAS, a report has been filed by the Public Works Director that the project titled "Well 312, South Street, Empire" has been completed by Amerine Systems, Inc., in accordance with the contract agreement dated April 1, 2003.  

NOW, THEREFORE, BE IT RESOLVED that the "Well 312, South Street, Empire" project be accepted from said contractor, by Amerine Systems, Inc., that the Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $240,453.05, as provided in the contract, be authorized.  

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 2005, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:  

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

NOES: Councilmembers: None  

ABSENT: Councilmembers: None  

ATTEST:  
JEAN ZAHR, City Clerk  

APPROVED AS TO FORM:  

By  
MICHAEL D. MILICH, City Attorney  

02/08/05/PW/P MarquezItem No. 8  
1  
2005-085
MODESTO CITY COUNCIL
RESOLUTION NO. 2005-086

RESOLUTION ACCEPTING THE WORK BY INDUSTRIAL FENCE COMPANY, INC., FOR THE “THOUSAND OAKS LIFT STATION FENCE” PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING $59,989.85 PER THE CONTRACT. TOTAL PROJECT COST IS $140,372.87

WHEREAS, a report has been filed by the Public Works Director that the project titled “Thousand Oaks Lift Station Fence” has been completed by Industrial Fence Company, Inc., in accordance with the contract agreement dated May 11, 2004.

NOW, THEREFORE, BE IT RESOLVED that the “Thousand Oaks Lift Station” project be accepted from said contractor, Industrial Fence Company, Inc., that the Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $59,989.85, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 2005, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:
By: [Signature]
MICHAEL D. MILICH, City Attorney