
WHEREAS, the Modesto Senior Citizens Center (Senior Center) is a regular meeting location for the following six community groups, and most of these groups are fraternal or social clubs and have been grand fathered in as “regular users” that receive non-profit rates for uses at the Modesto Senior Citizens Center;

- Modesto Senior Citizens, Inc. – a non-profit,
- The Modesto Ballroom Dance Club – a non-profit,
- The Modesto Garden Club, a non-profit,
- Native Daughters of the Golden West,
- Skirts & Flirts,
- Forever Young Dance Club,

and

WHEREAS, in March 2004, the City Council approved a new Use Policy and Fee Schedule for the Parks, Recreation and Neighborhoods Department’s facilities, whereby the facility rental fees have been calculated to gradually increase over the next four years to equal today’s cost of service of the facility, with non-profit groups such as the regular users at the Senior Center paying 50% of the cost of service, and

WHEREAS, the effective date of the new fees was April 1, 2004, and

WHEREAS, regular users at the Senior Center that had previously signed a contract with the City would pay the old fee until their contracts expire on December 31, 2004, and
WHEREAS, the Forever Young Dance Club contacted staff regarding their concerns about the new facility fee schedule, stating that the new fee would result in negative impact on their group’s financial condition, and the Forever Young Dance Club also believes the increase will reduce their membership which would additionally decrease their revenue source, and

WHEREAS, staff presented this item to the Finance Committee on October 25, 2004, and the Finance Committee recommended (1) that the facility rental fee increase be deferred to the Forever Young Dance Club at the Senior Center for up to one year and (2) that the Forever Young Dance Club organize itself as a non-profit organization so that it will be eligible to solicit sponsorship, and (3) that the facility rental fee to all regular users at the Senior Center be deferred so as to not favor one club over another, and

WHEREAS, the 1996 rate for each group will be effective until December 31, 2005, or until the groups receive their 501(c) 3 status and obtain a sponsor, whichever occurs first, and

WHEREAS, beginning January 1, 2006, the Modesto Senior Citizen Center facility rental fees for the regular users would resume at the City Council approved facility fee schedule for fiscal year 2005-2006, and

WHEREAS, due to said deferral of the facility rental fee increase, staff recognizes that FY 2004-2005 revenue will be less than estimated, and projected revenue in Fiscal Year 2005-2006 may need to be decreased,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the deferment of the facility rental fee increase for the Regular Users at the Modesto Senior Citizens Center until December 31, 2005, or until the groups receive their 501(c) 3 status and obtain a sponsor, whichever occurs first.
BE IT FURTHER RESOLVED that the Council hereby recognizes that revenue in 0100-370-3741-6228, Senior Citizens Center Rental, will be $1,893 less than estimated for FY 2004-2005.

BE IT FURTHER RESOLVED that the Council hereby recognizes that projected revenue in 0100-370-3741-6228, Senior Citizens Center Rental, may need to be decreased by $3,141 for FY 2005-2006.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest:  

APPROVED AS TO FORM:

By:  

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-612

RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID E. KAMRAR AND CAROLE L. KAMRAR FOR PROPERTY LOCATED AT 121 ELM STREET, AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Modesto leases a 5,841 square foot commercial building located at 121 Elm Street in Modesto for use by the Building and Parking Services Division of the Parks, Recreation and Neighborhoods Department, and

WHEREAS, the lease expires on December 31, 2004, and

WHEREAS, staff desires to renew the lease for this property, and

WHEREAS, the lease will be for a five year term commencing on January 1, 2005, and

WHEREAS, the monthly rent is $2,520, with an annual increase of $.03 per square foot, and

WHEREAS, funds are budgeted in 7800-350-3512-0215, Rental of Real Property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the lease agreement between the City of Modesto and David E. Kamrar and Carole L. Kamrar for the property located at 121 Elm Street.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-613

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 AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the job specifications for the following classifications:

1. Construction Inspector
2. Supervising Construction Inspector
3. Heavy Equipment Mechanic
4. Equipment Service Worker
5. Coach Mechanic Crewleader

Said classifications are being amended to revise the job specifications to more accurately reflect the requirements of the various job classifications. The Equipment Service
Worker II job specification is being revised to change the title to Equipment Service Technician. The Coach Mechanic Crewleader job specification is being revise to change the title to Heavy Equipment Mechanic Crewleader.

SECTION 2. CLASSIFICATION DELETED. The Position Classification Plan of the City of Modesto is hereby amended to delete the classification of Equipment Service Worker I. Said classification is no longer being used.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after November 23, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
CONSTRUCTION INSPECTOR

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 inspect workmanship and materials used in a variety of public works projects and to ensure conformance with plans, specifications and Departmental regulations.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Supervising Construction Inspector.

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

   Essential Functions:

   Inspect various structures and construction projects for conformance with specifications and regulations; check line, grade, size, elevation and location of structures.

   Monitor traffic control problems at construction site and coordinate corrections if necessary.

   Record amounts of materials used and work performed; prepare necessary reports for progress payments.

   Review plans and specifications of assigned project; attend pre-construction conferences as necessary.

   Inspect materials for identifications as conforming to specifications.

   Perform a variety of field tests.

   Observe work during progress and upon completion; monitor contractor workforce for adequate staffing levels.

   Inspect adjacent properties for damage from construction activity.

   Confer with the public regarding project schedule, hazards and inconvenience.

   Coordinate work with other City departments and utilities.

   ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

   Prepare a variety of activity records and reports; maintain as-built notes for each set of plans.

   Evaluate and negotiate contract change orders related to construction.
Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Principles, methods, materials, equipment and safety hazards of constructions inspection.
- Defects and faults in construction.
- Basic mathematics including algebra, geometry, and trigonometry.
- Basic soil mechanics and geology.
- Materials sampling and estimate procedures.
- Engineering mechanics of structures.
- Applicable laws, regulations, codes and departmental policies governing the construction of assigned projects.

Ability to:

- Understand and interpret engineering plans and specifications and prepare accurate reports.
- Detect and locate faulty materials and workmanship and determine the stage of construction during which defects are most easily found and remedied.
- Address issues from contractors, engineers, and members of the public in an assertive and tactful manner.
- Establish and maintain cooperative working relationships with those contacted in the course of work.
- Communicate clearly and concisely, both orally and in writing.

Ability to: (Continued)

- Use basic computer software programs.
- Occasionally perform medium lifting of objects up to 50 lbs.

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:

Training:
Equivalent to an Associate of Arts degree from an accredited college with major course work in civil engineering, construction technology or a related field.

Experience:

Two years of increasingly responsible experience performing construction inspection in a variety of public works or related construction projects, such as preparing daily reports, monitoring change order work, evaluating material testing results, preparing correction notices and obtaining corrective action, and preparing monthly progress payments.

License or Certificate

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

WORKING CONDITIONS

Environmental Conditions:

Office and field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operate motorized equipment and vehicles; occasionally lifting and carrying up to fifty (50) lbs.
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 perform semi-skilled work in servicing gasoline or diesel powered automotive, heavy construction and other power-driven equipment including the maintenance and minor repair of a variety of City equipment.

DISTINGUISHING CHARACTERISTICS

Equipment Service Worker I — This is the entry level class in the Equipment Service Worker series. This class is distinguished from the Equipment Service Worker II by the performance of the more routine tasks and duties assigned to positions within the series including the routine maintenance of a variety of city vehicles. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Equipment Service Worker II — This is the full journey level class within the Equipment Service Worker series. Employees within this class are distinguished from the Equipment Service Worker I by the performance of the full range of duties as assigned including the maintenance and minor repair of a variety of City vehicles. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

SUPERVISION RECEIVED AND EXERCISED

Receives immediate supervision from higher level supervisory and management staff.

EXAMPLES OF DUTIES — Duties may include, but are not limited to, the following:

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

Fuel, grease and lubricate automobiles, trucks and heavy automotive equipment; service batteries and other parts.

Perform safety inspections on vehicles and equipment; perform routine repair work and reports safety and other priority repair work to supervisor.

Change and repair tires and install and service batteries, spark plugs, light bulbs, fan belts and other simple mechanical parts.

Service automotive equipment with gasoline fuel and oil; keep records of amounts used, assist in general maintenance and cleanliness of automotive shop area.

Perform service calls; make temporary repairs, pick up and deliver vehicles to outside garage; pick up parts; road test vehicles to insure proper operation.

Assist other mechanics in the performance of advanced mechanical repairs as required.

Requisition, issue, pick-up, and deliver automotive equipment parts and supplies.

Steam clean and wash motorized equipment.

Sweep and vacuum car interiors.

Wash windows, tighten body bolts, sweep, wash and otherwise keep shop and equipment in a clean and orderly condition.

Assist Equipment Mechanic as required.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Equipment Service Worker I

Knowledge of:
Tools and materials used in repair and adjustment of automotive equipment.

Knowledge of: (Continued)
Lubricating systems and oils, greases and attachments used in lubricating automotive and related equipment.

Less-complex components of automotive equipment.

Safe work practices.

Basic computer skills.

Procedures used in repair and adjustment of automotive equipment.

Common automotive parts and supplies.
Ability to:

Demonstrate a high degree of mechanical aptitude.
Perform heavy manual labor including lifting and carrying heavy equipment.
Understand and follow oral and written instructions.
Keep simple records.
Learn to service automotive and heavy equipment according to City procedures.

Work independently with minimal supervision.
Perform minor mechanical work on City owned motor sweepers equipment.
Use a variety of tools and equipment with skill.
Maintain shop and repair records.
Establish and maintain cooperative-working relationships with those contacted in the course of work.
Perform manual labor including heavy lifting and carrying up to 100 lbs.

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 increasingly responsible experience performing related automotive servicing work is desirable.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver’s license. Possession of a valid Class B California driver’s license is required within 45 days of appointment. Failure to obtain the license within this period shall be grounds for release from probation.

Special Requirements:

Possession of a complete set of mechanic hand tools through 1-1/4” and tool box.

In addition to the requirements for Equipment Service Worker I:
QUALIFICATIONS

Knowledge of:

Procedures used in repair and adjustment of automotive equipment

Common automotive parts and supplies

Ability to:

Perform minor mechanical work on City-owned motor sweepers.

Use a variety of tools and equipment with skill.

Maintain shop and repair records.

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

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:

Six months of responsible equipment maintenance experience equivalent that of a Service Worker I.

WORKING CONDITIONS

Environmental Conditions:

Field environment, travel from site to site, exposure to hot and cold temperatures, inclement weather, hazards of confined spaces and other hazardous materials.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for heavy lifting up to 100 pounds, walking, standing, bending, stooping and crawling for prolonged periods of time; operating motorized equipment and vehicles.

Work Assignment:

This classification is subject to a variety of shifts, including nights and weekends as well as rotating shifts periodically.
DEFINITION

To lead Heavy Equipment Mechanics in the maintenance and repair of the City's transit buses and other gas and diesel powered vehicles; and to personally make the most complex mechanical repairs.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level Equipment Maintenance staff.

Exercises functional and technical supervision over lower level equipment maintenance staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

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

**Essential Functions:**

Lead, train and assist journey level and semi-skilled mechanics; assign work to mechanics; assist the Fleet Maintenance Supervisor in the day-to-day supervision activities.

Inspect, diagnose, and locate mechanical difficulties on City transit buses, and a variety of other diesel and gasoline powered equipment as required.

Weld, fabricate and assemble parts and equipment for City transit buses; weld, braze, cut shape and fasten metal parts; fabricate and weld vehicle frames, chassis, and exhaust systems.

Use welding equipment, drill presses, lathes, grinders and a large assortment of other power and hand tools and measurement instruments required for journey level fabrication work.

**Essential Functions: (Continued)**

Overhaul, repair, and adjust engines, transmissions, differentials, valves and air and hydraulic systems.

Tune up engines, replacing electrical and electronic parts and cleaning and adjusting fuel injection systems.

Replace or repair faulty parts including wheel bearings, oil seals, shock absorbers, exhaust systems, steering mechanisms, and related parts and equipment.

Diagnose and repair such components as generators, alternators, distributors, relays, lights and switches.
Maintain and repair air conditioning and climate systems.

Diagnose and repair wheelchair lifts and coin collection equipment.

Make roadside repairs as required.

Assist in the purchasing of equipment maintenance parts and materials.

Maintain work, time, and material records.

Perform smog certification on City-owned vehicles.

Diagnose and repair various electronic and computer controlled devices.

Diagnose and repair emissions systems.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Tools, equipment, and procedures used in the overhaul, repair, and adjustment of transit buses and other gas and diesel powered equipment.

Operation and care of internal combustion engines and hydraulic equipment.

Methods, materials, equipment and tools used in welding and fabrication work.

Operating and repair characteristics of City transit buses.

Safe work practices.

Principles of personnel supervision and training.

Basic computer skills.

Computers and electronics in vehicle applications.

Ability to:

Lead and train skilled and semi-skilled mechanics.

Perform skilled welding and fabrication work.

Perform minor and major mechanical work on mechanical equipment.

Use a variety of tools, testers and equipment with skill.

Maintain a variety of shop and repair records.

Understand and operate a computerized Fleet Management System.

Understand and carry out oral and written directions.
Perform journey level equipment mechanical work including the troubleshooting of equipment for both major and minor repair work.

Work independently in the absence of supervision.

**Perform heavy manual labor including occasional lifting and carrying up to 100 lbs.**

Accurately determine mechanical repair needs and estimate the cost and time of repairs.

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

**EXPERIENCE AND TRAINING GUIDELINES**

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

**Experience:**

Four years of increasingly responsible experience performing automotive and *heavy* equipment maintenance and repair duties comparable to those of a Coach Heavy Equipment Mechanic.

**Training:**

Equivalent to completion of the twelfth grade and specialized training in the maintenance and repair of gas and diesel powered equipment.

**License or Certificate**

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

Possession of a valid Class B California driver's license is required within 45 days of appointment. Failure to obtain the license within this period shall be grounds for release from probation.

Possession of, or ability to obtain, an appropriate, valid Vehicle Inspection Pollution Controls license.

In compliance with Environmental Protection Agency (EPA) regulations, possession of an appropriate Motor Vehicle Air Conditioning Certification is required within one year of appointment. Failure to obtain this certification within this period shall be grounds for release from probation.

Possession of Certification from the National Institute for Automotive Service Excellent (ASE) in at least four (4) areas in heavy-duty class within one year of appointment. **Failure to obtain this certification**
within this period shall be grounds for release from probation.

**Special Requirements**

Possession of a complete set of mechanic hand tools through 1-1/2" and toolbox.

**WORKING CONDITIONS**

**Environmental Conditions:**

Field environment, travel from site to site, exposure to hot and cold temperatures, inclement weather, hazards of confined spaces and other hazardous materials.

**Physical Conditions:**

Essential and marginal functions may require maintaining physical condition necessary for heavy lifting up to 100 pounds, walking, standing, bending, stooping and crawling for prolonged periods of time; operating motorized equipment and vehicles.

**Work Assignment:**

This classification is subject to a variety of shifts, including nights and weekends, as well as rotating shifts periodically.
HEAVY EQUIPMENT MECHANIC

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 maintain and make minor and major repairs to the City's transit buses and other gas and diesel powered vehicles.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level Equipment Maintenance staff.

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

Essential Functions:

Inspect, diagnose, and locate mechanical difficulties on City transit buses, and a variety of other diesel and gasoline powered equipment as required.

Weld, fabricate and assemble parts and equipment for City transit buses; weld, braze, cut shape and fasten metal parts; fabricate and weld vehicle frames, chassis, and exhaust systems.

Use welding equipment, drill presses, lathes, grinders and a large assortment of other power and hand tools and measurement instruments required for journey level fabrication work.

Overhaul, repair, and adjust engines, transmissions, differentials, valves and air and hydraulic systems.

Tune up engines, replacing electrical and electronic parts and cleaning and adjusting fuel injection systems.

Replace or repair faulty parts including wheel bearings, clutches, or oil seals, shock absorbers, exhaust systems, steering mechanisms, and related parts and equipment.

Diagnose and repair such components as generators, alternators, distributors, relays, lights and switches.

Maintain and repair air conditioning and climate systems.

Diagnose and repair wheel chair lifts, and coin collection equipment.

Essential Functions: (Continued)

Make roadside repairs as required.

Maintain work, time, and material records.

Diagnose and repair various electronic and computer controlled devices.
Diagnose and repair emissions systems.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Tools, equipment, and procedures used in the overhaul, repair, and adjustment of transit buses and other gas and diesel powered equipment.

Operation and care of internal combustion engines and hydraulic equipment.

Methods, materials, equipment and tools used in welding and fabrication work.

Operating and repair characteristics of City transit buses.

Safe work practices.

Computers and electronics in vehicle applications.

Ability to:

Perform skilled welding and fabrication work.

Perform minor and major mechanical work on mechanical equipment.

Use a variety of tools, testers and equipment with skill.

Maintain a variety of shop and repair records.

Understand and operate a computerized Fleet Management System.

Ability to: (Continued)

Understand and carry out oral and written directions.

Perform journey level equipment mechanical work including the troubleshooting of equipment for both major and minor repair work.

Work independently in the absence of supervision.

Accurately determine appropriate repair needs and estimate the cost and time of repairs.

Perform heavy manual labor including occasional lifting and carrying up to 100 lbs.

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

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:**

Three years of increasingly responsible experience performing automotive and heavy equipment maintenance and repair duties.

**Training:**

Equivalent to completion of the twelfth grade and specialized training in the maintenance and repair of gas and diesel powered equipment.

**License or Certificate:**

Possession of, or ability to obtain, an appropriate, valid California driver's license. Must obtain. Possession of a valid Class B California driver's license is required within 45 days of appointment. Failure to obtain the license within this period shall be grounds for release from probation.

Possession of, or ability to obtain, an appropriate, valid Vehicle Inspection Pollution Controls license.

**License or Certificate:** (Continued)

In compliance with Environmental Protection Agency (EPA) regulations, possession of an appropriate Motor Vehicle Air Conditioning Certification is required within one year of appointment. Failure to obtain this certification within this period shall be grounds for release from probation.

Possession of Certification from the National Institute for Automotive Service Excellence (ASE) in at least three (3) areas in heavy-duty class is required within one year of appointment. Failure to obtain this certification within this period shall be grounds for release from probation.

**Special Requirements:**

Possession of a complete set of mechanic hand tools through 1-1/2" and toolbox.

**WORKING CONDITIONS**

**Environmental Conditions:**

Field environment, travel from site to site, exposure to hot and cold temperatures, inclement weather, hazards of confined spaces and other hazardous materials.

**Physical Conditions:**

Essential and marginal functions may require maintaining physical condition necessary for heavy lifting up to 100 pounds, walking, standing, bending, stooping and crawling for prolonged periods of time; operating motorized equipment and vehicles.
Work Assignment:

This classification is subject to a variety of shifts, including nights and weekends as well as rotating shifts periodically.
SUPERVISING CONSTRUCTION INSPECTOR

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 inspect workmanship and materials used in a variety of public works projects; to ensure conformance with plans, specifications and Departmental regulations; and to provide technical assistance and training to other inspection staff.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Senior Civil Engineer assigned to Construction Administration.

Exercises direct supervision including both technical and functional supervision over assigned staff.

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

   Essential Functions:

   Plan, prioritize, assign, supervise and review the work of staff involved in construction inspection.

   Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

   Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on operations and activities.

   Participate in budget preparation and administration; prepare cost estimates for budget recommendations; monitor and control expenditures.

   Resolve work problems and interpret administrative policies to subordinates, other departments, consultants, contractors and the public.
Essential Functions: (Continued)

Participate in the most complex inspections of various structures and major construction projects for conformance with specifications and regulations; check line, grade, size, elevation and location of structures.

Monitor traffic control problems at construction site and coordinate corrections if necessary.

Record amounts of materials used and work performed; prepare and review necessary reports for progress payments.

Review plans and specifications of assigned project; attend and conduct pre-construction conferences as necessary.

Inspect materials for identification as conforming to specifications.

Evaluate and negotiate contract change orders related to construction.

Perform a variety of field tests.

Observe work during progress and upon completion; monitor contractor workforce for adequate staffing levels.

Inspect adjacent properties for damage from construction activity.

Confer with the public regarding project schedule, hazards and inconvenience.

Coordinate work with other City departments and utilities.

Prepare a variety of activity records and reports; maintain as-built notes for each set of plans.

Marginal Functions:

Perform related duties as assigned.
QUALIFICATIONS

Knowledge of:

- Principles, methods, materials, equipment and safety hazards of construction inspection.
- Defects and faults in construction.
- Basic mathematics including algebra, geometry, and trigonometry.
- Basic soil mechanics and geology.
- Materials sampling and estimating procedures.
- Engineering mechanics of structures.
- Applicable laws, regulations, codes and departmental policies governing the construction of assigned projects.

Ability to:

- Understand and interpret engineering plans and specifications and prepare accurate reports.
- Detect and locate faulty materials and workmanship and determine the stage of construction during which defects are most easily found and remedied.
- Address issues from contractors, engineers, and members of the public in an assertive and tactful manner.
- Establish and maintain cooperative working relationships with those contacted in the course of work.
- Communicate clearly and concisely, both orally and in writing.
- Use basic computer software programs.
- Perform medium lifting up to 50 lbs.
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:

Training:

Equivalent to an Associate of Arts degree from an accredited college with major course work in civil engineering, construction technology or a related field.

Experience:

Four years of increasingly responsible experience performing a variety of public works or related construction inspection work. One year of the required experience must be in a lead or supervisory capacity.

License or Certificate

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

WORKING CONDITIONS

Environmental Conditions:

Office and field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operate motorized equipment and vehicles; occasionally lifting and carrying up to fifty (50) pounds.
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-614

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO REVISE THE JOB SPECIFICATIONS OF CONSTRUCTION INSPECTOR AND HEAVY EQUIPMENT MECHANIC; TO CHANGE THE TITLE OF EQUIPMENT SERVICE WORKER II TO EQUIPMENT SERVICE TECHNICIAN; TO CHANGE THE TITLE OF COACH MECHANIC CREWLEADER TO HEAVY EQUIPMENT MECHANIC CREWLEADER AND TO DELETE THE CLASSIFICATION OF EQUIPMENT SERVICE WORKER I.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 95-26,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," attached to Resolution No. 95-26, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes effective November 23, 2004," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" revises the job specifications for Construction Inspector and Heavy Equipment Mechanic; changes the title of Equipment Service Worker II to Equipment Service Technician remaining at salary range 114; changes the title of Coach Mechanic Crewleader to Heavy Equipment Mechanic Crewleader remaining at salary range 126; and deletes the classification of Equipment Service Worker I.
SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 23, 2004.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]  
MICHAEL D. MILICH, City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
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<tbody>
<tr>
<td>101</td>
<td>Custodian I</td>
</tr>
<tr>
<td>103</td>
<td>Administrative Office Assistant I</td>
</tr>
<tr>
<td>104</td>
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<td>107</td>
<td>Administrative Office Assistant II</td>
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<td></td>
<td>Custodian II</td>
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<td>Police Clerk I</td>
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<td>109</td>
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</tr>
<tr>
<td>110</td>
<td>Animal Control Officer I</td>
</tr>
<tr>
<td></td>
<td>Security Officer</td>
</tr>
<tr>
<td></td>
<td>Maintenance Worker I</td>
</tr>
<tr>
<td>111</td>
<td>Account Clerk</td>
</tr>
<tr>
<td></td>
<td>Administrative Office Assistant III</td>
</tr>
<tr>
<td></td>
<td>Police Clerk II</td>
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<tr>
<td>112</td>
<td></td>
</tr>
<tr>
<td>113</td>
<td>Administrative Technician</td>
</tr>
<tr>
<td></td>
<td>Computer Operator</td>
</tr>
<tr>
<td></td>
<td>Drafting and Graphics Technician</td>
</tr>
<tr>
<td>114</td>
<td>Electrical Technician I</td>
</tr>
<tr>
<td></td>
<td><strong>Equipment Service Technician</strong></td>
</tr>
<tr>
<td></td>
<td>Evidence and Property Specialist</td>
</tr>
<tr>
<td></td>
<td>Maintenance Worker II</td>
</tr>
<tr>
<td></td>
<td>Production Technician</td>
</tr>
<tr>
<td></td>
<td>Storeskeeper</td>
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</tbody>
</table>

Exhibit "A"
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 115   | Accounting Technician  
       | Administrative Services Technician I  
       | Animal Control Officer II  
       | Code Enforcement Officer I  
       | Community Service Officer I  
       | Senior Administrative Office Assistant  
       | Wastewater Treatment Plant Attendant |
| 116   | Equipment Operator  
       | Fire Prevention Technician I  
       | Motor Sweeper Operator  
       | Traffic Operations Technician  
       | Used Oil Coordinator  
       | Wastewater Collection System Operator  
       | Water Distribution System Operator |
| 117   | Electrical Technician II |
| 118   | Fleet Procurement Specialist  
       | Parking Lot Maintenance Crewleader  
       | Parks Crewleader  
       | Recreation Coordinator  
       | Senior Storeskeeper  
       | Tree Trimmer |
| 119   | Administrative Services Technician II  
       | Assistant Buyer  
       | Building Maintenance Mechanic  
       | Civil Engineering Technician I  
       | Code Enforcement Officer II  
       | Community Service Officer II  
       | Maintenance Mechanic – Parks  
       | Maintenance Mechanic – Pumps  
       | Public Information Technician  
<pre><code>   | Wastewater Treatment Plant Operator |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 120   | Accountant I  
|       | Assistant Electrician  
|       | Equipment Mechanic  
|       | Fire Prevention Technician II  
|       | Laboratory Analyst I  
|       | Senior Equipment Operator  
|       | Traffic Painter Crewleader  
|       | Water Resource Specialist I  
|       | Welder/Fabricator |
| 121   | Wastewater Treatment Plant Relief Operator |
| 122   | **Heavy Equipment Mechanic**  
|       | Cross Connection Specialist  
|       | Fire Equipment Mechanic  
|       | Law Enforcement Academy Recruit  
|       | Tree Trimmer Crewleader  
|       | Water Conservation Specialist |
| 123   | Airport Maintenance Crewleader  
|       | Civil Engineering Technician II  
|       | Identification Technician I  
|       | Maintenance Mechanic Crewleader – Parks |
| 124   | Community Development Program Specialist I  
|       | Environmental Compliance Inspector I  
|       | Equipment Mechanic Crewleader  
|       | Laboratory Analyst II  
|       | Operation and Maintenance Crewleader  
|       | Planning Assistant  
|       | Plant Mechanic  
|       | Water Resource Specialist II |
| 125   | Crime Analyst |
| 126   | Building Inspector I  
|       | Electrician  
|       | **Heavy Equipment Mechanic Crewleader**  
|       | Housing Financial Specialist  
<p>|       | Housing Rehabilitation Specialist I |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 127   | Civil Engineering Assistant  
       | Identification Technician II  
       | Senior Fire Equipment Mechanic |
| 128   | Community Development Program Specialist II  
       | Environmental Compliance Inspector II  
       | Instrument Repair Technician  
       | Senior Wastewater Treatment Plant Operator |
| 129   | Building Inspector II  
       | Construction Inspector |
| 130   | Housing Rehabilitation Specialist II  
       | Project Coordinator |
| 131   | Senior Civil Engineering Assistant |
| 132   | Senior Environmental Compliance Inspector |
| 133   | | |
| 134   | Deputy Fire Marshal  
       | Plan Review Engineer  
       | Senior Building Inspector  
       | Senior Construction Inspector |
A RESOLUTION AMENDING EXHIBIT “A” OF RESOLUTION NO. 2003-178 (MODESTO CONFIDENTIAL AND MANAGEMENT ASSOCIATION MEMORANDUM OF UNDERSTANDING) TO AMEND THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO REVISE THE CLASSIFICATION OF SUPERVISING CONSTRUCTION INSPECTOR.

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

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2003-178. (MCMA Memorandum of Understanding), Resolution No. 2003-178 effective April 8, 2003, is hereby amended as shown on the amended Exhibit “A” entitled “City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective November 23, 2004, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit “A” revises the job specification for Supervising Construction Inspector remaining at Range 442.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after November 23, 2004.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 23rd day of November, 2004, by Councilmember
Jackman, who moved its adoption, which motion being duly seconded by
Councilmember Keating, was upon roll call carried and the resolution adopted by the
following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR (City Clerk)

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>403</td>
<td>Administrative Office Assistant I (Confidential)</td>
</tr>
</tbody>
</table>
| 407   | Administrative Clerk II (Confidential)  
|       | Administrative Office Assistant II (Confidential) |
| 408   |       |
| 409   |       |
| 410   |       |
| 411   | Administrative Office Assistant III (Confidential)  
|       | Police Clerk II (Confidential) |
| 412   |       |
| 413   | Administrative Technician (Confidential) |
| 414   |       |
| 415   | Senior Administrative Office Assistant (Confidential)  
|       | Secretary |
| 416   |       |
| 417   |       |
| 418   | Legal Secretary  
|       | Systems Technician I |
| 419   | Public Information Technician (Confidential) |
| 420   | Accountant I (Confidential)  
|       | Deputy City Clerk  
|       | Employee Benefits Coordinator  
|       | Executive Secretary (Represented)  
|       | Legal Services Technician |
| 421   |       |

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

Exhibit “A”

S:\Resos\2004 Resos\2004-600 to 699\2004-615 Exhibit.doc
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 432   | Communications Specialist  
      | Customer Services Supervisor  
      | Neighborhood Preservation Supervisor  
      | Operations and Maintenance Supervisor  
      | Recreation Supervisor II  
      | Senior Accountant  
      | Water Quality Control Maintenance Supervisor  
      | Water Quality Control Operations Supervisor |
| 433   | Organizational Development Specialist |
| 434   | Assistant Civil Engineer  
      | Assistant Traffic Engineer  
      | Budget Analyst II  
      | Events Supervisor II  
      | Environmental Laboratory Supervisor  
      | Operations Supervisor  
      | Regulatory Compliance Supervisor  
      | SCADA Supervisor  
      | Senior Housing Rehabilitation Specialist  
      | Software Analyst II  
      | Systems Engineer I |
| 435   | Business Analyst  
      | Cultural Services Manager  
      | Integrated Waste Specialist  
      | Management Analyst  
      | Senior Personnel Analyst |
| 436   | Electrical Supervisor  
<pre><code>  | Senior Planner |
</code></pre>
<p>| 437   | |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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<tbody>
<tr>
<td>438</td>
<td>Budget Officer</td>
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<tr>
<td></td>
<td>Housing Program Supervisor</td>
</tr>
<tr>
<td></td>
<td>Land Surveyor</td>
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<td></td>
<td>Property Agent</td>
</tr>
<tr>
<td></td>
<td>Purchasing Supervisor</td>
</tr>
<tr>
<td></td>
<td>Senior Business Analyst</td>
</tr>
<tr>
<td></td>
<td>Software Analyst III</td>
</tr>
<tr>
<td></td>
<td>Systems Engineer II</td>
</tr>
<tr>
<td>439</td>
<td>Administrative Services Officer</td>
</tr>
<tr>
<td></td>
<td>Community Facilities Districts Administrative Officer</td>
</tr>
<tr>
<td>440</td>
<td>Associate Civil Engineer</td>
</tr>
<tr>
<td></td>
<td>Associate Traffic Engineer</td>
</tr>
<tr>
<td></td>
<td>Transportation Planner</td>
</tr>
<tr>
<td>441</td>
<td>Airport Manager</td>
</tr>
<tr>
<td></td>
<td>Building Maintenance Superintendent</td>
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<td></td>
<td>Fire Marshal</td>
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<tr>
<td></td>
<td>Fleet Manager</td>
</tr>
<tr>
<td></td>
<td>Housing and Urban Development Manager</td>
</tr>
<tr>
<td></td>
<td>Parks Operations Superintendent</td>
</tr>
<tr>
<td></td>
<td>Parks Planning and Development Manager</td>
</tr>
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<td></td>
<td>Recreation Superintendent</td>
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<td>Solid Waste Program Manager</td>
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<td>Streets Engineer</td>
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<td>Transit Manager</td>
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<td></td>
<td>Urban Forestry Superintendent</td>
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<td></td>
<td>Wastewater Collections Superintendent</td>
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<td></td>
<td>Water Superintendent</td>
</tr>
<tr>
<td>442</td>
<td>Customer Services Division Manager</td>
</tr>
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<td></td>
<td>Manager of Budget and Financial Analysis</td>
</tr>
<tr>
<td></td>
<td>Software Analyst IV</td>
</tr>
<tr>
<td></td>
<td>Supervising Building Inspector</td>
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<tr>
<td></td>
<td><strong>Supervising Construction Inspector</strong></td>
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<tr>
<td></td>
<td>Systems Engineer III</td>
</tr>
<tr>
<td>443</td>
<td></td>
</tr>
<tr>
<td>444</td>
<td>Deputy Chief Building Official</td>
</tr>
<tr>
<td></td>
<td>Principal Planner</td>
</tr>
</tbody>
</table>

Exhibit "A"
<table>
<thead>
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<th>TITLE</th>
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</thead>
<tbody>
<tr>
<td>445</td>
<td>Accounting Division Manager</td>
</tr>
<tr>
<td>446</td>
<td>Water Quality Control Superintendent Information Technology Unit Manager</td>
</tr>
<tr>
<td>447</td>
<td>Business Development Division Manager</td>
</tr>
<tr>
<td></td>
<td>Chief Building Official</td>
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<tr>
<td></td>
<td>Planning Division Manager</td>
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<tr>
<td></td>
<td>Senior Civil Engineer</td>
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<td></td>
<td>Traffic Engineer</td>
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<td>448</td>
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<td>453</td>
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<td>455</td>
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Exhibit "A"
A RESOLUTION AMENDING THE 2004-2005 BUDGET TO RECOGNIZE AND APPROPRIATE NEW SAFE ROUTE TO SCHOOL (SR2S) GRANT REVENUES OF $166,500, FOR FISCAL YEAR 2004-2005

WHEREAS, SR2S funds are awarded statewide by the State of California through a competitive process, and

WHEREAS, City staff submitted applications to Caltrans in March 2004, for SR2S funding, and

WHEREAS, our number two priority project to construct curb, gutter, sidewalk, and street lighting on California Avenue near Mark Twain Jr. High School was selected by Caltrans, and

WHEREAS, the City’s match for the SR2S project is $18,500 which is budgeted in Account No. 2300-160-Q206, “New Traffic Control Devices,” and

WHEREAS, this improvement project will benefit the students of Mark Twain Jr. High School, as well as the residents in the area, at a minimal cost to the City, and

WHEREAS, this project will add $185,000 in infrastructure improvements at a cost of $18,500 to the City,

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 new Safe Route to School (SR2S) grant revenues of $166,500,

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 23rd day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, CITY ATTORNEY
A RESOLUTION AMENDING THE 2004-2005 CAPITAL IMPROVEMENT PROGRAM (CIP) TO INCLUDE A SAFE ROUTE TO SCHOOL (SR2S)-FUNDED CIP PROJECT

WHEREAS, City staff submitted applications to Caltrans in March 2004, for SR2S funding, and

WHEREAS, on October 29, 2004, the City received notification of its fiscal year 2004-2005 SR2S award which totals $166,500, and

WHEREAS, SR2S funds may be used to fund up to 90% of covered project costs, and

WHEREAS, the City’s match requirement is 10%, and

WHEREAS, acceptance and appropriation of the SR2S funding 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 Federal funds available to enhance safety near schools,

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 a Safe Routes to School (SR2S)-funded CIP project,

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 23rd day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, CITY ATTORNEY
A RESOLUTION REJECTING THE LOW BID OF $71,040 FROM STEINY AND COMPANY, INC., FOR THE PROJECT TITLED, “SCENIC DRIVE LIGHTED CROSSWALK,” AUTHORIZING STAFF TO SOLICIT INFORMAL BIDS FOR THE EQUIPMENT AND CONSTRUCT THE IMPROVEMENTS WITH CITY CREWS

WHEREAS, this project will install a solar-powered lighted crosswalk and handicap ramps at the intersection of Scenic Drive and Wycliffe Drive, and

WHEREAS, this project will increase safety and encourage pedestrian use in this neighborhood, and

WHEREAS, after several neighborhood meetings and receiving feedback, the Economic Development Committee (EDC) at their May 12, 2003, meeting directed staff to leave the intersection status quo, and to install a lighted crosswalk east of Wycliffe Drive on Scenic Drive, embellish existing striping, replace existing signs with lime green signs, and to add advance signs, and

WHEREAS, this lighted crosswalk project was the preferred alternative of the neighborhood over a traffic signal at Scenic/Lakewood, and

WHEREAS, following the direction from EDC in May, 2003, and approval by Council, staff requested that StanCOG reappropriate the funding intended for a traffic signal at Scenic/Lakewood to be used for a lighted crosswalk at Scenic/Wycliffe, and

WHEREAS, staff received StanCOG’s approval of the fund change in January 2004, and

WHEREAS, at the June 3, 2003, Council meeting, staff reported to Council that they were proceeding with the installation of a lighted crosswalk at the intersection of Scenic Drive and Wycliffe Drive, and
WHEREAS, the project was advertised for three weeks during the month of June and bid opening was October 12, 2004, at 11:00 a.m., and

WHEREAS, Steiny and Company, Inc., was the low bidder and staff recommends rejecting the bid received due to the fact that this low bid is 116% over the engineer’s estimate, and

WHEREAS, there will be no impact to the operating budget if the low bid is rejected and staff is authorized to solicit informal bids for the equipment and to construct the improvements with City crews,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to reject the low bid of $71,040 from Steiny and Company, Inc., for the project titled, “Scenic Drive Lighted Crosswalk,”

BE IT FURTHER RESOLVED that City staff is hereby authorized to solicit informal bids for the equipment and to construct the improvements with City crews.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZABR, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, CITY ATTORNEY
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-619

A RESOLUTION ADOPTING THE INITIAL STUDY AND ADOPTING A FINDING THAT THE CITY COUNCIL HAS REVIEWED, CONSIDERED, AND MADE FINDINGS REGARDING THE CEQA ENVIRONMENTAL REVIEW DOCUMENT

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

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

WHEREAS, the Public Works Department, by Initial Study, E.A./E.T. 2004-02 reviewed the proposed "Lighted Crosswalk on Scenic Drive at Wycliffe Drive" project which determined that the proposed project is within the scope of the project covered by the Master EIR and that the project will have no additional significant effect on the environment that was not identified in the Master EIR; and further, that no new or additional mitigation measures or alternatives may be required, and

WHEREAS, on February 9, 2004, the Engineering and Transportation Department caused to be published public notification of the determination conferred in Initial Study EA/ET 2004-02, pursuant to Public Resources Code Section 21092, and
WHEREAS, said matter was considered by the City Council at a duly noticed meeting held on the 23rd day of November 2004, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study EA/ET 2004-02 prepared for the proposed Lighted Crosswalk on Scenic Drive at Wycliffe Drive project, a copy of which is attached hereto as Attachment “B”, and incorporated herein by referenced, and based on the substantial evidence included in said Initial Study makes the following findings:

A. The proposed lighted crosswalk project is within the scope of the City of Modesto General Plan Master EIR (SCH No. 1999082041), which analyzed the potential impacts of buildout of the Urban Area General Plan, including roadways in this area.

B. No additional significant environmental effects will occur as a result of the proposed lighted crosswalk project that were not previously examined in the General Plan Master EIR.

C. No new or additional mitigation measures or alternatives will be required as a result of the proposed lighted crosswalk project that were not previously considered in the General Plan Master EIR.

D. There are no specific features unique to the lighted crosswalk project that require specific mitigation measures. All certified mitigation measures identified in the General Plan MEIR will apply city wide, including this project, as appropriate.

E. This Initial Study, Environmental Assessment No. EA/ET 2004-02 provides substantial evidence to support findings A, B, C, and D above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Public Works Director is hereby authorized and directed to file a Notice of Approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
City of Modesto  
Initial Study  

Lighted Crosswalk  
On Scenic Drive at Wycliffe Drive  

E.A./E.T. No: 2004-02

I. PURPOSE

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

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

II. PROJECT DESCRIPTION

A. Project Title:

Lighted Crosswalk on Scenic Drive at Wycliffe Drive

B. Lead Agency Name and Address:

City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact Person, Address, and Phone Number:

Paul J. Horn, Engineering and Transportation Department, (209) 577-5294

D. Project Location:

Scenic Drive at Wycliffe Drive

E. Project Sponsor:

City of Modesto, P.O. Box 642, Modesto, CA 95353

F. General Plan Designation:

Redevelopment Planning District (RPD)
Installation of a Lighted crosswalk at Scenic Drive and Wycliffe Drive
E.A./E.T. No: 2004-02

G. Zoning:

Redevelopment Planning District (RPD)
Mixed Use (MU)

H. Description of Proposed Project:

This is an application to install a lighted crosswalk. To aid pedestrians south of Scenic Drive in crossing the City of Modesto is installing a lighted crosswalk at an existing marked crosswalk on Scenic Drive at Wycliffe Drive (see attached Map, Exhibit A).

All work will take place in existing City of Modesto right of ways.

I. Surrounding Land Uses:

The project is located primarily in a residential area.

J. Other Public Agencies Whose Approval is Required:

None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. Traffic and Circulation

The Lighted Crosswalk project will not result in a physical change to any existing land use. It is consistent with the General Plan designation for this site. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages V-1-1 through V-1-33) are, therefore, still valid.

B. Degradation of Air Quality

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

The Lighted Crosswalk project will not result in a physical change to any existing land use. The proposed use is consistent with the General Plan in land use and intensity, and the noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. Therefore, the project will not create additional significant effects, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages V-3-1 through V-3-22) are, therefore, still valid.

D. Loss of Productive Agricultural Land

The proposed Lighted Crosswalk is located in developed areas outside of productive agricultural land. Therefore, the project is consistent with the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages V-4-1 through V-4-12) and they are, therefore, still valid.

E. Increased Demand for Water Supplies

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

F. Increased Demand for Sanitary Sewer Services

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

G. Loss of Sensitive Wildlife and Plant Habitat

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

H. Disturbance of Archaeological and Historic Sites
Installation of a Lighted crosswalk at Scenic Drive and Wycliffe Drive
E.A./E.T. No: 2004-02

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

I. Drainage, Flooding and Water Quality

Because the project is consistent with the General Plan in land use and intensity, it will not present any new impacts to drainage, flooding and water quality that have not already been addressed in the MEIR. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages V-9-1 through V-9-13) are still valid.

J. Increased Demand for Storm Drainage

The project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages V-10-1 through V-10-16) are still valid.

K. Increased Demand for Parks and Open Space

The proposed improvements will not have an effect upon the parks or open space needs in the area over that anticipated in the Master EIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages V-11-1 through V-11-14) are, therefore, still valid.

L. Increased Demand for Schools

The proposed improvements will not create any additional demand for schools. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages V-12-1 through V-12-11) are still valid.
M. Increased Demand for Police Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for police services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages V-13-1 through V-13-7) are, therefore, still valid.

N. Increased Demand for Fire Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for fire services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages V-14-1 through V-14-9) are, therefore, still valid.

O. Generation of Solid Waste

This project will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages V-15-1 through V-15-10) are, therefore, still valid.

P. Generation of Hazardous Materials

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

Q. Landslides and Seismic Activity

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

R. Energy

This use will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages V-18-1 through V-18-7) are, therefore, still valid.
IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed lighted crosswalk project is within the scope of the General Plan Master EIR (SCH No. 1999082041), which analyzed the potential impacts of buildout of the Urban Area General Plan, including roadways in this area.

B. No additional significant environmental effects will occur as a result of the lighted crosswalk project that were not previously examined in the General Plan Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed lighted crosswalk project that were not previously considered in the General Plan Master EIR.

D. There are no specific features unique to the lighted crosswalk project that requires project specific mitigation measures. All certified mitigation measures identified in the MEIR would apply city wide, including this project as appropriate.

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

Signature:

Paul J. Hom
Associate Civil Engineer
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-620

A RESOLUTION REJECTING THE LOW BID OF $312,285 FROM BDS
CONSTRUCTION, INC., FOR THE PROJECT TITLED, "ENCINA AVENUE
ROUNDABOUT," AND AUTHORIZING STAFF TO REBID THE PROJECT

WHEREAS, BDS Construction, Inc., was the low bidder for the Encina Avenue
Roundabout project, and

WHEREAS, staff recommends rejecting the bid due to the fact the bid is 41%
over the engineer’s estimate, and

WHEREAS, many contractors were so busy that they did not bid on the project,
and

WHEREAS, staff intends to rebid the project in December, a month typically
more amenable to competitive prices, and

WHEREAS, staff also intends to include a dozen contractors that bid on three
roundabouts in Sacramento this year, and

WHEREAS, there will be no impact to the operating budget if the low bid is
rejected and the project re-advertised,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorizes staff to reject the low bid of $312,285 from BDS Construction,
Inc., for the project titled, “Encina Avenue Roundabout,” and authorizes staff to rebid the
project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, CITY ATTORNEY
A RESOLUTION ADOPTING AN INITIAL STUDY FOR THE PROJECT TITLED, "ENCINA AVENUE ROUNDABOUT," IN THE CITY OF MODESTO, AND ADOPTING A FINDING THAT THE CITY COUNCIL HAS REVIEWED, CONSIDERED, AND MADE FINDINGS REGARDING THE CEQA ENVIRONMENTAL REVIEW DOCUMENT

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

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

WHEREAS, the Public Works Department, by Initial Study, E.A./E.T. 2004-19 reviewed the proposed roundabout on Encina Avenue which determined that the proposed project is within the scope of the project covered by the Master EIR and that the project will have no additional significant effect on the environment that was not identified in the Master EIR; and further, that no new or additional mitigation measured or alternatives may be required, and

WHEREAS, on June 7, 2004, the Engineering and Transportation Department caused to be published notification of the determination conferred in Initial Study 2004-19, pursuant to Public Resources Code Section 21092, and
WHEREAS, said matter was considered by the City Council at a duly noticed meeting held on the 23rd day of November 2004, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study EA 2004-19 prepared for the proposed roundabout on Encina Avenue project, a copy of which is attached hereto as Attachment “B”, and incorporated herein by referenced, and based on the substantial evidence included in said Initial Study makes the following findings:

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

B. No additional significant environmental effects will occur as a result of the lighted crosswalk project that were not previously examined in the General Plan Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed lighted crosswalk project that were not previously considered in the General Plan Master EIR.

D. There are no specific features unique to the roundabout project that requires project specific mitigation measures. All certified mitigation measures identified in the MEIR would apply city wide, including this project as appropriate.

E. This Initial Study, Environmental Assessment No. EA 2004-19 provides substantial evidence to support findings A, B, C, and D above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Public Works Director is hereby authorized and directed to file a Notice of Approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 23rd day of November 2004, by Councilmember
Jackman, who moved its adoption, which motion being duly seconded by
Councilmember Keating, was upon roll call carried and the resolution adopted by the
following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, CITY ATTORNEY
I. PURPOSE

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

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

II. PROJECT DESCRIPTION

A. Project Title:

ENCINA AVENUE ROUNDBOUT IMPROVEMENTS

B. Lead Agency Name and Address:

City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact Person, Address, and Phone Number:

Paul J. Hom, Engineering and Transportation Department, (209) 577-5294

D. Project Location:

The City is proposing to connect a missing segment of Encina Avenue west of El Vista, install a roundabout at the intersection of Encina/Conejo, and install “speed cushions” throughout the neighborhood. All work will take place in existing City of Modesto right-of-way.

E. Project Sponsor:

City of Modesto, P.O. Box 642, Modesto, CA 95353

F. General Plan Designation:
Encina Avenue Roundabouts Improvement Project  
E.A./E.T. No: 2004-19

Redevelopment Planning District (RPD)  
Mixed Use (MU)

G. Zoning:

Redevelopment Planning District (RPD)  
Mixed Use (MU)

H. Description of Proposed Project:

The purpose of this project is to complete a missing portion of Encina Avenue and make improvements which will enhance the drivability of the neighborhood.

It includes the missing portion of Encina Avenue (approximately 300 ft), a roundabout at the intersection of Encina/Conejo, and the addition of speed cushions at key locations throughout the neighborhood. All work will take place in existing City of Modesto right of ways.

I. Surrounding Land Uses:

The projects are located in primarily residential areas adjacent to schools.

J. Other Public Agencies Whose Approval is Required:

None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. Traffic and Circulation

The Encina Avenue Roundabouts Improvement Project will not result in a physical change to any existing land use. It is consistent with the General Plan designation for this site. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages V-1-1 through V-1-33) are, therefore, still valid.

B. Degradation of Air Quality

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

C. Generation of Noise

The Encina Avenue Roundabouts Improvement Project will not result in a physical change to any existing land use. The proposed use is consistent with the General Plan in land use and intensity, and the noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. Therefore, the project will not create additional significant effects, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages V-3-1 through V-3-22) are, therefore, still valid.

D. Loss of Productive Agricultural Land

All work is located in developed areas outside of productive agricultural land. Therefore, the project is consistent with the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages V-4-1 through V-4-12) and they are, therefore, still valid.

E. Increased Demand for Water Supplies

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

F. Increased Demand for Sanitary Sewer Services

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

G. Loss of Sensitive Wildlife and Plant Habitat

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

H. Disturbance of Archaeological and Historic Sites

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

I. Drainage, Flooding and Water Quality

Because the project is consistent with the General Plan in land use and intensity, it will not present any new impacts to drainage, flooding and water quality that have not already been addressed in the MEIR. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages V-9-1 through V-9-13) are still valid.

J. Increased Demand for Storm Drainage

The project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages V-10-1 through V-10-16) are still valid.

K. Increased Demand for Parks and Open Space

The proposed improvements will not have an effect upon the parks or open space needs in the area over that anticipated in the Master EIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages V-11-1 through V-11-14) are, therefore, still valid.
L. Increased Demand for Schools

The proposed improvements will not create any additional demand for schools. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages V-12-1 through V-12-11) are still valid.

M. Increased Demand for Police Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for police services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages V-13-1 through V-13-7) are, therefore, still valid.

N. Increased Demand for Fire Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for fire services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages V-14-1 through V-14-9) are, therefore, still valid.

O. Generation of Solid Waste

This project will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages V-15-1 through V-15-10) are, therefore, still valid.

P. Generation of Hazardous Materials

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

Q. Landslides and Seismic Activity

This use will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages V-17-1 through V-17-12) are, therefore, still valid.
Encina Avenue Roundabouts Improvement Project
E.A./E.T. No: 2004-19

R. Energy

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

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed Encina Avenue Roundabouts Improvement Project is within the scope of the General Plan Master EIR (SCH No. 1999082041), which analyzed the potential impacts of buildout of the Urban Area General Plan, including roadways in this area.

B. No additional significant environmental effects will occur as a result of the Encina Avenue Roundabouts Improvement Project that were not previously examined in the General Plan Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed Encina Avenue Roundabouts Improvement Project that were not previously considered in the General Plan Master EIR.

D. There are no specific features unique to the Encina Avenue Roundabouts Improvement Project that requires project specific mitigation measures. All certified mitigation measures identified in the MEIR would apply city wide, including this project as appropriate.

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

Signature:

Paul J. Hom
Associate Traffic Engineer
Pursuant to Section 21092 of the California Environmental Quality Act (CEQA), the City of Modesto (City), acting as lead agency, has prepared an Initial Study for the proposed ENCINA AVENUE ROUNDBOUT IMPROVEMENTS ("Project"). The City is issuing public notice of the availability of the Initial Study and, pursuant to Section 15105 of CEQA, is providing an opportunity for public review and the submission of comments regarding the potential environmental effects related to implementation of this project.

**Project Description and Location** - The City is proposing to connect a missing segment of Encina Avenue west of EI Vista, install a roundabout at the intersection of Encina/Conejo, and install "speed cushions" throughout the neighborhood. All work will take place in existing City of Modesto right-of-way.

**Public Review Period** - The official public review period for the Initial Study will begin on June 14, 2004, and will close on June 21, 2004. Written comments should be forwarded to the following address on or before July 14, 2004: Paul Hom, City of Modesto, Traffic Division, Engineering & Transportation, P.O. Box 642, Modesto, CA 95353.

**Environmental Findings** - Based on the City's General Plan Master EIR (SCH#92052017) an Initial Study, EA No. 2004-19, was prepared, leading to a finding that the project is within the scope of the Master EIR per CEQA Section 21157.1 for the proposed project, which makes the following determination:

A. The proposed Encina Avenue Roundabout Improvements Project will have no new additional significant effect on the environment not addressed in the General Plan Master Environmental Impact Report (SCH#92052017).

B. No new or additional mitigation measures are required for the proposed Encina Avenue Roundabout Improvements Project.

C. The proposed Encina Avenue Roundabout Improvements Project is within the scope of the project covered by the General Plan Master Environmental Impact Report (SCH# 92052017).

D. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per Section 21157.1) for the Encina Avenue Roundabout Improvements Project.

E. There are no specific features unique to this proposed Encina Avenue Roundabout Improvements Project that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

F. The Initial Study provides substantial evidence to support findings “A, B, C, D, and E” above.

**Location Where Copies of the Initial Study and all Project Files are Available for Public Review** - Copies of the Initial Study for this project may be reviewed at 1010 Tenth Street, Suite 4100, Modesto, California, on weekdays during regular business hours between 8:00 a.m. and 5:00 p.m.

**Requests for Additional Information** – For further information about this Project and the Initial Study, please contact Paul Hom, at 209-577-5294.
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-622

A RESOLUTION AMENDING THE FISCAL YEAR 2004-05 BUDGET TO RECOGNIZE AND APPROPRIATE NEW CONGESTION MITIGATION AND AIR QUALITY (CMAQ) GRANT REVENUES OF $2,828,531 FOR FISCAL YEAR 2004-2005

WHEREAS, on May 27, 2003, Council approved the City’s application for Congestion Mitigation and Air Quality (CMAQ) grant funding, and

WHEREAS, CMAQ funds are awarded to the City by StanCOG and are dispersed both competitively and based upon population, and

WHEREAS, recently, the City received notification of its fiscal year 2004-2005 CMAQ award, which totals $2,828,531, and

WHEREAS, the City’s matching share for the CMAQ projects is $721,469 all of which is currently budgeted within existing CIP projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2004-2005 Annual Budget to recognize and appropriate new Congestion Mitigation and Air Quality (CMAQ) grant revenues of $2,828,531,

BE IT FURTHER RESOLVED that the Council hereby authorizes the Finance Director 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 23rd day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By:  
MICHAEL D. MILICH, CITY ATTORNEY
A RESOLUTION AMENDING THE 2004-2005 CAPITAL IMPROVEMENT PROGRAM (CIP) TO INCLUDE CMAQ-FUNDED CIP PROJECTS

WHEREAS, on May 27, 2003, Council approved the City’s application for Congestion Mitigation and Air Quality (CMAQ) grant funding, including competitive project submitted for funding, and

WHEREAS, CMAQ funds may be used to fund up to 88.53% of covered project costs, and

WHEREAS, the Economic Development Committee reviewed the CMAQ project applications and recommended Council approval, and

WHEREAS, acceptance and appropriation of the CMAQ funding requires amending the City’s CIP to include projects not included at the time the CIP was considered for adoption, and

WHEREAS, most of the new projects are classified as secondary projects and fall beneath primary projects already approved by Council, and

WHEREAS, primary projects serve as the budgetary control device within the CIP, and

WHEREAS, secondary projects are related projects, which fall beneath the primary project category,

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 CMAQ-funded CIP projects and authorizes the City Manager to move funds between secondary projects within a single primary project to include CMAQ-funded CIP projects.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 23rd day of November 2004, by Councilmember
Jackman, who moved its adoption, which motion being duly seconded by
Councilmember Keating, was upon roll call carried and the resolution adopted by the
following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, CITY ATTORNEY

11/23/04/PW/J Barnes/Item 13
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-624

A RESOLUTION ACCEPTING THE BID AND APPROVING A $58,585.00 CONTRACT WITH ON GRADE CONTRACTING, INC., FOR THE PROJECT TITLED, "SEWER EXTENSION TO 2336 SYLVAN AVENUE," AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE CONTRACT

WHEREAS, the bids received for SEWER EXTENSION TO 2336 SYLVAN AVENUE were opened at 11:00 a.m. on November 2, 2004, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of $58,585.00 received from On Grade Contracting, Inc., be accepted as the lowest responsible bid and the contract be awarded to On Grade Contracting, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of On Grade Contracting, Inc., in the amount of $58,585.00, and hereby awards On Grade Contracting, Inc., the contract titled "SEWER EXTENSION TO 2336 SYLVAN AVENUE."

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 23rd day of November 2004, by Councilmember
Jackman, who moved its adoption, which motion being duly seconded by
Councilmember Keating, was upon roll call carried and the resolution adopted by the
following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-625

A RESOLUTION APPROVING A CONSENT TO COMMON USE AGREEMENT WITH THE MODESTO IRRIGATION DISTRICT (MID) TO WIDEN AN EXISTING CANAL CROSSING AT DALE ROAD AND MID LATERAL NO. 6., AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, Kaiser Permanente plans to construct a new hospital along Dale Road adjacent to the Modesto Irrigation District Lateral No. 6 intersection, and

WHEREAS, Dale Road currently crosses the Modesto Irrigation District (MID) Lateral No. 6, and

WHEREAS, Dale Road is scheduled to be widened at the Bangs Avenue intersection as a Kaiser Hospital traffic mitigation measure, and

WHEREAS, prior to widening of the Dale Road crossing MID Lateral No. 6, the open lateral needs to be placed in underground pipes, and

WHEREAS, MID requires a Consent to Common Use Agreement prior to allowing construction of an expanded crossing facility within the District’s right-of-way,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement Consenting to Common Use with MID for improvements at Dale Road and MID Lateral No. 6.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By
MICHAELE D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004 - 626

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO ISSUE FORMAL REQUEST FOR BIDS (RFB) FOR ELECTRIC MOTOR REWINDING/REBUILDING SERVICES FOR AN INITIAL TWO-YEAR PERIOD, WITH THREE (3) ONE-YEAR CONTRACT EXTENSIONS FOR A TOTAL ESTIMATED ANNUAL COST OF $50,000.00

WHEREAS, the Public Works Department-Electrical Division has requested the purchase of electric motor rewinding/rebuilding services for an initial two-year period, with three (3) one-year contract extensions, and

WHEREAS, electric motor rewinding/rebuilding services are required because motors experience wear and failure in their normal operations, suffer bearing failure, electrical insulation failure and degradation, winding breaks or shorting, and physical damage, and

WHEREAS, electric motors are used to pump fresh water from wells or tanks, to pump sewage and storm water through the collection systems, and to pump wastewater through the Sutter and Jennings treatment facility’s, and

WHEREAS, electric motors are also used to move air through HVAC systems, operate conveyors, open and close roll up doors and gates, and in other numerous City applications, and

WHEREAS, staff uses rewinding/rebuilding services when these services are less than 60% of the motor replacement cost, and repairing/rebuilding a motor is often faster than replacement on large specialized motors, and

WHEREAS, motors are used in many processes including those processes needed to comply with state and federal permits and regulations such as the wastewater facility’s NPDES permits and water systems that meet Department of Health requirements, and
WHEREAS, other regulations are safety related such as ventilation to reduce heat or dangerous atmospheric situations in restricted areas such as pumping station dry wells, and others are convenience or security related to gate or door openers and elevators, and

WHEREAS, one major advantage for an electric motor rewind/rebuild contract is a stable, known price over a period of time, and

WHEREAS, the price of copper used in the manufacturer of motors is very volatile and can cause fluctuations in rewinding costs, and

WHEREAS, City staff is unable to perform this function due to lack of facilities and the fact that it is a very specialized, technical trade, and

WHEREAS, funding for electric motor rewinding/rebuilding is budgeted in account numbers: 6210-480-5212, 6280-480-5312-0223, 6210-480-5213-0223, 6210-480-5214-0223, and 6100-480-5013-0223, and

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

WHEREAS, by soliciting formal bids for the purchase of electric motor rewinding/rebuilding services for an initial two-year period, with three (3) one-year contract extension options for an estimated annual cost of $50,000.00, the Finance Department, Purchasing Division will comply with MMC Section 8-3.203 regarding formal bid procedures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Supervisor to solicit formal Request for Bids for
electric motor rewinding/rebuilding services for an initial two-year period, with three (3) one-year contract extensions options, for an estimated annual cost of $50,000 as follows:

SECTION 1. The City Clerk is hereby authorized to call for public formal bids for the purchase of electric motor rewinding/rebuilding services for an initial two-year period, with three (3) one-year contract extension options for an estimated annual cost of $50,000.00 to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the sealed bids are opened, they shall be tabulated and analyzed and a report submitted to Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: [Signature]

Michael D. Milich, City Attorney
A RESOLUTION RESCINDING ALL PREVIOUS WATER FEE RESOLUTIONS, 
ESTABLISHING A SINGLE RATE BASE, AND ESTABLISHING FEES FOR 
THE PROVISION OF WATER AND ALL FEES ASSOCIATED WITH WATER 
OPERATIONS AND MANAGEMENT.

WHEREAS, Section 11-1.04 of the Modesto Municipal Code authorizes 
the Council, by resolution, to establish charges for water service installation, and MMC 
Section 11-1.05 authorizes the Council, by resolution, to establish charges for water main 
connection charges, and MMC Section 11-6.05 authorizes the Council, by resolution, to 
establish charges for metered water services, and MMC Section 11-6.06 authorizes the 
Council, by resolution, to establish charges for unmetered water services, and 

WHEREAS, MMC Section 11-6.02 authorizes the Council, by resolution, 
to establish charges for deposits for utility services, and MMC Section 11-6.08 authorizes 
the Council, by resolution, to establish charges for use of fire hydrants, and 

WHEREAS, the City Council intends to rescind all previous resolutions 
specifying fees for the provision of water or for fees related to water operations and 
management, and to enact new fees therefore, and 

WHEREAS, the City Council has reviewed and approved the reports of 
rate-setting and engineering consultants, and based proposed water service fee increases 
on the recommendations of those reports, and 

WHEREAS, notice was provided to the City’s water ratepayers on 
October 8, 2004, of the water fee increases proposed, and a majority protest was not 
received by the close of the public hearing on November 23, 2004, all in accordance with 
Article XIII D, Section 6 of the California Constitution,

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

DEFINITIONS:
A. Connection Charge - A one-time prorata charge to be paid by or on behalf of a prospective ratepayer for facilities existing in, or planned to be added to the City water system, minus deficiencies (previously known as Water System Fee).

B. City Water System (“System”) - The City’s physical assets dedicated to the provision of water to the public for human consumption, including assets for the collection, treatment, pumping, storage and distribution of water under the control of the City’s operator.

C. Connection - The attachment of pipe facilities to the City water System for one or more water service uses.

D. Costs of Service - All costs appropriately borne by the entire rate base, calculated on a consumption basis to the extent practicable, and consisting of a fixed component, and a variable component including the distribution of estimated costs of service obligations allocated to the System by the City Council on a System-wide basis. Such costs shall exclude all capacity charges, and include all deficiency charges.

E. Deficiencies - Water facilities required by law or recommended by generally recognized authority as being necessary to the provision of a modern, safe, adequate, water system of the City’s size, with prudent reserves of quantity, pressure and transmission infrastructure to meet reasonably foreseeable contingencies that are absent from the City water System at any particular point in time.


G. Standard Billing Cycle - A standard period of time, usually consisting of one 28-35 day month commencing from date of initiation of water service, and continuing until water service termination. The Finance Director, or designee, shall have the authority to, from time to time, redefine the standard billing cycle to better fit the needs and requirements of the City.

H. Water Acquisition Costs - All direct and indirect costs to the City for water purchase, treatment and transmission to a connection with the System.
SECTION 1. WATER CHARGES BASED SOLELY ON COST OF SERVICES TO THE RATEPAYER. In accordance with law, the charge for all water delivered by the System shall be based solely on the cost of service to the ratepayer. Costs of service, in turn, shall consist of two components: fixed costs, such as those for billing, meter reading where applicable, and other general overhead, and variable costs, such as proportionate costs of the acquisition and transmission of water, removal of deficiencies, higher operating and maintenance costs apportioned to ratepayers with service demands requiring larger meters, and the costs of the commitment of the System to high-quality maintenance, and the provision of clean water at adequate pressure under all circumstances under the System’s control, or as mandated by agencies outside the City as elaborated more fully below.

The City Council has evaluated the costs of service, including the costs of correcting existing deficiency in its water System and of growth, and of underwriting certain commitments to its rate base on a System-wide basis. The City’s water utility is regional in nature, and its revenue requirements, or cash needs, have been attributed to the System as a whole. In certain cases, costs of only the engineering characteristics of the System may vary with a ratepayer’s location. Nevertheless the Council believes the cost of service exceeds asset costs, because the Council has committed to intangible service elements in addition to fixed asset costs. These are:

1. To provide high-quality maintenance at cost.
2. To plan for and provide adequate future supplies of water for the metropolitan area.
3. To act promptly to assure a clean water supply in light of the likelihood that unpredictable and possibly dramatic changes in the regulatory climate will occur.
4. To provide clean water at adequate pressures under all reasonable circumstances.

The Council is advised that some, or perhaps many, of the assets planned to insure its promises will be located geographically apart from existing System
components because different areas of a large regional System will have differing physical asset requirements through time. Thus, the primary benefit of the System to any individual ratepayer will be in the fulfillment of the Council's commitments, in contrast to the ratepayer's proximity to any specific existing or planned physical asset. In sum, the principal service of the System is and shall be the keeping of its commitments, not the geographical distribution of its physical components, or their physical effects on the water commodity those assets provide.

SECTION 2. COST OF DELIVERED WATER BASED ON QUANTITY USED IN BILLING CYCLE. It is the policy of the City of Modesto that all charges for water delivered by the System shall be determined by the quantity of water used in a standard billing cycle as determined from metered water usage for metered services, and estimated usage of unmetered (flat-rate) services, where services are metered and said meters are read for billing purposes. All estimated flat rate services will be a metered rate as services are converted and/or as funds become available.

SECTION 3. PAYMENT OF CONNECTION CHARGES. In the case of new subdivisions or parcel maps, this charge shall be paid at the time of filing the final subdivision or parcel map. If no parcel or subdivision map is required for the development of the property, then the fee shall be collected upon the issuance of the building permit.

SECTION 4. DEFICIENCY CHARGES. System modernization and improvement, as opposed strictly to expansion, benefits all of the rate base. Accordingly, the cost of removing deficiencies shall be borne by the entire rate base as a component of the variable cost per 100 cubic feet of delivered water.

SECTION 5. ALLOCATION OF WATER ACQUISITION AND TRANSMISSION COSTS. Water acquisition and transmission costs for the System are appropriately apportioned between existing deficiencies and growth requirements. Accordingly, an engineering determination has been made in the West Yost "Justification
and Cost Allocation for Proposed Water System Improvements Study", accepted by Council on September 14, 2004, that 74.2% of the City’s water acquisition costs be included in deficiency charges, and that the remaining 25.8% be attributed to growth, and apportioned to and collected in connection charges.

SECTION 6. DETERMINATION OF FIXED AND VOLUME BASED CHARGES FOR DELIVERY OF WATER TO RATEPAYERS. The charge for all water delivered through a metered service where the meters are read for billing purposes, as practical, and as determined by the Finance Director, or designee, with the concurrence of the Public Works Director after December 31, 2004, set forth in the Water Utility Cost of Service Rate Study prepared by Foresight Consulting, accepted by Council on September 14, 2004, shall be:

<table>
<thead>
<tr>
<th>Proposed Monthly Metered Water Rates (by meter size)</th>
<th>Year 1 1-Jan-05</th>
<th>Year 2 1-Jul-05</th>
<th>Year 3 1-Jul-06</th>
<th>Year 4 1-Jul-07</th>
<th>Year 5 1-Jul-08</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volume-based Rate ($/hcf)</td>
<td>$0.84</td>
<td>$1.01</td>
<td>$1.16</td>
<td>$1.22</td>
<td>$1.28</td>
</tr>
<tr>
<td>Fixed Monthly Meter Charge (in addition to volume-based charges)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5/8&quot;-3/4&quot; meter</td>
<td>$9.01</td>
<td>$10.82</td>
<td>$12.44</td>
<td>$13.06</td>
<td>$13.71</td>
</tr>
<tr>
<td>1&quot; meter</td>
<td>$12.78</td>
<td>$15.34</td>
<td>$17.64</td>
<td>$18.52</td>
<td>$19.45</td>
</tr>
<tr>
<td>1-1/2&quot; meter</td>
<td>$22.13</td>
<td>$26.55</td>
<td>$30.53</td>
<td>$32.06</td>
<td>$33.66</td>
</tr>
<tr>
<td>2&quot; meter</td>
<td>$33.38</td>
<td>$40.06</td>
<td>$46.06</td>
<td>$48.37</td>
<td>$50.79</td>
</tr>
<tr>
<td>3&quot; meter</td>
<td>$63.43</td>
<td>$76.12</td>
<td>$87.53</td>
<td>$91.91</td>
<td>$96.51</td>
</tr>
<tr>
<td>4&quot; meter</td>
<td>$97.19</td>
<td>$116.63</td>
<td>$134.13</td>
<td>$140.83</td>
<td>$147.88</td>
</tr>
<tr>
<td>6&quot; meter</td>
<td>$190.95</td>
<td>$229.14</td>
<td>$263.51</td>
<td>$276.68</td>
<td>$290.51</td>
</tr>
<tr>
<td>8&quot; meter</td>
<td>$303.49</td>
<td>$364.19</td>
<td>$418.82</td>
<td>$439.76</td>
<td>$461.75</td>
</tr>
<tr>
<td>10&quot; meter</td>
<td>$434.84</td>
<td>$521.80</td>
<td>$600.07</td>
<td>$630.08</td>
<td>$661.58</td>
</tr>
<tr>
<td>12&quot; meter</td>
<td>$809.95</td>
<td>$971.95</td>
<td>$1,117.74</td>
<td>$1,173.62</td>
<td>$1,232.31</td>
</tr>
</tbody>
</table>

hcf = Hundred cubic feet

The above listed fixed meter charges shall be charged to all ratepayers in every billing cycle. This fixed cost will be charged whether or not any water is actually used by a ratepayer in a given billing cycle until such time as water service is terminated by the customer.
The proposed rate increase(s) are based on currently available information. The actual bills are rounded and may be slightly different than listed above.

SECTION 7. CHARGES FOR UNMETERED WATER SERVICES.

The charge for all water delivered from an unmetered service after December 31, 2004, has been cost-estimated as closely as possible to average metered rates as follows: Until such time as the subject residential property is billed at a metered rate:

<table>
<thead>
<tr>
<th>Proposed Monthly SFR Flat Water Rates*</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Jan-05</td>
<td>$24.47</td>
<td>$29.36</td>
<td>$33.77</td>
<td>$35.45</td>
<td>$37.23</td>
</tr>
<tr>
<td>0-5,000 sq. ft. lot</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5,001-7,000 sq. ft. lot</td>
<td>$27.81</td>
<td>$33.37</td>
<td>$38.38</td>
<td>$40.30</td>
<td>$42.31</td>
</tr>
<tr>
<td>7,001-11,000 sq. ft. lot</td>
<td>$33.00</td>
<td>$39.60</td>
<td>$45.54</td>
<td>$47.82</td>
<td>$50.21</td>
</tr>
<tr>
<td>11,001-17,000 sq. ft. lot</td>
<td>$35.03</td>
<td>$42.04</td>
<td>$48.34</td>
<td>$50.76</td>
<td>$53.30</td>
</tr>
<tr>
<td>Over 17,000 sq. ft. lot</td>
<td>$41.19</td>
<td>$49.42</td>
<td>$56.84</td>
<td>$59.68</td>
<td>$62.66</td>
</tr>
</tbody>
</table>

SFR = Single Family Residential

* If a SFR property has a water meter that is read, then the appropriate Metered Water Rate will be used.

The proposed rate increase(s) are based on currently available information. The actual bills are rounded and may be slightly different than listed above.

When water service is turned on or off anytime between the beginning and end of a billing cycle, the amount charged to an unmetered (flat-rate) service shall be pro-rated.

SECTION 8. RESCISSION OF ALL PREVIOUS RESOLUTIONS RELATING TO WATER DELIVERY OR WATER OPERATIONS AND MANAGEMENT. All resolutions of the City Council setting any rates or fees whatsoever for the delivery of water, or for costs associated with operation or management of the water System, are hereby rescinded; except that water rates
established by the rescinded resolutions shall remain in effect until the rates established in this resolution take effect on January 1, 2005. This resolution shall be the sole basis for determining any water fee to be charged to a ratepayer or potential ratepayer, or paid on behalf of a potential ratepayer by the City on and after January 1, 2005.

SECTION 9. COST OF METERS AND INSTALLATION. The cost of meters and of meter installation and repair for existing ratepayers when this resolution is enacted has been included in the fixed cost assigned to the rate base for water consumption, since metering has been determined to benefit the rate base as a whole.

SECTION 10. CONNECTION FEES. The law requires that charges attributable purely to growth (new connections) be borne solely by those new connections. Accordingly, the planned infrastructure cost for deficiencies in the existing System, and for costs associated with new growth have been apportioned as follows: 74.2% attributable to existing deficiencies and 25.8% attributable to new growth. These percentages have been applied to anticipated capital costs on a going forward basis for the five-year period following the date of this resolution. Combined with the growth-induced component of water acquisition costs and the apportioned cost of "buying-into" the existing system, this will result in the establishment of connection charges. The connection fee study is incomplete at the date of this resolution. This resolution will be restated and amended to include appropriate charges when the City Council has accepted the subject report. Until then, existing connection fees are restated and made applicable to growth by Section 14 of this resolution.

SECTION 11. WATER DISCOUNT FOR LOW INCOME SENIOR CITIZENS AND LOW INCOME DISABLED. The law prohibits all such cross-category
subsidies requiring one ratepayer to subsidize the costs of another. Accordingly, the City Council may from time to time, by separate resolution, enact subsidies for certain categories of ratepayers, as the City Council may see fit, provided that the source(s) of funds to implement such subsidies are source(s) separate from the water enterprise fund.

SECTION 12. INFLATOR INDEX AND REASSESSMENT OF COST OF SERVICE. The costs of service set forth above shall be re-examined every two years by engineers, consultants, and professionals competent in the field. Such engineers, consultants and professionals shall provide a report to the City updating both fixed and volume based costs as appropriate and as recommended to the Council by the Finance Director and the Public Works Director. After June 30, 2009, the Finance Director, or designee, with the concurrence of the Public Works Director, shall have the authority, on an annual basis, to raise either fixed or variable costs, or both, as appropriate, by an amount not to exceed the percentage increase in the Consumer Price Index (CPI), Urban Wage Earners and Clerical Workers Series for the San Francisco CMSA, as prepared by the California Department of Finance Demographics Research Unit.

SECTION 13. WATER CHARGES FOR WATER USED DURING BUILDING CONSTRUCTION.

(a) The water service charge furnished to single-family residences, duplexes, and triplexes that are under construction will be a flat rate charge based on the formula below. This charge will be assessed and paid at the time of building permit issuance.

\[
\text{120 Day Residential Construction Water Rate:} \\
\text{Current Flat Rate for Smallest Lot Area} + \text{Current City Utility Tax} \times 4 \text{ months}
\]

(b) The water service charge specified in the first paragraph provides for water service for 120 days. Subsequent to that time, the water service fee shall be collected on a regular monthly billing based on
the full size of the lot unless the owners request the water to be turned off at the end of 120 days.

(c) In the event construction ceases before the building is completed, the water to the building site will be turned off unless the property owner has made arrangements for regular service.

(d) In the event a structure is occupied before final inspection of the structure, or water is used for other than normally required for construction, the water service charge will be made at the established rate for regular service.

(e) Charges for water services during the construction of apartments, commercial buildings, and industrial buildings will be at the regular metered water service charge.

SECTION 14. Fixed fees for all System operations and management services have been calculated and are hereby imposed as follows:

<table>
<thead>
<tr>
<th>FEE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deposit</td>
<td>Not to exceed 3 times the estimated average bill or 2 times the normal monthly bill.</td>
</tr>
<tr>
<td>Disconnect</td>
<td>$10.00</td>
</tr>
<tr>
<td>Reconnect</td>
<td>$10.00</td>
</tr>
<tr>
<td>Late Payment Penalty</td>
<td>$4.35</td>
</tr>
<tr>
<td>Returned Check</td>
<td>$10.00</td>
</tr>
<tr>
<td>Collection Agency</td>
<td>$16.50</td>
</tr>
<tr>
<td>Water Disconnection Notice (final notice mailed or doorhangers)</td>
<td>$10.00</td>
</tr>
<tr>
<td>Unauthorized Reconnect (illegal on)</td>
<td>$25.00</td>
</tr>
<tr>
<td>Lock Breakage/Lock Replacement</td>
<td>$75.00</td>
</tr>
<tr>
<td>Disconnect Waterline at Main for Non-payment (line cut)</td>
<td>$375.00</td>
</tr>
<tr>
<td>Connection Charge</td>
<td>$0.05 per sq. ft. of gross lot area</td>
</tr>
<tr>
<td>Water Main Installation Charge</td>
<td>$18.00 per lineal foot of lot frontage</td>
</tr>
<tr>
<td>Water Service Installation Charge</td>
<td></td>
</tr>
<tr>
<td>1&quot; Service</td>
<td>$1,108.00</td>
</tr>
<tr>
<td>1-1/2&quot; Service</td>
<td>$1,130.00</td>
</tr>
<tr>
<td>2&quot; Service</td>
<td>$1,156.00</td>
</tr>
<tr>
<td>4&quot; Service</td>
<td>$2,131.00</td>
</tr>
<tr>
<td>6&quot; Service</td>
<td>$2,131.00</td>
</tr>
<tr>
<td>8&quot; Service</td>
<td>$2,347.00</td>
</tr>
<tr>
<td>10&quot; Service or larger</td>
<td>At Cost</td>
</tr>
<tr>
<td>Water Meter Fee</td>
<td></td>
</tr>
<tr>
<td>-------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>1&quot; Meter/New Service - pedestrian lid</td>
<td>$115.00</td>
</tr>
<tr>
<td>1&quot; Meter/New Service - traffic lid</td>
<td>$176.00</td>
</tr>
<tr>
<td>1&quot; Meter/Retrofit Service - pedestrian lid</td>
<td>$520.00</td>
</tr>
<tr>
<td>1&quot; Meter/Retrofit Service - traffic lid</td>
<td>$600.00</td>
</tr>
<tr>
<td>1-1/2&quot; Meter with pedestrian lid</td>
<td>$484.00</td>
</tr>
<tr>
<td>1-1/2&quot; Meter with traffic lid</td>
<td>$545.00</td>
</tr>
<tr>
<td>2&quot; Meter with pedestrian lid</td>
<td>$520.00</td>
</tr>
<tr>
<td>2&quot; Meter with traffic lid</td>
<td>$582.00</td>
</tr>
<tr>
<td>4&quot; Meter</td>
<td>$1,820.00</td>
</tr>
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<td>$2,400.00</td>
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<td>$3,350.00</td>
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<tr>
<td>10&quot; Meter or larger</td>
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| Pavement                  | $439.00 for each trench |
| Parcel Reduction          | $37.00                 |
| Water Connection for Main extension | $2,820.00 |
| Reimbursement Agreement Preparation | $175.00 |
| Outside City Limits Agreement | $35.00    |
| Fire Hydrant Installation (each) | $2,635.00 |
| Fire Hydrant Line from Main per Lineal Foot | $3.00 |
| Pavement Replacement      | $439.00                |
| Fire Main Test            | $90.00                 |
| Deposit to Install Meter on Fire Hydrant for Construction Water | $500.00 |
| Fire Hydrant Meter Use Deposit | $500.00 |
| Fire Service Installation Inspection/Test | $90.00 |
| Install 4" Single Check Valve | $390.00 |
| Install 6" Single Check Valve | $479.00 |
| Install 8" Single Check Valve | $688.00 |
| Voluntary Installation of Fire Sprinklers, Apartments | 8.3% of normal charge |
| Voluntary Installation of Fire Sprinklers, SFD, Duplexes, Townhouses | $50.00 |

SECTION 15. This resolution shall become effective on and after January 1, 2005.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of November, 2004, by Councilmember Dunbar, who moved its adoption, having duly noted the failure of the rate base to protest under Sections 13C and 13D of the California constitution, 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, Mayor Ridenour

NOES: Councilmembers: O’Bryant

ABSENT: Councilmembers: None

ATTEST: _____________________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____________________________
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AMENDMENTS TO THE POLICY AGAINST HARASSMENT AND DISCRIMINATION AND THE COMPLAINT PROCEDURE FOR ALLEGED VIOLATIONS OF THAT POLICY TO SHIFT THE PRIMARY RESPONSIBILITY FOR FORMAL INVESTIGATIONS OF ALLEGED VIOLATIONS TO THE CITY ATTORNEY.

WHEREAS, upon the advice of outside counsel the City Council has determined that it is in the best interest of the City to amend the City’s Policy Against Harassment and Discrimination and the procedure for investigating violations of that policy to the City Attorney,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto Policy Against Harassment and Discrimination is hereby amended as set forth in Exhibit "A" and the City of Modesto Complaint Procedure in Violation of Policy Against Harassment and Discrimination is hereby amended as set forth in Exhibit "B".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST: JEAN ZAHR, City Clerk

12/07/04/City Atty/M Milich/Item 04 1 2004-628
CITY OF MODESTO
POLICY AGAINST HARASSMENT AND DISCRIMINATION

It is the policy of the City of Modesto that harassment is unacceptable and will not be tolerated. Further, it is the policy of the City of Modesto to treat its citizens, customers and employees with respect and dignity and to strive to provide a working environment free of discrimination and harassment. This policy applies to all employees, officials, agents and volunteers, and all non-employees who have contact with employees during working hours.

Any City employee who has been found, after an investigation, to have harassed another City employee, official, agent, volunteer, consultant or non-employee because of their race, color, ancestry, religion or creed, sex, national origin, marital status, age, physical or mental disability or perceived disability, medical condition, pregnancy-related condition, sexual orientation or political affiliation or belief will be subject to disciplinary action up to and including termination.

Definition of Harassment

Harassment based on a person’s race, color, ancestry, religion or creed, sex, national origin, marital status, age, mental or physical disability, or perceived disability, medical condition, pregnancy-related condition, sexual orientation, or political affiliation or belief can constitute a violation of Title VII of the Civil Rights Act, the California Fair Employment Act and/or the City of Modesto’s Equal Opportunity Policy. Harassment based on a person’s race, color, ancestry, religion or creed, sex, national origin, marital status, age, mental or physical disability, or perceived disability, medical condition, pregnancy-related condition, sexual orientation, or political affiliation or belief occurs when:

1. The focus and/or content of the harassing act is race, color, ancestry, religion or creed, sex, national origin, marital status, age, physical or mental disability or perceived disability, medical condition, pregnancy-related condition, sexual orientation or political affiliation or belief; and,
2. The harassing act tends to create an intimidating, oppressive, hostile or offensive working environment or tends to otherwise interfere with an individual’s emotional well being or ability to perform work.

Sexual harassment is a form of sex discrimination. It includes an unwelcome or unsolicited sexual advance, a request for sexual favors, and other verbal or physical conduct of a sexual nature, and can constitute a violation of Title VII of the Civil Rights Act, and Fair Employment Housing Act.

Conduct is considered sexual harassment when:

a. Submission is made an express or implied term or condition of employment; or
b. Submission to or rejection of the harassing act is used as a basis for employment or business decisions affecting an individual; or
c. Such conduct may have the purpose or effect of interfering with an individual’s work performance and/or may create an intimidating, hostile or otherwise offensive work or business environment.
Examples of Harassment

- Written examples include suggestive or obscene letters, notes, jokes, e-mails and invitations.
- Verbal examples include derogatory comments, slurs, jokes, and racial epithets.
- Physical examples include assault, touching, impeding or blocking movements.
- Visual examples include leering, gestures or displays of sexually suggestive objects or pictures, cartoons or posters.

Other examples include, but are not limited to, threats of reprisal, implying or actually withholding support for appointments, promotion or transfer, rejection during probation, punitive actions, changes of assignments, or suggesting that a poor performance report will be prepared if requests for sexual favors are not met.

The harassing act may be focused on an individual who is not physically present at the time, or who was present but did not actually see or hear the acts.

Retaliation

It is also a violation of this Policy for an employee to retaliate against the complainant(s), witness(es) or other parties to a complaint of discrimination or harassment. A verified allegation of retaliation will be treated the same as any other violation of this Policy and may result in action taken against the retaliator, even if the original complaint is not determined to have merit.

Responsibilities

1. Except as set forth below, the City Manager is responsible for enforcement of the City Policy Against Harassment and Discrimination.
2. The City Attorney designated Equal Opportunity Officer is responsible for ensuring that all complaints of harassment are investigated thoroughly and promptly, including presentation of recommendations for any necessary action to the City Manager, Department Director, or Supervisor.
3. Every Department Director is responsible for informing all employees of the City Policy Against Harassment and Discrimination and for taking the steps necessary to set a positive example in the prevention of harassment.
4. Every Supervisor is responsible for taking immediate and appropriate corrective action upon the observation of any incident of harassment or upon receipt of an oral or written report of any occurrence of harassment.
5. Every City Employee is responsible for reporting any act of harassment to the immediate Supervisor or Department Director, or the City Attorney.

Complaint Resolution Procedures

City employees shall report any act of harassment to their immediate Supervisor or Department Director, and to the City Attorney or to the City’s designated Equal Opportunity Officer or the Personnel Director. The City Attorney or Equal Opportunity Officer (or designee) will investigate and attempt resolution of harassment complaints in accordance with the City’s Complaint Process as outlined in Exhibit B to the City’s Equal Opportunity Plan.
CITY OF MODESTO
COMPLAINT PROCEDURE
VIOLATION OF POLICY AGAINST HARASSMENT AND DISCRIMINATION

1. **Intent** - Any person who feels that he/she has encountered discrimination and/or harassment is encouraged to come forward and present that information. All complaints are kept confidential to the extent permitted by law. However, it should be noted that when a supervisor or other management employee is made aware of a situation of potential harassment or discrimination, he/she is required to take steps to verify whether or not the discrimination/harassment occurred and to take whatever action is necessary to correct the situation. A prompt and appropriate investigation may require disclosure of the allegations, the person making the allegations and may necessitate the use of other parties to assist in the investigation.

It is the intent of this procedure to provide an effective means for resolving individual or group problems of a sensitive nature quickly and with a minimum of formal procedural requirements.

2. **Scope** - This procedure should be used for perceived discrimination or harassment based on age (40 and over), ancestry, color, mental or physical disability including HIV and AIDS or perceived disability, marital status, medical condition (cancer and genetic characteristics), pregnancy-related condition, national origin, race, religion or creed, sex, sexual orientation or political affiliation or belief.

3. **Limitations** - This procedure for resolving complaints of discrimination and harassment is not intended to supplant or prohibit employees or applicants from filing complaints with the federal Equal Employment Opportunity Commission (EEOC), the state Department of Fair Employment and Housing (DFEH), other appropriate state or federal agencies, or with the courts.

**PROCEDURE:**

The procedure for reporting incidents of discrimination or harassment is meant to be as flexible as possible. It is the goal that complaints be resolved informally, if possible. If informal resolution is not achieved, then a process for formal resolution is provided.

a) Complainants should come forward as soon as possible after an incident of harassment or discrimination. Generally, an issue or concern should be raised no later than 30 days from the date the complainant knew or should have known about the incident.

b) Complainants have the option of contacting their immediate supervisor for assistance or contacting the City Attorney designated Equal Opportunity Officer or the Personnel Director. If an employee goes directly to a supervisor, the supervisor should notify the City Attorney designated Equal Opportunity Officer that he/she has received the complaint. This can be done informally and confidentially.

c) Depending on the nature of the complaint, the supervisor may refer the complaint immediately to the City Attorney so that a formal investigation be conducted. Alternatively, the supervisor may conduct an informal investigation or may recommend
an alternative means of dispute resolution. If the complainant declines the informal or alternative process, a formal investigation by the City Attorney will be initiated.

d) The City Attorney supervisor, designated Equal Opportunity Officer or other investigator should begin a confidential investigation of the complaint as soon as possible. A reasonable time line to begin an internal investigation would be two-five (2-5) working days, depending on employees' work schedules.

e) The complainant should be assured that the matter will be kept confidential to the extent possible, but be advised that a full investigation will include advising the alleged discriminator/harasser of the charges and interviewing witnesses. The alleged discriminator/harasser should be cautioned that DFEH, EEOC and this Policy prohibit any retaliation against the complainant, witnesses or other parties to the complaint. A verified allegation of retaliation will be treated as a violation of this policy and the City may take action against the retaliator, even if the original complaint is not determined to have merit.

f) The investigation may include witness interviews, review of documents or materials and discussions with the complainant and the alleged discriminator/harasser. Witnesses shall be directed to maintain confidentiality during the investigation and shall be admonished not to engage in retaliation against either the complainant or alleged discriminator/harasser.

g) The investigation should be completed in a timely manner. If the investigation will require greater than 30 days, the investigator or department shall notify the complainant of the status of the investigation and anticipated completion date.

h) The investigator will prepare a written report including a finding related to each allegation. The complainant and the alleged discriminator/harasser shall be notified of the findings.

i) If the investigator finds that discrimination or harassment has occurred, the department management, in consultation with the City Attorney and the designated Equal Opportunity Officer or Personnel Director, shall determine what remedial action is appropriate. Remedial action may include but is not limited to coaching the responsible employee, training, a record of discussion, written reprimand, or formal discipline.

j) If the complainant has first taken their complaint to a supervisor and is not satisfied with the supervisor's or department's timeliness or efforts, he/she may then contact the City Attorney and designated Equal Opportunity Officer or Personnel Director. He/she should notify the department that this is being done. If the supervisor or department cannot effect conciliation and negotiation within a reasonable amount of time, the complainant should contact the City Attorney designated Equal Opportunity Officer. The City Attorney designated Equal Opportunity Officer may assist the department in completing the investigation or in identifying an alternate investigator to complete the confidential investigation and come to a resolution.

k) The complainant should be notified that he/she has the right to file a complaint with the federal Equal Employment Opportunity Commission (EEOC) or the state Department of
Fair Employment and Housing (DFEH) or other appropriate state or federal agency or the court.

1) Complaints against the City Attorney shall be made to and investigated by the City Manager in a manner consistent with this procedure who shall report his/her findings to the City Council who shall determine the appropriate remedial action.

WHEREAS, on Tuesday, November 2, 2004, a Special Municipal Election was held in the City of Modesto (herein called “City”) of Stanislaus County to submit to the qualified electors in the City of Modesto an advisory measure, as follows:

1. Measure “D” relating to the “Robertson Road Infill Area” sewer service extension, and

WHEREAS, said election was held on Tuesday, November 2, 2004, in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined and declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said special municipal election in accordance with law and certified the results of the election to the Council by a Certificate Of Canvass And Statement of Vote dated November 30, 2004, a copy of which is attached hereto marked Exhibit “A” and made a part hereof.

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

SECTION 1. Said canvass by the City Clerk as shown on said Certificate of Canvass and Statement of Vote and the results of the election are hereby ratified, confirmed and approved.
SECTION 2. That in accordance with Sections 15374 of the Elections Code, a copy of said Certificate of Canvass and Statement of Vote, which is attached hereto marked as Exhibit “A” and made a part hereof, shows a complete tabulation of the following:

(a) The whole number of votes cast in the City.
(b) The number of votes given in the City for Measure D.

SECTION 3. The following votes were cast for Measure D:

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<tr>
<th>Measure</th>
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<th>Total Votes Against</th>
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<tbody>
<tr>
<td>Measure D</td>
<td>36,532</td>
<td>21,436</td>
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</table>

**Measure D.** A majority of all of the votes cast at the election on Measure D were in favor of said “Robertson Road Infill Area” Sewer Service Extension, and said Measure carried and was approved and was ratified by a majority of the qualified voters voting on Measure D.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:  
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: MIKE MILICH, City Attorney
STATEMENT OF VOTE
OF
STANISLAUS COUNTY
STATE OF CALIFORNIA
CAST AT THE
PRESIDENTIAL GENERAL ELECTION
HELD
TUESDAY, NOVEMBER 2, 2004

State of California

ss
County of Stanislaus

I, LEE LUNDRIAGA, County Clerk Recorder of the above named county, do hereby certify, in pursuance of the provisions of Section 15301 of the Elections Code, that the within is a true and correct statement of result of the votes cast in this county at the Presidential General Election held on Tuesday November 2, 2004 as determined by the official canvass of the returns of the said election.

Witness my hand and seal, this 22nd day of November 2004.

LEE LUNDRIAGA
County Clerk Recorder / Registrar of Voters
### STANISLAUS COUNTY, CALIFORNIA
### GENERAL ELECTION
### NOVEMBER 2, 2004
### DISTRICT CANVASS
### PRINTED 11/29/04, 09:20 AM

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### DISTRICT CANVAS

#### STANISLAUS COUNTY, CALIFORNIA

#### GENERAL ELECTION

**NOVEMBER 2, 2004**

**PRINTED 11/29/04, 09:26 AM**

**OFFICIAL RESULTS**

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## District Canvass

**Stanislaus County, California**

**General Election**

**November 2, 2004**

### Official Results

Page 170

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### Grand Totals

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A RESOLUTION APPROVING SEWER SERVICE TO THE ROBERTSON ROAD NEIGHBORHOOD.

WHEREAS, City owns, operates and maintains a sewer district which is designated and intended to serve residents and businesses located in the greater Modesto area, and

WHEREAS, there exists an unincorporated County island within the City limits which is commonly known as the Robertson Road Neighborhood, and

WHEREAS, County has requested that City sewer district provide sewer service to the infill area, and

WHEREAS, City and County entered into a Public Improvement Agreement in July, 2004, which provides, among other things, that City will consider providing sewer service to the Robertson Road Neighborhood after first holding an advisory election pursuant to the Modesto Citizens Advisory Growth Management Act, commonly known as Measure A and the Modesto Citizens Advisory Growth Management Act of 1995, commonly known as Measure M, and

WHEREAS, said advisory election was held on November 2, 2004, and

WHEREAS, the results of such advisory election were that a majority of the voters of Modesto approved of providing sewer service to the Robertson Road Area.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves of providing sewer service to the Robertson Road Infill Area pursuant to the terms and conditions of the Public Improvement Agreement entered into between the City and the County in July, 2004, a copy of which is attached hereto and incorporated by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

12/07/04/City Atty/M Milich/Item 07 2 2004-630
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-631

A RESOLUTION SUPPORTING THE GREAT VALLEY CENTER ROUTE 99 CORRIDOR IMPROVEMENT GUIDE

WHEREAS, the Great Valley Center is a regional nonprofit organization working to make California’s Central Valley a better place to live by supporting organizations and activities that promote the economic, social, and environmental well-being of the region, and

WHEREAS, the Highway 99 Task Force is an integral part of the Great Valley Center and specifically, a collaborative effort composed of business, community, and government leaders from jurisdictions throughout the San Joaquin Valley, focused on the improvement of the Route 99 Corridor from Kern County through the San Joaquin Valley communities, and

WHEREAS, Scenic California is also an integral part of the Great Valley Center with the mission of promoting and carrying out programs that protect the natural beauty of the environment, landscapes and streetscapes, historical and cultural resources, and enhancement of scenic approaches and settings to cities, counties, and towns, and

WHEREAS, Highway 99 is a key economic and transportation corridor of the San Joaquin Valley, and

WHEREAS, Highway 99 represents a common thread of history and culture to the people and communities from Kern County through the San Joaquin Valley, and

WHEREAS, the Highway 99 Task Force has composed a written “Route 99 Corridor Improvement Guide” which, among other things, identifies practical guidance to communities attempting to improve the Route 99 Corridor,
NOW, THEREFORE, incorporating the above recitals herein, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. That the Modesto City Council appreciates the dedication and efforts of the individuals, companies, and other groups which comprise the Great Valley Center, the Highway 99 Task Force, and the Scenic California organization and their combined efforts to enhance Highway 99 and our community.

2. That the Modesto City Council recognizes the significance of promoting and beautifying Highway 99.

3. That the Modesto City Council supports the concepts contained in the written “Route 99 Corridor Improvement Guide”, published May 2004/Version 1.0.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: 
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-632

A RESOLUTION GRANTING A CAPITAL FACILITY FEE CREDIT IN THE AMOUNT OF $3,819 FOR ELWYN AND MARY HEINEN FOR THEIR PREVIOUSLY DEMOLISHED UNIT

WHEREAS, previously, the City granted capital facility fee, CFF, credits for buildings that previously existed,

WHEREAS, Elywn and Mary Heinen had previously received a fee credit from the City of Modesto in 1995 for a demolished home,

WHEREAS, Elwyn and Mary Heinen were told by the City of Modesto, and the City’s software supports that a fee credit is owed,

NOW, THEREFORE, BE IT RESOLVED that a fee credit in the amount of $3,819 be granted to Elwyn and Mary Heinen.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
RESOLUTION NO. 2004-633

A RESOLUTION APPROVING THE DELAY OF CONSIDERATION FOR FY 05-06 SUPPLEMENTAL BUDGET REQUESTS UNTIL FINANCIAL REPORTING FOR FY 04-05 IS COMPLETE.

WHEREAS, supplemental budget requests have historically been developed and reviewed by the City Council during the operating budget development process, and

WHEREAS, this process does not provide for a complete accounting of the prior year’s financial status, and

WHEREAS, by delaying the review of these requests the City Council will have access to better financial data in their decision-making process, and

WHEREAS, at its meeting of November 15, 2004, the Finance Committee approved delaying the review of these supplemental budget requests,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the delay of FY 05-06 supplemental budget requests until the completion of FY 04-05 financial reporting.

BE IT FURTHER RESOLVED that City staff is hereby authorized to make the necessary scheduling changes to implement this budget policy.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 7th day of December, 2004, by Councilmember
Jackman, who moved its adoption, which motion being duly seconded by
Councilmember Dunbar, was upon roll call carried and the resolution adopted by the
following vote:

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

ATTEST: ____________________________
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: ________________________________
MICHAEL D. MILICH, City Attorney

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

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the Roberti-Z’Berg-Harris Urbanized Area Need-Basis Program for grants and the grant Project shown above within the State, setting up necessary procedures, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby:

1. Approves the filing of an Application for local assistance funds from the Roberti-Z’Berg-Harris Urbanized Area Need-Basis Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002; and
2. Certifies that the Applicant has or will have sufficient funds to operate and maintain the Project; and Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and

3. Certifies that the Grantee has or will have available, prior to commencement of any work on the Project, the required Match; and

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest: __________________________
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: __________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-635

A RESOLUTION APPROVING AN AGREEMENT WITH THE STANISLAUS COMMUNITY FOUNDATION TO ACT AS THE CITY'S FISCAL AGENT FOR ACCEPTANCE OF ENDOWMENTS AND GIFTS FOR OPEN SPACE DEVELOPMENT AND PROGRAM ACTIVITIES, AND AUTHORIZING THE ACTING CITY MANAGER TO SIGN THE AGREEMENT.

WHEREAS, on February 25, 2003, the City Council by Resolution No. 2003-95 accepted the Parks, Recreation and Neighborhoods Department’s first Fund Development Report, and

WHEREAS, as part of City Council Resolution No. 2003-95, staff was directed to negotiate an agreement with the Stanislaus Community Foundation to allow the Parks, Recreation and Neighborhoods Department to be eligible for grants for which government agencies are not eligible, and

WHEREAS, the Stanislaus Community Foundation is a 501(c)(3) nonprofit organization governed by a board of private citizens chosen to represent the public interest, and

WHEREAS, the Stanislaus Community Foundation will be a vehicle for acceptance of endowments and gifts for open space development and program activities, and

WHEREAS, the Stanislaus Community Foundation will provide a means to invest and manage gifts for park and recreation purposes, and

WHEREAS, this item was considered and supported at the August 11, 2004, Finance Committee meeting,
NOW, THEREFORE, BE IT RESOLVED that the City Council of Modesto hereby approves an agreement with the Stanislaus Community Foundation, for the Foundation to act as the City’s fiscal agent for acceptance of endowments and gifts for open space development and program activities.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to sign the agreement with the Stanislaus Community Foundation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION TO SUPPLEMENT MILITARY PAY AND CONTINUE HEALTH INSURANCE FOR UP TO TWENTY-FOUR (24) MONTHS FOR EMPLOYEES CALLED TO ACTIVE DUTY FOR NATIONAL DEFENSE BEFORE JANUARY 1, 2007.

WHEREAS, in the wake of the September 11th terrorist attack on America,

Four (4) City employees have already been called into active duty, and

WHEREAS, on November 20, 2001, the City Council adopted Resolution 2001-592 extending pay and benefits for twelve (12) months for Reservists called into active military duty, and

WHEREAS, on January 7, 2003, the City Council adopted Resolution 2003-3 extending pay and benefits for months two (2) through twenty-four (24) for Reservists called into active military duty, to sunset on January 1, 2005, and

WHEREAS, the City now desires to extend the benefit of supplementing military pay and continuing health insurance for employees called to active duty for up to twenty-four (24) months, and

WHEREAS, the City has identified 12 regular City employees who are Reservists and who could be called into active duty, and

WHEREAS, the Modesto Police Officers’ Association supports the City’s efforts to continue to provide additional salary and health benefits to activated employees, and

WHEREAS, on November 22, 2004, the Council Finance Committee voted unanimously to recommend approval of this action to the full City Council,

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City will pay the difference between an employee’s base City salary and the employee’s military
pay including all military allowances and/or premiums (if the base City salary exceeds the military pay).

BE IT FURTHER RESOLVED, that the City will pay the same contribution towards an employee’s health, dental and vision premiums for an employee called into active duty that it was paying at the time the employee was called up, excluding in-lieu deferred compensation payments.

BE IT FURTHER RESOLVED, the City will continue the benefits outlined in this Resolution for up to twenty-four (24) months for employees remaining in active duty and called into such duty before January 1, 2007.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE PERSONNEL DIRECTOR TO SOLICIT INFORMAL BIDS FOR A PROFESSIONAL SERVICES CONTRACT TO CONDUCT CLASSIFICATION STUDIES

WHEREAS, the Personnel Director has been delegated the authority, by the City Manager, to establish and maintain a Position Classification Plan, and

WHEREAS, this responsibility is summarized in Personnel Rule 2, and

WHEREAS, part of the responsibility of maintaining a Position Classification Plan includes review of positions whose duties have changed substantially, resulting in allocating these positions to appropriate classes, and

WHEREAS, the Personnel Department has received approximately eleven (11) employee or Employee Association requests for classification reviews which have not been initiated, and

WHEREAS, it is the desire of the City to conduct these reviews in a timely manner, and

NOW, THEREFORE, BE IT RESOLVED by the City Council that it hereby authorizes the Personnel Director to solicit informal proposals for a Professional Services Contract to conduct previously identified classification studies received on, or before, November 15, 2004.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-638

A RESOLUTION AMENDING THE FISCAL YEAR 04-05 GENERAL FUND OPERATING BUDGET TO TRANSFER $25,000 FROM THE GENERAL FUND RESERVE TO THE PERSONNEL DEPARTMENT’S OPERATING BUDGET, PROFESSIONAL SERVICES ACCOUNT.

WHEREAS, the Personnel Department has received approximately eleven (11) employee or Employee Association requests for classification reviews which have not been initiated, and

WHEREAS, it is the desire of the City to conduct these reviews in a timely manner, and

WHEREAS the City Council has authorized the Personnel Director to solicit informal proposals for a Professional Services Contract to conduct previously identified classification studies received on, or before, November 15, 2004, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 04-05 General Fund operating budget for the Personnel Department is hereby amended to transfer $25,000 from the General Fund Reserve (0100-800-8000-8003) to the Personnel Department’s operating budget, professional services account (0100-030-0301-0235), to fund these classification studies.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  Mayor Ridenour

APPROVED AS TO FORM:

By:  

MICHAEL D. MILICH, City Attorney

Attest:  
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-639

A RESOLUTION APPROVING THE REOPENING OF CAPITAL IMPROVEMENT PROGRAM PROJECTS CLOSED IN ERROR AND AMENDING THE ADOPTED BUDGET FOR FISCAL YEAR 2004-2005 TO RE-APPROPRIATE FUNDING TO THE CLOSED PROJECTS.

WHEREAS, staff from the Public Works Department was asked to identify existing capital improvement projects that were completed and ready to close, and

WHEREAS, during that process four projects were inadvertently closed by the Finance Department, and

WHEREAS, these four projects are still under construction and still have outstanding work to be completed, as well as staff charges and invoices yet to be received and charged against these project accounts, and

WHEREAS, until all of these expenses are accounted for and reconciled, and the contracts complete and the encumbrances closed, these projects cannot and should not be closed, and

WHEREAS, funding for the aforementioned projects was approved for appropriation in previous years by the City Council, and

WHEREAS, within these individual projects the appropriated funding is now tied to encumbrances wherein the City has entered into a contract with a particular contractor and/or grant provider, and to which the City is obligated to fulfill the terms of said contract and/or grant, and

WHEREAS, in order to fulfill these contractual obligations the projects need to be re-opened and the funds remaining in them at the time they were closed need to be reinstated so that they may be completed and finalized, and
WHEREAS, at its meeting of November 22, 2004, the Finance Committee approved this request to re-open these projects and to amend the budget to re-appropriate funds to these projects and further recommended approval to Council,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto, that the following capital improvement program projects be reopened:

1. 0520-160-N045 – Virginia Corridor Safe Routes to School - $58,991
2. 1410-430-A014 - Hatch Road Improvements at Dallas Street Intersection - $35,574
3. 1410-480-M278 – Pelandale Ave Interchange Widening/Highway 99 - $1,329,990
4. 6320-440-N559 – Emergency Airfield Generator - $9,948,

BE IT FURTHER RESOLVED that City staff is hereby authorized to make the necessary amendments, as identified above, to the budget in coordination with the Finance Department to re-appropriate funds to these projects.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Bryan

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest: Jean Zahn, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION AWARDING BID AND APPROVING A $396,810
CONSTRUCTION CONTRACT WITH COLLINS ELECTRICAL FOR THE
PROJECT ENTITLED "TRAFFIC SIGNAL MODIFICATIONS AT 7
LOCATIONS"

WHEREAS, the bids received for the "Traffic Signal Modifications at 7
Locations" project were opened at 11:00 a.m., on October 12, 2004, and later tabulated
by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of $396,810
received from Collins Electrical be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that is hereby accepts the bid of Collins Electrical in the amount of $396,810, and hereby
awards Collins Electrical the contract for "Traffic Signal Modifications at 7 Locations."

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is
hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-641

A RESOLUTION ADOPTING THE INITIAL STUDY AND ADOPTING A FINDING THAT THE CITY COUNCIL HAS REVIEWED, CONSIDERED, AND MADE FINDINGS REGARDING THE CEQA ENVIRONMENTAL REVIEW DOCUMENT

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

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

WHEREAS, the Public Works Department, by Initial Study, E.A./E.T. 2003-25 reviewed the proposed Traffic Signal Modifications at 7 Locations" which determined that the proposed project is within the scope of the project covered by the Master EIR and that the project will have no additional significant effect on the environment that was not identified in the Master EIR; and further, that no new or additional mitigation measures or alternatives may be required, and

WHEREAS, on September 5, 2003, the Engineering and Transportation Department caused to be published notification of the determination conferred in Initial Study 2003-25, pursuant to Public Resources Code Section 21092, and
WHEREAS, said matter was considered by the City Council at a duly noticed meeting held on the 7th day of December 2004, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study EA 2003-25 prepared for the proposed “Traffic Signal Modifications at 7 Locations” project, a copy of which is attached hereto as Attachment “B”, and incorporated herein by referenced, and based on the substantial evidence included in said Initial Study makes the following findings:

A. The proposed “Traffic Signal Modifications at 7 Locations” project is within the scope of the General Plan Master EIR (SCH No. 1999082041), which analyzed the potential impacts of buildout of the Urban Area General Plan, including roadways in this area.

B. No additional significant environmental effects will occur as a result of the “Traffic Signal Modifications at 7 Locations” project that were not previously examined in the General Plan Master EIR.

C. No new or additional mitigation measures or alternatives will be required as a result of the proposed “Traffic Signal Modifications at 7 Locations” project that were not previously considered in the General Plan Master EIR.

D. There are no specific features unique to the “Traffic Signal Modifications at 7 Locations” project that require specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project, as appropriate.

E. This Initial Study, Environmental Assessment No. EA 2003-25 provides substantial evidence to support findings A, B, C, and D above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Public Works Director is hereby authorized and directed to file a Notice of Approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Jackman, Keating, Marsh, O'Byrant

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
City of Modesto
Initial Study

REWIRE 8 TRAFFIC SIGNALS PHASE II
10th & G, 11th & G, 12th & G, 14th & G, 17th & G, Burney & G, 19th & H, and
Briggsmore Avenue & Oakdale Road
Intersection Improvements
E.A./E.T. No: 2003-25

I. PURPOSE

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

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

II. PROJECT DESCRIPTION

A. Project Title:
Rewire 8 Traffic Signals Phase II

B. Lead Agency Name and Address:
City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact Person, Address, and Phone Number:
Paul J. Hom, Engineering and Transportation Department, (209) 577-5294

D. Project Location:
10th & G Streets, 11th & G Streets, 12th & G Streets, 14th & G Streets, 17th & G Streets, Burney & G Streets, 19th & H Streets, Briggsmore Avenue & Oakdale Road

E. Project Sponsor:
City of Modesto, P.O. Box 642, Modesto, CA 95353
Rewire 8 Traffic Signals Phase II
E.A./E.T. No: 2003-25

F. General Plan Designation:

Redevelopment Planning District (RPD)
Mixed Use (MU)

G. Zoning:

Redevelopment Planning District (RPD)
Mixed Use (MU)

H. Description of Proposed Project:

This is an application to rewire 8 existing traffic signals. The existing signal cable has deteriorated to the point where it must now be replaced. The project will also include new conduit at various locations as needed for the ease of rewiring the intersection. It will also include certain pedestrian ADA improvements. All work will take place in existing City of Modesto right of ways.

Seven of the 8 locations are in the downtown core, and one is near the Village I development (see attached Map, Exhibit A).

I. Surrounding Land Uses:

The project is located primarily in the downtown core, with the exception of the Briggsmore Avenue and Oakdale Road intersection.

J. Other Public Agencies Whose Approval is Required:

None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. Traffic and Circulation

The Rewire 8 Traffic Signals Phase II project will not result in a physical change to any existing land use. It is consistent with the General Plan designation for this site. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages V-1-1 through V-1-33) are, therefore, still valid.
B. Degradation of Air Quality

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

C. Generation of Noise

The Rewire 8 Traffic Signals Phase II project will not result in a physical change to any existing land use. The proposed use is consistent with the General Plan in land use and intensity, and the noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. Therefore, the project will not create additional significant effects, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages V-3-1 through V-3-22) are, therefore, still valid.

D. Loss of Productive Agricultural Land

All existing Traffic Signals are located in developed areas downtown and at the Briggsmore/Oakdale intersection outside of productive agricultural land. Therefore, the project is consistent with the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages V-4-1 through V-4-12) and they are, therefore, still valid.

E. Increased Demand for Water Supplies

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

F. Increased Demand for Sanitary Sewer Services

The proposed project includes traffic signal related improvements and maintenance, and will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages V-6-1 through V-6-12) are, therefore, still valid.
G. Loss of Sensitive Wildlife and Plant Habitat

All existing Traffic Signals are located in developed areas downtown and at the Brigsmore/Oakdale intersection and are not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages V-7-1 through V-7-29) are still valid.

H. Disturbance of Archaeological and Historic Sites

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

I. Drainage, Flooding and Water Quality

Because the project is consistent with the General Plan in land use and intensity, it will not present any new impacts to drainage, flooding and water quality that have not already been addressed in the MEIR. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages V-9-1 through V-9-13) are still valid.

J. Increased Demand for Storm Drainage

The project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages V-10-1 through V-10-16) are still valid.
K. Increased Demand for Parks and Open Space

The proposed improvements will not have an effect upon the parks or open space needs in the area over that anticipated in the Master EIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages V-11-1 through V-11-14) are, therefore, still valid.

L. Increased Demand for Schools

The proposed improvements will not create any additional demand for schools. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages V-12-1 through V-12-11) are still valid.

M. Increased Demand for Police Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for police services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages V-13-1 through V-13-7) are, therefore, still valid.

N. Increased Demand for Fire Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for fire services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages V-14-1 through V-14-9) are, therefore, still valid.

O. Generation of Solid Waste

This project will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages V-15-1 through V-15-10) are, therefore, still valid.

P. Generation of Hazardous Materials

This proposed use will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages V-16-1 through V-16-15) are, therefore, still valid.
Rewire 8 Traffic Signals Phase II  
E.A./E.T. No: 2003-25

Q. Landslides and Seismic Activity

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

R. Energy

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

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed Rewire 8 Traffic Signals Phase II project is within the scope of the General Plan Master EIR (SCH No. 1999082041), which analyzed the potential impacts of buildout of the Urban Area General Plan, including roadways in this area.

B. No additional significant environmental effects will occur as a result of the Rewire 8 Traffic Signals Phase II project that were not previously examined in the General Plan Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed Rewire 8 Traffic Signals Phase II project that were not previously considered in the General Plan Master EIR.

D. There are no specific features unique to the Rewire 8 Traffic Signals Phase II project that requires project specific mitigation measures. All certified mitigation measures identified in the MEIR would apply city wide, including this project as appropriate.

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

Signature:

Paul J. Horn  
Associate Traffic Engineer
WHEREAS, Article 10 of Chapter 2 of Title 3 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish angle parking in the City of Modesto, and

WHEREAS, City staff received a request from Mr. Bill Leer of Leer Corp to install angle parking on the south side of M Street between 7th and 8th Streets to make additional on-street parking available, and

WHEREAS, staff evaluated the traffic volumes and the speeds for this section of roadway and concluded that angle parking can be accommodated on the south side of M Street between 7th and 8th Streets without creating a hazard and without impeding traffic flow, and

WHEREAS, the Economic Development Committee considered the additional angle parking on M Street at its November 8, 2004, meeting and supported staff’s recommendation,

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

SECTION 1. ANGLE PARKING. Angle parking in the City of Modesto is hereby established at the following locations:

- Portions of 10th Street, between I & K Streets (west side) (diagonal)
- 18th Street, between G and H Streets (west side) (diagonal)
- F Street, between 10th and 11th Streets (south side) (diagonal)
- I Street, between 9th and 12th Streets (both sides) (diagonal)
• P Street, between 9th and Needham Streets (both sides) (diagonal)
• Coldwell Avenue, between Tully Road and College Avenue
• 4th Street, between E Street and G Street (west side)
• 16th Street, between I Street and J Street (east side)
• Elm Street, between Jefferson and Washington Streets (diagonal)
• Jefferson Street, between 8th and Laurel Streets (diagonal)
• 13th Street, between H and L Streets (east side)
• J Street, between 7th Street and 8th Street (north side)
• 10th Street, between G Street and F Street (east side) (diagonal)
• F Street, between 10th Street and 11th Street (north side) (diagonal)
• 15th Street, between K Street and H Street (east side) (diagonal)
• F Street, between 9th Street and 10th Street (north side) (diagonal)
• 8th Street, between J Street and K Street (east side) (diagonal)
• 8th Street, between K Street and L Street (east side) (diagonal)
• Sierra Drive between F Street and 4th Street (north side)
• 8th Street between L Street and Jefferson Street (east side) (diagonal)
• M Street between 7th Street and 8th Street (south side) (diagonal)

SECTION 2. The Public Works Director is hereby directed to implement the provisions of this resolution.

SECTION 3. Resolution No. 2004-333 is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman,
who moved its adoption, which motion being duly seconded by Councilmember Dunbar,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-643

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPLY FOR FEDERAL FUNDING THROUGH THE REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOCG) FOR THE PROJECTS LISTED IN EXHIBIT A (ATTACHED), AND TO EXECUTE THE NECESSARY GRANT APPLICATIONS AND DOCUMENTS NECESSARY TO OBTAIN SAID FUNDING

WHEREAS, on August 11, 2004, the Stanislaus Council of Governments (StanCOG) Policy Board approved guidelines to allocate Regional Surface Transportation Program (RSTP) program funds to eligible proposers for the Federal Fiscal Year 2005/2006 through 2009/2010, and

WHEREAS, on September 9, 2004, StanCOG staff distributed a call for RSTP project nominations to local jurisdictions, further stipulating that $24,161,000 of RSTP funding was estimated for distribution among local agencies County-wide, and

WHEREAS, pursuant to StanCOG guidelines for distribution to local governments in Stanislaus County, including an estimate of funds available to each, the City of Modesto anticipates $8,278,000 in funds for eligible pavement maintenance projects on arterial streets, and

WHEREAS, City staff has identified 39 projects for funding which are in need of pavement maintenance, and

WHEREAS, the Economic Development Committee has reviewed said projects generally and recommends approval of the projects for RSTP funding and prioritization of the projects as shown on Exhibit A, and

WHEREAS, RSTP grants require an 11.47% local match of funds, and
WHEREAS, the match required for many of the projects may be funded out of Local Gas Tax Funds, Local Transportation Funds or Transit Fare Revenues, and

WHEREAS, applications for each project are required to be submitted to the Stanislaus Council of Governments by December 10, 2004,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his authorized designee, to apply to the Stanislaus Council of Governments for Regional Surface Transportation Program (RSTP) funds to be used for various projects set forth in the attached Exhibit “A”, recommended by City staff, which will assist in the pavement maintenance of arterial streets.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute all applications and documents necessary to obtain said funding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
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MODESTO CITY COUNCIL
RESOLUTION NO. 2004-644

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH HDR ENGINEERING, INC., FOR ADDITIONAL ENGINEERING DESIGN SERVICES IN THE AMOUNT OF $32,859, FOR THE PROJECT TITLED “REPLACEMENT OF THE LA LOMA SEWAGE Lift STATION,” AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE AMENDMENT TO THE AGREEMENT, INCREASING THE TOTAL ESTIMATED COST OF THE SERVICES TO $225,603

WHEREAS, on August 6, 2003, the City Council approved a Professional Services Agreement with HDR Engineering, Inc., in the amount of $192,744, to develop engineering plans for the design of the new La Loma Lift Station, and

WHEREAS, the City of Modesto has requested additional design services for the design of a new El Rio sewer system, and

WHEREAS, a new El Rio sewer would be relocated to the public right-of-way in El Rio Drive, and

WHEREAS, on October 8, 2004, HDR Engineering, Inc., submitted to City a scope of work and a fee schedule not to exceed the amount of $32,859, to provide additional engineering for the design of the El Rio sewer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment to agreement with HDR Engineering, Inc., in the not to exceed amount of $32,859, for additional design services and for reimbursable expenses for the design of the El Rio sewer.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the amendment to agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney

ATTEST: ________________________
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2004 - 645

A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT TO PETERTSON PACIFIC CORP. OF EUGENE, OREGON. FOR ONE (1) SELF-PROPELLED STRADDELE COMPOST TURNER (WINDROW TURNER) FOR AN ESTIMATED TOTAL COST OF $273,229.53

WHEREAS, the Public Works Department-Water Quality Control (WQC) Division has requested the purchase of one (1) self-propelled straddle compost turner (windrow turner), and

WHEREAS, the materials to be composted are placed into windrows and the windrow turner passes over each windrow and mixes the composting material, and

WHEREAS, this helps stimulate the microorganisms in the material, which break down coarse organic matter into compost, and

WHEREAS, it is important that the windrows are turned frequently and efficiently in order to help the material mature into a high quality composting product, and is part of our permitted composting process, and

WHEREAS, the windrow turner was purchased in 1996 and has been used heavily from that point forward, and

WHEREAS, staff currently operates a hydraulic drive system windrow turner at its composting site on Jennings Road which has become very costly to operate, and at this time the turner is worn down and in need of constant repairs, and
WHEREAS, since 2002, over $180,000 has been expended for needed repairs just
to keep the machine running, and

WHEREAS, the trans-fluid-coupler system can be engaged or disengaged at high
idle without damage, and

WHEREAS, if the trans-fluid-coupler quits for some reason while turning the
windrow, the fluid coupler will automatically disengage, and

WHEREAS, the trans-fluid-coupler technology has a stronger drum than the
hydraulic drive system windrow turner, and

WHEREAS, the trans-fluid-coupler has a ¾ inch thick wall on the drum pipe and
is twice as thick as what has been available in the past, and

WHEREAS, drum replacement on the hydraulic drive windrow turner can cost
over $10,000; and if the drum is bent, it cannot be used, and a new drum costs
approximately $16,000, and

WHEREAS, the trans-fluid-coupler system has a six (6) inch shaft on the turning
drum, the largest shaft in the industry, and

WHEREAS, the trans-fluid-coupler technology has the largest drum flail
diameter, and

WHEREAS, the larger the cross section of the windrow the drum contacts with,
the more production the compost will have, and

WHEREAS, the trans-fluid-coupler windrow turner has the largest tip-to-tip flail
dimension on the market, working 75% of the window, and

WHEREAS, this provides the best aeration and production available, and
WHEREAS, the trans-fluid-coupler system windrow turner is the most refined compost turner on the market, and

WHEREAS, the combination fluid coupler, poly chain drive, large diameter drum, large diameter drum shafts and heavy duty drum wall makes this technology unique to the market, and is more efficient than the hydraulic drum system windrow turner, and

WHEREAS, with the purchase of a new windrow turner, required maintenance costs should decrease and compost productivity should increase, and

WHEREAS, Modesto Municipal Code, (MMC) Section 8-3.203, generally requires all purchases that meet or exceed $50,000.00 for material, equipment, or contracts service to be formally bid, and

WHEREAS, by Resolution No. 2004-261, the City Council authorized the Purchasing Supervisor to solicit formal bids for one (1) self-propelled straddle compost turner (windrow turner) with a trans fluid-coupler system, and

WHEREAS, the Purchasing Division solicited formal bids for one (1) self-propelled straddle compost turner (windrow turner) with a trans fluid-coupler system, and

WHEREAS, out of six (6) vendors solicited, three (3) responded to the RFB, and

WHEREAS, two of the bids were deemed to be non-responsive because the bidders took exceptions to specification requirements for a trans fluid coupler system technology windrow turner, and

WHEREAS, bids received were evaluated per specification 0405-08 by the Purchasing Division and the Public Works Department staff, and
WHEREAS, Peterson Pacific Corporation Eugene, OR. was deemed to be the lowest responsive and responsible bidder,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for one (1) self-propelled straddle compost turner (windrow turner) to Peterson Pacific Corp. of Eugene, OR. for an estimated total cost of $273,229.53.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

WHEREAS, on September 11, 1990, the Modesto City Council adopted Resolution No. 90-757 certifying that the Village One Specific Plan Program Environmental Impact Report ("EIR") (State Clearing House No. 90020181) was complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the Modesto City Council adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, the development of the utility infrastructure for the Village One Specific Plan area is contemplated by, and acknowledged within, the Village One EIR, as amended by the Supplemental EIR, and

WHEREAS, on May 6, 2003, the City Council adopted Resolution No. 2003-223 which adopted an Addendum to Village One Specific Plan Program Environmental Impact Report for the Village One Facilities Master Plan Update – May 2003 ("VI FMP"), and
WHEREAS, Chapter 5 in the text portion of the VI FMP discusses the Storm Drainage System and refers to the Storm Drainage Master Plan ("SDMP") prepared by Camp Dresser & McKee ("CDM"), and

WHEREAS, a requirement of the SDMP and the VI FMP is that a 6 acre-foot storm water detention area would be needed in the vicinity of Freedom Neighborhood Park; very early in the design process for Freedom Neighborhood Park it was determined that this requirement would not be feasible and should not have been included in the plan, and

WHEREAS, Freedom Neighborhood Park is designated in the Village One Specific Plan and Precise Plan #29 as a seven-acre neighborhood park; holding 6 acre-feet of water on this park would seriously impact the recreational value of the park, and

WHEREAS, in order to accommodate the 6 acre-feet of storm water, it would be necessary to increase the size of the park, and

WHEREAS, the City retained CDM to determine if there was a way to reduce the storm water storage requirement; in response, CDM modeled several different scenarios and prepared a document entitled "Addendum to the Storm Drainage Master Plan Update Report for the Village One Community Facilities District of April 26, 2002", prepared June 14, 2004, and

WHEREAS, this report documents the different scenarios that were modeled and the various options available to the City, and

WHEREAS, Condition #2 is the scenario recommended by staff, as it seems to be the most feasible option; in this scenario, the 6 acre-foot detention of storm water in the vicinity of Freedom Neighborhood Park is decreased to 0.5 acre-feet of retention
(basically detaining the storm water that falls in the park), and the need for the 36” overflow pipe from Fine Avenue to the park site is eliminated, and

WHEREAS, there will be short-term ponding in the sub graded field area of Freedom Elementary School, and

WHEREAS, street ponding volume and duration will increase but remain at an acceptable level, and

WHEREAS, City staff prepared a Written Checklist, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, with addendums for the Village One Storm Drainage Master Plan Update (EA/CM 2003-02) and the Village One Facilities Master Plan Update (EA/CM 2003-03), and

WHEREAS, said Written Checklist also concludes that the additional ponding as a result of this Amendment will be negligible, and

WHEREAS, by an agenda report to the City Council from the Parks, Recreation and Neighborhoods Department dated November 2, 2004, City staff recommended modifying the existing FMP per Condition #2; parameters for Condition #2 include the following:

1) Reduce the 6 acre-feet storm water detention basin requirement at Freedom Neighborhood Park (Junction C-165) to .5 acre-feet and
2) Eliminate the proposed 36” overflow pipe connecting Fine Avenue to Freedom Neighborhood Park,
WHEREAS, a duly noticed public hearing was set before the City Council to be held on November 9, 2004, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, and

WHEREAS, said hearing was thereafter continued to November 23, 2004, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which time evidence both oral and documentary was received and considered,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Written Checklist (EA# CM 2004-02), for Amendment #1 to the Village One Facilities Master Plan Update (May 2003), and the Council hereby makes the following findings:

A. Major revisions to the Village One Program EIR as amended by the 1994 Final Supplement EIR (SCH No. 90020181), with Addendums for the Village One Storm Drainage Master Plan and the Village One Facilities Master Plan Update are not required because the project will not involve new significant environmental effects or increase severity of effects previously identified, and

B. Major revisions to the Village One Program EIR as amended by the 1994 Final Supplemental EIR, with Addendums for the Village One Storm Drainage Master Plan and the Village One Facilities Master Plan Update, are not required because no substantial changes to circumstances have occurred that involve new significant environmental effects or increase severity of effects previously identified, and

C. No new information of substantial importance that was not known has become available that shows:
   a. one or more significant effects is not discussed in the Village One Program EIR as amended by the 1994 Final Supplemental EIR, with Addendums for the Village One Storm Drainage Master Plan and the Village One Facilities Master Plan Update.
   b. identified significant effects will be more severe,
   c. previously infeasible mitigation measures are now feasible,
   d. project proponents have declined to adopt mitigation measures that would substantially reduce significant effects.
D. Because no new significant effects have been identified and no new mitigation is required for the project, the environmental effects of the operation of the proposed project were covered by the Village One Program EIR as amended by the 1994 Final Supplemental EIR with Addendums for the Village One Storm Drainage Master Plan and the Village One Facilities Master Plan Update. Therefore, pursuant to CEQA Section 15168 (C) (4) no new environmental document is required.

E. Therefore, Amendment #1 to the Village One Facilities Master Plan is within the scope of the Village One Program EIR with Addendums for the Village One Storm Drainage Master Plan and the Village One Facilities Master Plan Update.

F. This Written Checklist provides substantial evidence to support findings A, B, C, D and E above.

A copy of said Written Checklist (EA# CM 2004-02), entitled "Amendment #1 to the Village One Facilities Master Plan Update, October 2004", is attached hereto as Exhibit "A", and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, 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’Bryan

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: [Signature]
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
MICHAEL D. MILICH, City Attorney
Determination:
Amendment #1 to the Village One Facilities Master Plan Update is within the Scope of the Village One Specific Plan Program Environmental Impact Report as supplemented (SCH #90020181) and with Addenda for the Village One Storm Drainage Master Plan Update and the Facilities Master Plan Update

Prepared for:

City of Modesto
P.O. Box 642
Modesto, CA 95353
Contact: Vickey Dion
(209) 577-5211

Prepared by:

Vickey Dion, Senior Civil Engineer
City of Modesto
City Manager's Office
(209) 577-5211

November 3, 2004
On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

In Addition, on May 6, 2003, the City Council determined that the environmental effects of the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update projects have been addressed by the Village One EIR, as amended by the Supplemental EIR or are less than significant. Addenda for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update were then prepared and certified by the City Council.

Section 15182 of the CEQA Guidelines allows the approval of subsequent projects within the scope of the Project EIR without further environmental review, provided the following findings are made:

(1) There are no substantial changes proposed in the project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR and Addenda for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update are required, and

(2) No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR and Addenda for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update are required, and

(3) There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence when the Village One Program EIR, as amended by the 1994 Supplemental EIR and Addenda for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update, was adopted which shows any of the following:

   a. one or more significant effects which is not discussed in the Village One Program EIR, as amended by the 1994 Supplemental EIR and Addenda
for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update; or,

b. significant effects which were previously examined will be substantially more severe than previously shown; or,

c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,

d. mitigation measures or alternatives which are considerably different from those analyzed in the Village One Program EIR, as amended by the 1994 Supplemental EIR and Addenda for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update, would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The purpose of this written checklist is to provide the substantial evidence to support the above findings.

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

II. PROJECT INFORMATION

1. Project Title: Amendment #1 to the Village One Facilities Master Plan Update, October 2004

2. Lead Agency Name and Address: City of Modesto

3. Contact Person and Phone Number: Vickey Dion
   City Managers Office
   (209)577-5211

4. Project Location: Village One Specific Plan Area

5. Project Sponsor's Name and Address: City of Modesto
   P.O. Box 642
   Modesto, CA 95353

6. General Plan Designation: Multiple land use designations in the Village One
7. Zoning: Multiple zonings in the Village One Specific Plan Area

8. Description of Project: Update the storm drainage component of the Village One Facilities Master Plan to reduce the 6 acre-foot storm water detention basin requirement at Freedom Neighborhood Park to 0.5 acre-feet and to eliminate the proposed 36" overflow pipe connecting Fine Avenue to Freedom Neighborhood Park.

9. Surrounding Land Uses and Setting: The Village One Specific Plan Area is over half built, as planned and approved by the 1990 Village One Specific Plan.

10. Other Public Agencies whose Approval Is Required: None.

III. DETERMINATION:

Based on the analysis contained in this document, staff finds that pursuant to Guidelines Section 15182 the following is true for the proposed project:

(1) There are no substantial changes proposed in the project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR and Addenda for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update are required, and

(2) No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR and Addenda for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update are required, and

(3) There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence when the Village One Program EIR, as amended by the 1994 Supplemental EIR and Addenda for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update, was adopted which shows any of the following:

a. one or more significant effects which is not discussed in the Village One Program EIR, as amended by the 1994 Supplemental EIR and Addenda for the Village One Facilities Master Plan Update (May 2003) and the
b. significant effects which were previously examined will be substantially more severe than previously shown; or,

c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,

d. mitigation measures or alternatives which are considerably different from those analyzed in the Village One Program EIR, as amended by the 1994 Supplemental EIR and Addenda for the Village One Facilities Master Plan Update (May 2003) and the Storm Drainage Master Plan Update, would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Project Manager

Date

November 3, 2004
IV. PROJECT EVALUATION:

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

<table>
<thead>
<tr>
<th>I. AESTHETICS. Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
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<tr>
<td>a. Have a substantial adverse effect on a scenic vista?</td>
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<td>b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?</td>
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<td>c. Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
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<td>d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?</td>
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Aesthetic and visual impacts are analyzed on pages III-100 through III-101 of the 1994 Supplement.

Responses to Checklist Questions

a. The Village One Specific Plan program EIR found that as the Specific Plan area is developed, it will eliminate views of the valley and the distant mountains from adjacent areas and reduce the area’s visual open space. However, the program EIR found the effects of build out of Village One on scenic vistas to be less than significant because views from the project area are minimal. The proposed Amendment #1 to the Facilities Master Plan Update would not change the extent or nature of construction in the Specific Plan area, or cause any other changes in the project area. Impacts on scenic vistas would therefore remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.

b. The Village One Specific Plan program EIR found that there are no scenic resources in the project area, and that development within the Specific Plan area...
would therefore not result in significant impacts on scenic resources. This finding would not be affected by the proposed Amendment #1 to the Facilities Master Plan Update. There would be no impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that the development within the Specific Plan area would have a less-than-significant impact on the visual character of the area. The proposed Amendment #1 to the Facilities Master Plan Update would not significantly change the design or layout of the development proposed within the Village One Specific Plan. For this reason, impacts on the visual character of the area would remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.

d. The proposed Amendment #1 to the Facilities Master Plan Update is consistent with the Village One Specific Plan. For this reason, impacts associated with additional light and glare would remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.

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### II. AGRICULTURAL RESOURCES

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

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

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

c. Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?  
   - ☐  ☐  ☐  ☐
Impacts on agricultural resources are analyzed on pages III-80 through III-94 of the 1994 Supplement.

Responses to Checklist Questions

a. The Village One Specific Plan program EIR found that land designated as Prime Farmland would be lost as a result of development in the Village One Specific Plan area. This impact was determined to be significant and not mitigable. The proposed Amendment #1 to the Facilities Master Plan Update would not affect this finding because the project area would remain the same. There would be no additional impact. No mitigation is required.

b. The Village One Specific Plan program EIR presented information showing that any Williamson Act contracts in the Village One Specific Plan area would be automatically cancelled on annexation of the land to the City of Modesto, which has occurred, or would expire within 10 years of the time the original program EIR was prepared. The last Williamson Act contract covering land in the Village One Specific Plan area expired in 2001. There would be no additional impact. No mitigation is required.

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

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

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

b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? ☑
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a non-attainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

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d. Expose sensitive receptors to substantial pollutant concentrations?

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

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

Responses to Checklist Questions

a. / b. The Village One Specific Plan program EIR found that air pollution from project-related construction traffic and fireplaces & wood stoves in planned residential areas would violate air quality standards and contribute to an existing air quality violation. Construction traffic emissions would contribute to violation of the state and federal 8-hour carbon monoxide (CO) and particulate matter (PM10) standards and the federal ozone standard in the Modesto Urban Area and the San Joaquin Valley Air Basin. Urban traffic pollution would contribute to violations of the state ozone, CO, and PM10 standards in the Modesto Urban Area and San Joaquin Valley Air Basin. Residential pollution would contribute to violations of the pollutant standard index in the Modesto Urban Area. Partial mitigation for these impacts is included in the program EIR (Mitigation Measures 3-5), and the City of Modesto adopted a statement of overriding consideration for each impact. The proposed Amendment #1 to the Facilities Master Plan Update would not change the amount of development and construction in the project area, so trips generated by the project would not be affected and the types of land uses would not change. There would be no additional impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that air pollutant emissions associated with traffic at build out of Village One would exacerbate the existing ozone, PM10, and CO violations in the Modesto area and cause a significant cumulative impact. Partial mitigation for these emissions is included in the program EIR (Mitigation Measures 4.5.3[a] and 4.5.3[b]), and the City of Modesto made a statement of overriding consideration for each impact. The proposed Amendment #1 to the Facilities Master Plan Update would not change
the amount of traffic associated with build out of Village One or the types of land uses. There would be no additional impact. No mitigation is required.

d. The Village One Specific Plan program EIR found that PM10 generated during construction would aggravate the respiratory problems of people living and working nearby, therefore exposing sensitive receptors in the area to pollutant concentrations and causing a significant impact. However, the program EIR outlines mitigation measures that will be implemented to reduce the impact to an acceptable level (Mitigation Measure 40). The proposed Amendment #1 to the Facilities Master Plan Update would not change the level of construction emissions. There would be no additional impact. No additional mitigation is required.

e. The proposed Amendment #1 to the Facilities Master Plan Update would not create odors. There would be no impact. No mitigation is required.

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IV. BIOLOGICAL RESOURCES. Would the project:

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

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

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

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

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

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

**Responses to Checklist Questions**

a. The Village One Specific Plan program EIR found that the build out could result in the loss of foraging habitat for Swainson’s Hawk, a state-listed threatened species, but found that mitigation measures identified in the program EIR would reduce the impact to a less-than-significant level. The proposed Amendment #1 to the Facilities Master Plan update will not create an additional impact. No additional mitigation is required.

b. The Village One Specific Plan program EIR did not find that any riparian habitat or other designated sensitive natural community was present in the project area, and so found that the project would have a less-than-significant impact. The proposed Amendment #1 to the Facilities Master Plan Update would not change the boundaries of the Specific Plan area. There would be no impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that build out of the Village One Specific Plan area would result in the loss of lands that might be classified as wetlands by the U.S. Army Corps of Engineers but that, with mitigation, the impact would be less than significant. The proposed Amendment # 1 to the Facilities Master Plan Update would not change the Specific Plan area boundaries or the areas that would be disturbed. There would be no additional impact. No mitigation is required.

d. The Village One Specific Plan program EIR did not identify any migratory corridors in the project area, nor did it find that the project would interfere with the movement of any species. The proposed Amendment # 1 to the Facilities Master Plan Update would not change the Specific Plan area boundaries. There would be no impact. No mitigation is required.

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

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

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

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

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

Responses to Checklist Questions

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

The proposed Amendment #1 to the Facilities Master Plan Update would not change the locations or types of construction in the project area nor the boundaries of the project area. Development of the proposed project will not result in effects on scattered existing structures. No historic structures are located within the project area boundaries. Therefore, no mitigation measures are necessary.

Since no archaeological, or paleontological resources were found in the previous document to be located in the project area, and since the proposed Amendment #1 to the Facilities Master Plan Update would not have a significant impact on historic structures, there would be no impact. No mitigation is required.
### VI. GEOLOGY AND SOILS.

Would the project:

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

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

2. Strong seismic ground shaking?

3. Seismic-related ground failure, including liquefaction?

4. Landslides?

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

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

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?

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

a.-d. The program EIR, as supplemented, found that the project area is not subject to geologic or soil-related hazards that cannot be adequately mitigated through the implementation of existing city regulations, such as the building code. No significant impacts were identified, and no mitigation measures were required. The proposed Amendment #1 to the Facilities Master Plan Update would not change the locations or types of construction in the project area nor the boundaries of the project area. There would be no additional impact. No mitigation is required.

e. The Village One Specific Plan included provisions for the project to be served by public sewers. No septic tanks or alternative wastewater systems were proposed. The proposed Amendment #1 to the Facilities Master Plan Update would not change the proposed method of wastewater disposal. There would be no impact. No mitigation is required.

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VII. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

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

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

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

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

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

a.–c. The Village One Specific Plan does not allow any land uses that would use hazardous materials. The proposed Amendment #1 to the Facilities Master Plan Update would not change land uses contemplated by the Specific Plan. There would be no impact. No mitigation is required.

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

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

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

g. Since the adoption of the Village One Specific Plan, the Modesto General Plan has been updated to include development of Village One consistent with the specific plan. City emergency plans are developed with the assumption that the Village One Specific Plan will be implemented. The proposed Amendment #1 to
the Facilities Master Plan Update would not change construction, land use, or other physical attributes of the project. There would be no additional impact. No mitigation is required.

h. The project site is located in an area of the City of Modesto planned for build out of an urban neighborhood. The potential for wild land fires is low, and this potential will decrease further as build out continues. There would be no additional impact. No mitigation is required.

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VIII. HYDROLOGY AND WATER QUALITY.

Would the project:

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

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

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite? □ □ □ ☑

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

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

f. Otherwise substantially degrade water quality? □ □ □ ☑
g. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  
   Potentially Significant Impact | Less than Significant with Mitigation | Less-than-Significant Impact | No Impact  
   □ | □ | □ | □

h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?  
   Potentially Significant Impact | Less than Significant with Mitigation | Less-than-Significant Impact | No Impact  
   □ | □ | □ | □

i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?  
   Potentially Significant Impact | Less than Significant with Mitigation | Less-than-Significant Impact | No Impact  
   □ | □ | □ | □

j. Contribute to inundation by seiche, tsunami, or mudflow?  
   Potentially Significant Impact | Less than Significant with Mitigation | Less-than-Significant Impact | No Impact  
   □ | □ | □ | □

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

Responses to Checklist Questions

a. The Village One Specific Plan program EIR did not find that residential development would violate any water quality standards or waste discharge requirements. The proposed Amendment #1 to the Facilities Master Plan Update is consistent with the Village One Specific Plan, so there would be no additional impacts. No mitigation is required.

b. The Village One Specific Plan program EIR found that build out of the Village One Specific Plan area might interfere with local groundwater recharge. The Amendment #1 to the Facilities Master Plan Update will have no effect on the groundwater recharge. No mitigation is required.

c.-e. The Village One Specific Plan program EIR found that development will substantially alter the existing drainage pattern of the area but, because the project will incorporate an urban storm drain system, will not result in any erosion impacts.

A requirement of the Storm Drainage Master Plan (SDMP) and the Village One Facilities Plan Update of May 2003 (VI FMP) is that a 6 acre-foot storm water detention area would be needed in the vicinity of Freedom Neighborhood Park. It was determined that this requirement would not be feasible. The City retained CDM to determine if there was a way to reduce the storm water storage requirement. In response, CDM modeled several different scenarios and prepared a document entitled “Addendum to the Storm Drainage Master Plan Update Report for the Village One Community Facilities District of April 26, 2002” prepared June 14, 2004. This report documents the different scenarios that
were modeled and the various options available to the City. Condition #2 is the scenario recommended by staff and seems to be the most feasible option. In this scenario, the 6 acre-foot retention of storm water in the vicinity of Freedom Neighborhood Park is decreased to 0.5 acre-feet of detention (basically detaining the storm water that falls in the park). In addition, Condition #2 eliminates the need for the 36” overflow pipe from Fine Avenue to the park site.

Per the CDM addendum, Condition #2 will result in the following change in the level of service of the storm drain system:

1) There will be short-term ponding in the sub graded field area of Freedom Elementary School.

2) Street ponding volume and duration will increase but remain at an acceptable level.

The ponding at Junction C-121 and C-123 will be contained in the public right-of-way for a 10-year storm event and will be very short term (approx 25 minutes). The impact of the proposed Amendment #1 to the Facilities Master Plan is negligible. No mitigation is required.

The Village One Specific Plan program EIR did not find that development would substantially degrade water quality. The proposed Amendment #1 to the Facilities Master Plan Update would not change water use or discharge associated with the build out of the Village One Specific Plan area. There would be no additional impact. No mitigation is required.

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

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

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

a. Physically divide an established community? ☑ ☐ ☐ ☑

b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not
limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

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<td>c. Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
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Impacts associated with land use and planning are analyzed on pages III-80 through III-94 of the 1994 Supplement.

**Responses to Checklist Questions**

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

b., c. The Village One Specific Plan has been adopted by the City of Modesto and has been incorporated into the Modesto General Plan. The proposed Amendment #1 to the Facilities Master Plan Update would be consistent with the Village One Specific Plan. There are no other applicable land use or conservation plans for the project area. There would be no impact. No mitigation is required.

**X. MINERAL RESOURCES.** Would the project:

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<td>a.</td>
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<td>Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
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<td>b.</td>
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<td>Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?</td>
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**Responses to Checklist Questions**
a., b. No known mineral resources or important recovery sites are located in the Village One Specific Plan Area. There would be no impact. No mitigation is required.

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<th>XI. NOISE. Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact with Mitigation</th>
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<td>c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
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<td>d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
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<td>e. Be located within an airport land use plan-area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?</td>
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<td>f. Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?</td>
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Impacts associated with noise are analyzed on pages III-55 through III-67 of the 1994 Supplement.

Responses to Checklist Questions

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

b. The Village One Specific Plan program EIR found that the build out of Village One would not expose people to, or generate excessive, groundborne vibration or groundborne noise levels. There would be no impact. No mitigation is required.
d. The proposed Amendment #1 to the Facilities Master Plan Update would not change construction activities. There would be no additional impact. No mitigation is required.

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

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

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XII. POPULATION AND HOUSING. Would the project:

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

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

c. Displace a substantial number of people, necessitating the construction of replacement housing elsewhere?

Impacts on population and housing are analyzed on pages III-95 through III-99 of the 1994 Supplement.

Responses to Checklist Questions

a.–c. The Village One Specific Plan program EIR found that build out of the Village One Specific Plan area would not result in significant adverse impacts on population and housing units. No mitigation is required.
XIII. PUBLIC SERVICES. Would the project:

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

<table>
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<th>Public Service</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact with Mitigation Incorporated</th>
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<td>Fire protection?</td>
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<td>Police protection?</td>
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<td>Parks?</td>
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<td>Other public facilities?</td>
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Impacts on public services are analyzed on pages III-120 through III-158 of the 1994 Supplement.

Responses to Checklist Questions

a. The Village One Specific Plan program EIR found that the only significant impact that would occur as a result of the Village One Specific Plan area would be in the areas of fire protection and law enforcement. Mitigation measures were identified in the program EIR to reduce the level of this impact to a less-than-significant level. No other significant impacts on public services were identified. The proposed Amendment #1 to the Facilities Master Plan Update would not change the provision of public services. There would be no additional impact. No mitigation is required.
XIV. RECREATION. Would the project:

a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? ☐ ☐ ☐ ☑

b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? ☐ ☐ ☐ ☑

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

Responses to Checklist Questions

a., b. No significant impacts on recreation were identified in the program EIR. The proposed project Amendment #1 to the Facilities Master Plan Update would not change the provision of parks and recreation facilities. There would be no additional impact. No mitigation is required.

XV. TRANSPORTATION/TRAFFIC. Would the project:

a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)? ☐ ☐ ☐ ☑

b. Cause, either individually or cumulatively, exceedance of a LOS standard established by the county congestion management agency for designated roads or highways? ☐ ☐ ☐ ☑

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

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

a., b. The Village One Specific Plan program EIR found that build out of the Village One Specific Plan area would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system and would affect level of service at several intersections. Mitigation measures identified in the program EIR were identified to reduce impacts to a less-than-significant level for all intersections except the Briggsmore Avenue/Oakdale Avenue intersection. For that intersection, the impact was determined to be significant and not mitigable. The City of Modesto made a statement of overriding considerations for that impact at the time it certified the 1994 Supplement. The proposed Amendment #1 to the Facilities Master Plan Update would not alter traffic patterns in the Specific Plan area or result in additional trips. There would be no additional impact. No mitigation is required.

c. The Village One Specific Plan program EIR did not find that the build out of the Village One Specific Plan area would result in a change in air traffic patterns. The proposed Amendment #1 to the Facilities Master Plan Update does not include any elements that would affect air traffic patterns. There would be no impact. No mitigation is required.

d. The Village One Specific Plan program EIR did not find that build out of the Village One Specific Plan area included any hazardous design features or increased any incompatible uses for roads in the project area. The proposed Amendment #1 to the Facilities Master Plan Update would not change roadway design or land uses. There would be no impact. No mitigation is required.

e. The Village One Specific Plan program EIR did not find that build out of the Village One Specific Plan area would result in inadequate emergency access in the Specific Plan area. The Specific Plan includes provision of adequate roadways to serve the Village One development. The proposed Amendment #1 to the Facilities Master Plan Update would not change roadway design or land uses contained within the Specific Plan. There would be no additional impact. No mitigation is required.
f. The Village One Specific Plan program EIR did not find that build out of the Village One Specific Plan area would result in inadequate parking capacity in the Specific Plan area. The proposed Amendment #1 to the Facilities Master Plan Update has no impact on parking capacity. No mitigation is required.

g. The proposed Amendment #1 to the Facilities Master Plan Update does not include any changes related to transportation policies, and would have no impact. No mitigation is required.

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<td>Mitigation</td>
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XVI. UTILITIES AND SERVICE SYSTEMS.
Would the project:

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

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

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

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

e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? ☐ ☐ ☐ ☑

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

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

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

a. The City provides sewer services to the Village One area. All wastewater would be directed to city wastewater treatment facilities. No wastewater discharges would occur in the project area. The proposed Amendment #1 to the Facilities Master Plan Update would not increase the amount of wastewater that will be generated at build out of the Specific Plan area. There would be no additional impact. No mitigation is required.

b., e. The Village One Specific Plan program EIR discusses the changes and new facilities that will be needed to accommodate build out of the Village One Specific Plan area. The EIR found that, with mitigation, there would be no significant impact on water or wastewater infrastructure. There would be no additional impact as a result of the proposed Amendment #1 to the Facilities Master Plan Update. No mitigation is required.

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

d. The Village One Specific Plan program EIR found that, with mitigation, the effects of build out of the Village One Specific Plan area on water supply would be less than significant. There would be no additional impact resulting from the proposed Amendment #1 to the Facilities Master Plan Update. No mitigation is required.

f., g. The Village One Specific Plan program EIR found that the area’s landfills have sufficient permitted capacity to accommodate the project’s solid waste disposal needs. The proposed Amendment #1 to the Facilities Master Plan Update would not result in any physical changes in the environment or the generation of any additional solid waste. There would be no impact. No mitigation is required.
**XVII. MANDATORY FINDINGS OF SIGNIFICANCE.**

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

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

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

Cumulative impacts are analyzed on page III-161 of the 1994 Supplement.

**Responses to Checklist Questions**

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

b. As described above, the proposed project would not result in any significant impacts, either on a project or on cumulative level, over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.

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

None
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-647

A RESOLUTION APPROVING THE PROPOSED AMENDMENT #1 TO THE VILLAGE ONE FACILITIES MASTER PLAN UPDATE (MAY 2003).

WHEREAS, on May 6, 2003, the City Council adopted Resolution No. 2003-223 which adopted the Village One Facilities Master Plan Update – May 2003 (“VI FMP”), and

WHEREAS, Chapter 5 in the text portion of the VI FMP discusses the Storm Drainage System and refers to the Storm Drainage Master Plan (“SDMP”) prepared by Camp Dresser & McKee (“CDM”), and

WHEREAS, a requirement of the SDMP and the VI FMP is that a 6 acre-foot storm water detention area would be needed in the vicinity of Freedom Neighborhood Park; however, very early in the design process for Freedom Neighborhood Park it was determined that this requirement would not be feasible and should not have been included in the plan, and

WHEREAS, Freedom Neighborhood Park is designated in the Village One Specific Plan and Precise Plan #29 as a seven-acre neighborhood park, and holding 6 acre-feet of water on this park would seriously impact the recreational value of the park, and

WHEREAS, in order to accommodate the 6 acre-feet of storm water, it would be necessary to increase the size of the park, and

WHEREAS, the City retained CDM to determine if there was a way to reduce the storm water storage requirement; in response, CDM modeled several different scenarios and prepared a document entitled “Addendum to the Storm Drainage Master Plan Update
WHEREAS, this report documents the different scenarios that were modeled and the various options available to the City, and

WHEREAS, Condition #2 is the scenario recommended by staff, as it seems to be the most feasible option; in this scenario, the 6 acre-foot detention of storm water in the vicinity of Freedom Neighborhood Park is decreased to 0.5 acre-feet of retention (basically detaining the storm water that falls in the park), and the need for the 36” overflow pipe from Fine Avenue to the park site is eliminated,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the proposed Amendment #1 to the Village One Facilities Master Plan Update (May 2003), a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

Attest: Jean Rahn

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

MICHAEL D. MILICH, City Attorney

12/07/04/PR&N/C Eubank/Item 26  2  2004-647
Addendum

to the

Storm Drainage Master Plan Update Report
for the Village One Community Facilities District
of April 26, 2002

Prepared June 14, 2004
Introduction

The purpose of the Storm Drainage Master Plan Update report, prepared by CDM in April 2002, was to ensure adequate storm drainage system capacity for existing and future users, and to provide uniform guidelines for designing the remaining storm drainage facilities in Village One.

Recommended improvements in the Master Plan Update report included a deep West Basin, a West Basin Pump Station, a force main from the West Basin to the Central Basin, an improved Central Basin, a Central Basin Pump Station, a force main from the Central Basin to Modesto Irrigation District Lateral No.3, a new detention basin north of Sylvan Avenue near Esta Avenue, a new detention basin near Merle Avenue and Fine Avenue, a new detention basin north of Merle Avenue near Litt Road, a 60-inch pipe on Hillglen Avenue from Roselle Avenue to Esta Avenue, 36-inch and 48-inch pipe on Kodiak Drive west of Roselle Avenue, a 30-inch pipe at the west end of Hillglen Avenue, a 36-inch pipe west of Fine Avenue to the new detention basin north of Merle Avenue near Litt Road, a 24-inch pipe on Litt Road north of Merle Avenue, and a 60-inch pipe from Merle Avenue to the Central Basin. These recommended improvements are shown on Figure 9 in the April 2002 report, attached.

The purpose of this addendum is to evaluate the 10-year flooding conditions with a small detention basin in the new park near Junction C-165, and without a 36-inch pipe west from Fine Avenue to the small detention basin. The detention basin volume reduction and pipe deletion are different from the recommendations presented in the Master Plan Update Report of April 2002.

Recent Improvements to the Storm Drainage System

Residential, school and park development has occurred during the past two years. Listed below are improvements that have or will be made to the storm drainage system that are different from, or in addition to, the recommendations presented in the April 2002 report.

- An 18-inch pipe approximately 350 feet in length on Merle Avenue from Junction C-106 to Junction C-6. (Orleans Tract).

- An 18-inch pipe crossing Merle Avenue from Junction C-108A to Junction C-108. (Orleans Tract).
Addendum to the 
Storm Drainage Master Plan Update Report
for the Village One Community Facilities District

- A 24-inch pipe in Fine Avenue that conveys runoff to Junction C-161 at Sharon Avenue. (Banyon Estates).

Proposed Improvements to the Storm Drainage System

In addition to the above described improvements, changes to the recommendations presented in the Master Plan Update Report of April 2002 have been proposed. These changes are:

- Deletion of the 36-inch pipe from Fine Avenue to the detention basin at the park site near Junction C-165.
- Reduction in size of the 6 acre-foot detention basin at the park site near Junction C-165.

Stormwater Model

The EPA Storm Water Management Model (SWMM) was used to model the storm drainage system at Village One for the preparation of the Master Plan Update Report of April 2002. In order to evaluate the effectiveness of the system with the improvements described above, the subwatersheds, pipes and detention basins in the SWMM model were updated to represent the recently constructed improvements and changes to proposed improvements. Model simulations were then performed for the following conditions:

Condition 1 0.5 acre-foot detention basin at Junction C-165.
Ultimate land use for all lands in Village One.
Stormwaters from the 40 acres bounded by Merle Avenue, Fine Avenue, Sharon Avenue and Claus Road will be diverted to a future detention basin east of Fine Avenue. The existing 36-inch pipe on Fine Avenue will drain into the future detention basin.

Condition 2 0.5 acre-foot detention basin at Junction C-165.
Ultimate land use for all lands in Village One, except for the 40 acres bounded by Merle Avenue, Fine Avenue, Sharon Avenue and Claus Road where there will be existing land use.
For these 40 acres, stormwaters from the 20 acres along the east side of Fine Avenue will enter the existing 36-inch pipe on Fine Avenue. Stormwaters from the 20 acres along the west side of Claus Road will be retained on site.
Condition 3  Same as Condition 1, except a 2.0 acre-foot detention basin at Junction C-165.

Condition 4  Same as Condition 2, except a 2.0 acre-foot detention basin at Junction C-165.

Model Results

The results of the SWMM simulations are listed below and are shown on Figures 1 and 2.

**Condition 1**
The storm drainage system can accommodate runoff from the 10-year storm. The locations where there will be ponding in the street during a 10-year storm are the same as in the April 2002 report. The street ponding volumes at these locations will be 4,000 cubic feet or less. The volume of the future detention basin west of Fine Avenue will need to be approximately 11 acre-feet.

With a 0.5 acre-foot detention basin at Junction C-165 the pipe from Junction C-165 to Junction C-109 can be downsized from 24-inch to 12-inch. There is no benefit of the 0.5 acre-foot detention basin downstream of Junction C-109.

**Condition 2**
The 36-inch pipe in Fine Avenue from Sharon Avenue to Merle Avenue cannot accommodate the 10-year flow. The ponding volumes will be larger than the volumes given in the April 2002 report. During the 10-year storm approximately 3,000 cubic feet of ponding will occur in the excavated play area at the south side of Elementary School #8, and approximately 3,000 cubic feet of ponding will occur in the streets located northeast of the intersection of Fine and Sharon Avenues.

There will be greater flow in the 42-inch pipe in Merle Avenue west of Fine Avenue than there would be with the improvements recommended in the Master Plan Update Report. This greater flow results in ponding upstream of the intersection of Fine and Merle Avenues. During the 10-year storm there will be approximately 9,900 cubic feet of street ponding at Junction C-121, and 5,200 cubic feet of street ponding at Junction C-123.

With a 0.5 acre-foot detention basin at Junction C-165, the pipe from Junction C-165 to Junction C-109 can be downsized from 24-inches to 12-inches, which is the City's minimum pipe size.
Condition 3
The results of Condition 1 indicate that the storm drainage system can accommodate runoff from the 10-year storm. By enlarging the detention basin from 0.5 acre-feet to 2.0 acre-feet there will be no benefit.

Condition 4
The results of Condition 2 indicate that the storm drainage system located west of Junction C-109 can accommodate runoff from the 10-year storm. By enlarging the detention basin from 0.5 acre-feet to 2.0 acre-feet there will be no benefit.

Findings and Conclusions

Conditions 1 and 2
- The street elevations in the area northeast of the intersection of Fine and Sharon Avenues should be at elevations appropriate for gravity flow to the existing 36-inch pipe at Junction C-161.
- Pumping may be needed to empty the future detention basin between Fine Avenue and Claus Road because ground elevations increase toward the east.

Condition 2
- The duration of the ponding at the excavated play area at the south side of Elementary School #8 will be less than 15 minutes during the 10-year storm. The ponding volume of approximately 3,000 cubic feet can be accommodated in the play area that has a capacity of more than 35,000 cubic feet.
- During the 10-year storm, the volume of street ponding at Junction C-121 will increase from approximately the 3,500 cubic feet in the April 2002 report to approximately 9,800 cubic feet. Also the volume of street ponding at Junction C-123 will increase from approximately 1,000 to 5,000 cubic feet.
- During the 10-year storm, the duration of street ponding at Junction C-121 and C-123 will increase from approximately 15 to 25 minutes.
- As development occurs in the 40 acres bounded by Merle Avenue, Fine Avenue, Sharon Avenue and Claus Road, stormwaters from the developments will need to be drained to a future detention basin east of Fine Avenue.
Conditions and Limitations

The conditions and limitations stated in the Storm Drainage Master Plan Update Report of April 2002 also apply to this addendum.
Locations where there will be ponding in the street during a 10-year storm. Ponding volume will be less than 4,000 cubic feet.

Detention Basin

Street Design in the Area Between Kodak Drive and Floyd Avenue

Will Incorporate Stormwater Detention at Planned Locations.

Legend

Proposed Pipes

Proposed Force Mains

Future Pipes

This figure is from the April 26, 2000 Report

Figure 9

Stormwater System for Currently Proposed Storm Drain Master Plan Update
Locations where there will be ponding in the street during a 10-year storm. Ponding volume will be less than 4,000 cubic feet.

Legend

- Detention Basin
- Proposed Force Mains
- Future Pipes
- Direction of Flow

Legend for Figure 1 Condition 1

Central Basin

Pump Station

15 CFS

To Lateral No. 3

MID Lateral No. 3

24" Force Main

Floyd Ave.

Sharon Ave.

Detention Basin
0.5 Acre-Feet

Detention Basin or Divert to Future East Basin

Legend

Ponding

0.5 Acre-Feet

Future Pipes

Direction of Flow

Legend for Figure 1 Condition 1
Legend

- Locations where there will be ponding in the street during a 10-year storm. Ponding volume will be less than 4,000 cubic feet.
- Locations where there will be ponding in the street during a 10-year storm. Ponding volume will exceed 4,000 cubic feet.
- Detention Basin
- Proposed Force Mains
- Future Pipes
- Direction of Flow

Condition 2

Figure 2
A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(569). (JAMES AND SUSAN COLEMAN)

WHEREAS, a verified application for an amendment to Section 23-3-9 of the Zoning Map was filed by James and Susan Coleman on June 15, 2004, to reclassify from Low Density Residential (R-1) Zone to Planned Development Zone, P-D(569), to allow the development of 12 custom homes, property located on the south side of Scenic Drive, east of Scenic Drive described as follows:

R-1 to P-D(569)

All that certain real property situated in the City of Modesto, County of Stanislaus, State of California, and being a portion of the Southwest Quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

All of Parcel “A” as per Parcel Map filed on March 1, 1972 in Book 13 of Parcel Maps, at Page 85, Stanislaus County Records.

Also including that half of Scenic Drive and that half of Scenic Bend immediately adjacent to the above described property.

WHEREAS, after a public hearing held on October 18, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2004-63, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed custom homes are consistent with the current General Plan land use designation for the site.

2. The proposed custom homes are compatible with the adjacent land uses along Scenic Bend.
WHEREAS, said matter was set for a public hearing of the City Council to be held on December 7, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of James and Susan Coleman for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2004-63 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3372-C.S. on the 7th day of December, 2004, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(569),

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(569), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and design guidelines titled “Coleman Custom Homes” as amended in red, stamped approved by the City Council on December 7, 2004.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks, Recreation and Neighborhoods Director along Scenic Drive, Scenic Bend, and the front yard area. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Prior to the issuance of a building permit for any structure, a tentative map shall be approved and final subdivision map shall be recorded.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. Prior to the issuance of a building permit, dedication along Scenic Drive to a modified 90-foot standard as approved by the Public Works Department and dedication of Scenic Bend shall be made consistent with Standard Specifications.

6. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants and plans with turning radius of the private street as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

7. A five-foot-wide planting easement shall be provided along Scenic Bend as approved by the Public Works Department.

8. Prior to City Council approval of a final subdivision map the subdivider shall submit for approval by the City Attorney the articles of incorporation and bylaws, as well as all covenants, conditions, and restrictions which are to be recorded to create a homeowner's association which shall guarantee continued maintenance of the front yard area, which is demarcated on the site plan as the area between the street right-of-ways and the dashed line on the street-facing side of each dwelling unit. The Articles of Incorporation shall be filed with the Secretary of State prior to recordation of the final subdivision map. The covenants, conditions and restrictions shall be recorded prior to or concurrently with the final subdivision map.

9. The developer 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 arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

10. Prior to issuance of a Certificate of Occupancy, a seven-foot-high decorative masonry wall shall be installed along Scenic Drive and a neighborhood fence shall be installed along Scenic Bend as approved by the Community and Economic Development Director.

In addition to the above, the following conditions are mitigation measures from the Master Environmental Impact Report:
Air Quality Measures:

11. 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.

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

13. 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.

14. 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.)

15. 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.

16. 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.

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

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

19. Limit the area subject to excavation, grading and other construction activity at any one time.

Noise Measures:

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

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

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

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

C. A hand-powered saw.

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

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

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

G. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.
H. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers’ recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

21. 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].

22. For new single-family residential development within the L_{dn} 65 contour, the City of Modesto shall require developers to demonstrate that the proposed development will incorporate measures to reduce noise impacts to a less-than-significant level, as follows:

A. Where feasible and consistent with General Plan policy, incorporate setbacks and/or locate less-sensitive uses between a noise source and noise-sensitive uses.

B. Provide (to the extent feasible and consistent with General Plan policy) berms, barriers, or other techniques to shield noise-sensitive uses.
C. Incorporate construction techniques to achieve an interior noise limit of 45 L_{dn} (these potential techniques are presented in CCR Title 24 standards).

Archaeological or Historic Sites Measures:

23. 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.

24. 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, Flooding, and Water Quality Measures:

25. 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 Public Works Department.

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

Schools Measures:

27. 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.
SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(569):

The construction program be accomplished in phases as follows:

Construction to begin on or before December 7, 2006 and completion to be not later than December 7, 2007.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(569), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Marsh, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM

By: Michael D. Milich, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By: Community & Economic Development Department Planning Division
MODESTO CITY COUNCIL  
RESOLUTION NO. 2004-649

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 1999082041): AMENDING SECTION 23-3-9 OF THE ZONING MAP TO REZONE FROM LOW-DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(569), PROPERTY LOCATED ON THE SOUTH SIDE OF SCENIC DRIVE, EAST OF SCENIC BEND (JAMES AND SUSAN COLEMAN)

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, James and Susan Coleman have proposed that the zoning designation for the property located on the south side of Scenic Drive, east of Scenic Bend be amended to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(569), in the City of Modesto (the "project"), to allow a 12 unit custom homes, and

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

WHEREAS, the City's Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED 2004-57 reviewed the proposed amendment to the Zoning Map and rezone P-D(569) project to determine whether the
project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR ("Master EIR"), and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines beginning on November 5, 2004, the City caused to be published a 20-day notice of the City's intent to make a finding that the proposed project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on December 7, 2004, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(569) project, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

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

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

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

a. The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 2004, by Councilmember Marsh, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: Jean Zahr

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT A

Initial Study

EA/C&ED 2004-57
Finding of Conformance to the General Plan Master EIR:

Initial Study C&ED No. (2004-57)

For the proposed:

PDZ- COLEMAN

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

September 30, 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: Rezone to Planned Development to develop single-family homes

B. Address or Location: South Side of Scenic Avenue, East of Scenic Bend

C. Applicant: James and Susan Coleman, 2702 Scenic Bend, Modesto, Ca. 95355

D. City Contact Person: Paul Liu

Project Manager: Paul Liu
Department: Community and Economic Development Department
Phone Number: (209) 577-5267
E-mail address: pliu@modestogov.com

E. Current General Plan Designation(s): (R) Residential

F. Current Zoning Classification(s): (R-1) Low-Density Residential
G. Surrounding Land Uses:  
North: Single Family Residential  
South: Single Family Residential, there are large parcels southwest of the project site  
East: Single Family Residential  
West: Single Family Residential

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

This is an application to rezone 4.71 acres from R-1, Low Density Residential to P-D, Planned Development for 12 custom single family homes served by a private street. A tentative subdivision map would follow to formally create the individual lots. The tentative map would be covered by this environmental document if it is consistent with the approve P-D approval.

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: [Signature]

Title: [Signature]

Date: 10-1-04
4. Within the Scope Analysis of this Document:

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

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

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

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

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

(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.
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>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project would contribute one hundred (100) or more peak hour trips to or from the site during the adjacent roadway’s peak hour or the development’s peak hour, to adjoining roads and generates more trips than assumed for their general plan land use category and zoning in the Master EIR.</td>
<td>X</td>
</tr>
</tbody>
</table>

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>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment).</td>
<td>□ X</td>
</tr>
<tr>
<td>(3) Result in inadequate emergency access.</td>
<td>□ X</td>
</tr>
<tr>
<td>(4) Result in inadequate parking capacity.</td>
<td>□ X</td>
</tr>
</tbody>
</table>
Discussion:

(1) The proposed project will not generate traffic impacts to the adjacent roadways in excess of what was assumed under the MEIR. No traffic study is required.

(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

c. Project-Specific Effects

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

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

YES NO

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

(2) The project does not incorporate the best management practices for PM10 reduction established by the SJVUAPCD. X
(3) The project does not comply with the air quality policies of the Modesto Urban Area General Plan.  

☐ X

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

☐ X

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

☐ X

Discussion:

(1) The project for 12 single-family dwellings will not exceed the emissions thresholds.

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

(3) Applicable General Plan Policies will be applied to the project. Therefore, project-specific effects will be less than significant for this impact (see mitigations measures above).

(4) The project is not a significant contributor to pollution levels in that it 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 Scenic Road and the developer will have to demonstrate that the proposed development will incorporate measures to reduce noise impacts to less-than-significant level. Mitigation Measures appropriate to this project include: N-4, N-5, N-6, and N-8.

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>
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<tbody>
<tr>
<td>(1)</td>
<td>☐ X</td>
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<td>(3)</td>
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</tr>
<tr>
<td>(4)</td>
<td>☐ X</td>
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</tbody>
</table>

Discussion:

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

(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, 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 for projects within the baseline developed area, are incorporated into the conditions of approval for the project.
4. AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

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

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

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

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

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

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

Discussion:

There are no mitigation measure applicable to this project.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>Effect</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(2) The project will directly result in the development of land outside the March 2003 planning area boundaries.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(3) The project will Conflict with existing zoning for agricultural use, or a Williamson Act contract.</td>
<td></td>
<td>X</td>
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<tr>
<td>(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.</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
Discussion:

(1) The project is consistent with the General Plan land use policies. The project site's current uses include a single family dwelling with an abandoned orchard. The property is located within the Baseline Developed Area but is not identified as Important Farmland on Figure V-4-1 of the Modesto Urban Area General Plan and is considered to have minimal effect on the conversion of agricultural land with no mitigation required.

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

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

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

There are no mitigation measures applicable to this project.

c. Project-Specific Effects

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

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

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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</thead>
<tbody>
<tr>
<td>(1)</td>
<td>X</td>
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<tr>
<td>(2)</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) Sufficient water supplies are available to serve the proposed development. Engineering and Transportation Staff required the developer to provide a fire flow/water pressure test and have determined that the City has adequate water resources to serve the project for both regular and emergency uses.

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:

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

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

(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) Engineering and Transportation Staff required that the developer submit estimated sewer demands for the project and determined that the City had adequate sewer capacity to serve the project for both regular and emergency uses.
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></th>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>1</td>
<td>☐</td>
<td>X</td>
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<td>2</td>
<td>☐</td>
<td>X</td>
</tr>
<tr>
<td>3</td>
<td>☐</td>
<td>X</td>
</tr>
</tbody>
</table>

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

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

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

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

(2) The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR. The project site is located within the Baseline Developed Area and is not within the Dry Creek Community Planning District and not over looking the Dry Creek bluff. No further biological review is needed unless specific information is identified in future California Natural Diversity Data Base or through other formal input. The 2003 CNDDB show Swainson’s Hawk nest about 1.5 miles to the east that was documented in 1997. This nest is considered inactive because the siting was longer than five years. The site is surrounded by single-family development although a few large parcels are located to the southwest portion of the site. The site characteristics make it very unlikely that the project would have a significant affect on special status species. The mitigation measures from the MEIR appropriate to this project have been applied to the project as conditions of approval. These are listed in Section V, Mitigation Measures Applied To The Project, below.

(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:

<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 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.</td>
<td>X</td>
</tr>
</tbody>
</table>

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.

(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 policies require new development to prepare drainage plans and implement urban runoff control measures; larger Specific Plan developments must have storm drainage systems designed to control pollutant runoff. The City's implementation policies for the municipal NPDES storm water permit require new development to implement an appropriate selection of permanent pollution control measures. Permanent erosion control measures such as seeding and planting vegetation for new cut-and-fill slopes, directing runoff through vegetation, or otherwise reducing the offsite discharge of particulates and sediment are the most effective method of controlling offsite discharges of urban pollutants.

Effect: The City’s future development will contribute to cumulative water quality effects. EPA regulations for NPDES storm water permits and new proposed regulatory additions to the rules have become much more comprehensive in recent years and are being implemented to reduce pollutant runoff from both large- and small-scale activities. Implementation of NPDES-permitting programs throughout the county will reduce potential water-quality impacts to a less-than-significant level.

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

Flooding and Water Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:
Discussion:

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-than significant unless:

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

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

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

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

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

Discussion:

(1) The 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-than significant unless:

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(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.
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:

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(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.
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.  
   □ X

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

Discussion:

(1) The project is consistent with the 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:

- The project is inconsistent with the Modesto Urban Area General Plan. [ ]  
- 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:

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(1) The project is inconsistent with the Modesto Urban Area General Plan.
(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.
(3) The project contains a contaminated site not identified as of March 2003.
(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.
(5) The project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.

Discussion:

(1) The project is consistent with the 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-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:

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

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:

<table>
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<th>YES NO</th>
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<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
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<tr>
<td>(2) The project includes a substantive amendment to the Modesto Urban Area General Plan.</td>
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<tr>
<td>(3) The project would physically divide an established community</td>
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Discussion:

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

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

(3) The project will be an infill project within 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>
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<th>YES NO</th>
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<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
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<tr>
<td>(2) The project would have a substantial adverse effect on a scenic vista.</td>
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<tr>
<td>(3) The project would substantially degrade the existing visual character or quality of the project site and its surroundings.</td>
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<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>
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</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 the Dry Creek Community Planning District and no scenic vistas are at risk from this project. 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].

3. For new single-family residential development within the $L_{dn}$ 65 contour, the City of Modesto shall require developers to demonstrate that the proposed development will incorporate measures to reduce noise impacts to a less-than-significant level, as follows:

A. Where feasible and consistent with General Plan policy, incorporate setbacks and/or locate less-sensitive uses between a noise source and noise-sensitive uses.

B. Provide (to the extent feasible and consistent with General Plan policy) berms, barriers, or other techniques to shield noise-sensitive uses.

C. Incorporate construction techniques to achieve an interior noise limit of 45 $L_{dn}$ (these potential techniques are presented in CCR Title 24 standards).

**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