MODESTO CITY COUNCIL
RESOLUTION NO. 2003-345

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 18 AND CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED AT THE NORTHWEST CORNER OF FLOYD AVENUE AND LINCOLN OAK DRIVE IN THE VILLAGE ONE SPECIFIC PLAN AREA (NORA NARAGHI)

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report (“EIR”) (State Clearing House No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act (“CEQA”) Guidelines, and

WHEREAS, the Modesto City Council has 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No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material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, an application has been filed by Nora Naraghi for a Precise Plan for Area No. 18 of the Village One Specific Plan, property located at the northwest corner of Floyd Avenue and Lincoln Oak Drive, and

WHEREAS, the applicant has applied for approval of a rezoning from Specific Plan-Holding Zone, SP-H, to a Specific Plan-Overlay, SP-O, and

WHEREAS, the City’s Community & Economic Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and
WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/C&ED 2003-46, 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, and

WHEREAS, the Planning Commission, by Resolution No. 2003-38, adopted on June 16, 2003, and City staff, by a report dated June 13, 2003, from the Community and Economic Development Department, recommended to the City Council approval of the Precise Plan to Area No. 18 of the Village One Specific Plan as set forth in said Resolution No. 2003-38, and recommended approval of an Amendment to Section 14-3-9 of the Zoning Map to rezone from Specific Plan-Holding Zone, SP-H to Specific Plan-Overlay, SP-O, property located at the northwest corner of Floyd Avenue and Lincoln Oak Drive, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on July 1, 2003, 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 Environmental Assessment No. EA/C&ED No. 2003-46, entitled “City of Modesto Initial Study Precise Plan No. 18 and Hacienda Del Sol Vesting Tentative Subdivision Map with Multi-Family Final Development Plan,” for the proposed project, and the Council hereby makes the following findings:

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act (“CEQA”) Guidelines, this project is within the scope of the projects covered by the Village One

...
Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new environmental document or findings are required by CEQA.

2. The project will have no new effects which are not examined in the Program EIR and no new mitigation measures would be required.

3. There are no substantial changes proposed in the project which will require major revisions of the Program EIR.

4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Program EIR.

5. No new information, which was not known and could not have been known at the time the Program EIR was certified as complete, has become available.

6. There no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.

7. All feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

8. This initial study, Environmental Assessment No. EA/C&ED No. 2003-46, provides the substantial evidence to support the above findings 1 through 7, above.
A copy of said Environmental Assessment No. EA/C&ED No. 2003-46, entitled “City of Modesto Initial Study Precise Plan No. 18 and Hacienda Del Sol Vesting Tentative Subdivision Map with Multi-Family Final Development Plan,” is attached hereto as Exhibit “A”, and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 2003, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT “A”

INITIAL STUDY

EA/C&ED NO. 2003-46
I. PURPOSE

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.

Sections 15168(c) and 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:

A. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.

B. The project will have no new effects that were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.

C. There are no substantial changes proposed in the project that will require major revisions of the Village One Specific Plan Program EIR.

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

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

F. All feasible mitigation measures set forth in the Program EIR that are appropriate to the project shall be incorporated in the project.

The purpose of this initial study is to provide the substantial evidence to support the above findings.
II. PROJECT DESCRIPTION

A. Project title:
Precise Plan No. 18 and Hacienda Del Sol Vesting Tentative Subdivision Map with Multi-Family Final Development Plan

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

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

D. Project Location:
The project is located at the northwest corner of Floyd Avenue and Lincoln Oak Drive, within the City of Modesto.

E. Project Sponsor: Nora Naraghi; P.O. Box 7, Escalon, CA 95320

F. General Plan Designation: Village Residential (VR)

G. Current Zoning: Specific Plan-Holding (SP-H) Zone

H. Description of Proposed Project:
Precise plan and vesting tentative subdivision map in the Village One Specific Plan to create a 171-lot single-family subdivision on 40 acres, and 10 acres (248 units) of multifamily residential development.

I. Surrounding land uses:
The project is bounded on the north, east and west by vacant lands designated for future residential development by the Village One Specific Plan, and to the south (across Floyd Avenue) by existing residential development.

J. Other public agencies whose approval is required: None

III. ANALYSIS OF CONFORMANCE WITH SECTION 15168(C) FINDINGS

Following is an analysis of how the project is within the scope of the Village One Program EIR, as modified by the Supplemental EIR, and how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, broken down by each impact area identified in the Village One Program EIR:

A. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Village One Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity. It also provides a circulation system in accordance with the Specific Plan. Therefore, impacts to traffic and circulation for this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.
B. Degradation of Air Quality

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Air quality impacts for this project are directly related to traffic impacts. Because traffic impacts for this project are within the scope of those in the Village One EIR, air quality impacts are also within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

C. Generation of Noise

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity, and the project includes a masonry sound wall adjacent to Claus Road, as required by the Specific Plan. Therefore, the noise impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

D. Vegetation and Wildlife

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The project is located in an area analyzed by the Village One EIR for residential development. Therefore, the impacts to vegetation and wildlife of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

E. Land Use

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the land use impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

F. Population, Employment and Housing

Impacts to population, employment and housing are analyzed on pages III-95 through III-99 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to population, employment and housing of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

G. Urban Design and Visual Quality

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The development proposed by this subdivision is consistent with the Village One Specific Plan in terms of land use, intensity and urban design, and includes landscaped setbacks along the surrounding streets, as required by the Specific Plan. Therefore, the impacts to urban design and visual quality of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.
H. Geology and Soils

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to geology and soils of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

I. Hydrology

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity, and includes the necessary storm drainage systems required by the Specific Plan. Therefore, the impacts to hydrology of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

J. Public Services

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity, and would not create any additional demand for public services that are in excess of those analyzed by the Village One EIR. Therefore, the impacts to public services of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

K. Fiscal Impacts

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the fiscal impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

L. Cumulative Impacts

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in terms of land use intensity. Therefore, the cumulative impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

M. Growth Inducing Impacts

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The project is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the growth-inducing impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.
IV. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS

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

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there have been no substantial changes with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Program EIR.

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

The Village One Program EIR was certified by the Modesto City Council on September 11, 1990, and the Supplemental EIR was certified on May 24, 1994. Since then, there is no new information, which was not known at the time the Program EIR was certified, has become available, that would change the conclusions of the EIR.

V. MITIGATION MEASURES

Since the project is within the scope of the Village One Specific Plan Program EIR, as modified by the Supplemental EIR, there are no additional mitigation measures needed for the project. All feasible mitigation measures set forth in the Program EIR that are appropriate to the project shall be incorporated in the project.

VI. CONCLUSIONS/DETERMINATIONS OF FINDINGS

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.

2. The project will have no new effects that were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new mitigation measures would be required.

3. There are no substantial changes proposed in the project that will require major revisions of the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

5. No new information, which was not known and could not have been known at the time the Village One Specific Plan Program EIR was certified as complete, has become available.
6. There are no specific features that are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.

7. All feasible mitigation measures set forth in the Program EIR that are appropriate to the project shall be incorporated in the project.

8. This initial study provides the substantial evidence to support the above findings.

Signature:

Brad Wall,
Associate Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-346

A RESOLUTION FINDING THAT THE 2003 URBAN GROWTH REVIEW,
(THE PROJECT) AS REQUIRED BY THE ADOPTED MODESTO URBAN
AREA GENERAL PLAN, “COMMUNITY GROWTH STRATEGY” IS WITHIN
THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN
AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT
(SCH NO. 1999082041)

WHEREAS, on August 15, 1995, the City Council of the City of Modesto
certified the Final Master Environmental Impact Report ("Master EIR") (SCH No.
92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Modesto Urban Area General Plan, Community Growth Strategy
calls for the review of growth trends in the Modesto Urban Area on a periodic basis, and

WHEREAS, the last Urban Area Growth Policy Review was approved by the City
Council on July 10, 2001, and

WHEREAS, the 2003 Urban Growth Policy Review contains a recommendation
that a Measure M ballot measure be prepared for the Johansen, North Empire,
Kiernan/Carver, CPDs and unincorporated infill areas, 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 and Economic Development Department by Environmental Assessment Initial Study EA/C&ED2003-42 reviewed the 2003 Urban Growth Policy Review to determine whether the Project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed Project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed Project is within the scope of the project covered by the Master EIR,

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 2003 Urban Area Growth Policy Review, 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. That the proposed Project is contemplated and described in the Master EIR (SCH No. 19990820) as being within the scope of the Master EIR report.

2. That the Project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures or alternatives that were not previously considered in the Master EIR are required.

3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed Project that require project specific mitigation measures. All certified mitigation measures identified in the Master EIR will apply citywide including this project as appropriate.

5. The Initial Study, Environmental Assessment EA/C&ED 2003-42, provides the substantial evidence to support findings 1-5 noted above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development 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 1st day of July, 2003, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: Frohman, Jackman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
EXHIBIT A

Initial Study

EA/C&ED 2003-42
City of Modesto

Initial Study

2003 Urban Area Growth Policy Review Measure “M” Ballot Measures: Johansen, Empire North, Kiernan/Carver, and Infill Areas

EA NO. C&ED 2003- 42

I. PURPOSE:

Finding of Conformance under City’s General Plan Master EIR

The GPMEIR allows for limited environmental review of this proposed 2003 Urban Area Growth Review Measure “M” Ballot Measures. The original Master EIR was certified on August 15, 1995 (SCH #92052017), in conjunction with adoption of the Modesto Urban Area General Plan. The Final Master EIR Update (SCH # 1999082041) was certified by the Modesto City Council on March 4, 2003. The MEIR contains a detailed analysis and a comprehensive program of mitigation measures to address development within the Modesto General Plan Area.

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

Master EIR Requires Focused EIRs for Development of Comprehensive Planning Districts

One or more of the Comprehensive Planning Districts (CPDs) that would be placed on the ballot for a Measure “M” vote may result in a future development proposal. For any CPDs proposed for development, the Master EIR/General Plan requires preparation and certification of a Focused EIR pursuant to CEQA Section 21158 prior to adoption of a comprehensive Plan (Specific Plan) for development. This detailed analysis can only be prepared when an actual project with a detailed land plan has been submitted for review and approval.

II. PROJECT DESCRIPTION:

A. Project Title:
2003 Measure “M” Ballot Measure –Johansen, Empire North, Kiernan/Carver, and Infill Areas

B. Lead Agency Name and Address:
City of Modesto, P.O. Box 642 Modesto, CA 95353
C. Contact Person, address and phone number:
   Patrick Kelly, 1010 Tenth Street, Modesto, CA 95353
   (209) 577-5268

D. Project Location:
The Modesto Urban Area

E. Project Sponsor, address and phone number:
   City of Modesto, P.O. Box 624, Modesto, CA 95353

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

G. Zoning:
   City of Modesto Zoning Map

H. Description of Proposed Project:

The (project) consists of proposed ballot measure(s) that could be placed on the November 2003 citywide Measure "M" Advisory vote election for extension of sewer service by the City Council. The project implements the General Plan Growth Policy for selection of areas for future development or annexation. The measures, described below, are based on the 2003 Urban Area Growth Policy Review process where property owners have expressed written interest in future development (Council may select any combination).

The City Council may select (approve) ballot measures that can proceed with development proposals. Implementation of the ballot measure would be a Subsequent Project to the General Plan Master EIR (MEIR) as described in Chapter II, of the MEIR. Implementing “devices” would include: Specific Plans (page II-7 MEIR) and Annexations (page II-2 MEIR). The MEIR requires a Focused EIR to be prepared for any Comprehensive Planning District (CPD) proposed for development. Annexations, or Reorganizations, pursuant to the Cortese Knox-Hertzberg Reorganization Act are required to bring any of the Infill areas proposed for a vote into the incorporated City of Modesto (page II-2 MEIR).

The proposed ballot measure would include one or more of the following Comprehensive Planning Districts (CPD’s) located in the Planned Urbanizing Area of the City’s General Plan:

1. Johansen CPD, (minus the annexed 109-acre Johansen High School area) 501 acres located north of Yosemite Boulevard, and east of Claus Road, west of Santa Fe RR & unincorporated Empire area (attached Exhibit A).
2. Empire North CPD, 174-acre portion of CPD located east of Santa Fe RR, west of Church Street, south of Dry Creek and north of the unincorporated Empire area (attached Exhibit A).

3. Kiernan/Carver CPD, 571-acre portion of CPD designated Village Residential by the Modesto Urban Area General Plan, located south of Kiernan Avenue, east of American Avenue, north of Bangs Avenue and west of Carver Road (attached Exhibit B).

6. Infill Areas, consisting of unincorporated islands within the City limits comprised of 2,408-acres, and remaining unincorporated areas in the Baseline Developed Area of the General Plan, which are developed or surrounded by development, excluding infill areas with a previous Measure M vote. (attached Exhibit C).

I. Surrounding Land Uses:
   Unincorporated County.

J. Other Public agencies whose approval is required
   none

II. 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 with the analysis contained within the Master EIR.

A. Traffic and Circulation
The proposal to place the CPDs and Infill Areas on the ballot "project" would not cause additional significant increase in traffic and circulation impacts, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR and thus would not adversely affect the roadway or intersection capacity of the City's circulation system beyond what was identified in the MEIR. Therefore, any potential adverse impacts on traffic and circulation were analyzed and mitigation provided by the GPMEIR.

Following the vote scheduled for November 2003, further separate Council actions are required in order for development or annexation of these areas to proceed. Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Subsequent projects within infill areas including annexations would be addressed by an Initial Study, which will determine whether they are "within the scope of the Master EIR" or whether a Mitigated Negative Declaration shall be prepared pursuant to CEQA Section 21157.1 or if a Focused EIR must be prepared pursuant to CEQA Section 21158, before the proposal is initiated. 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 proposal to place the CPDs and Infill Areas on the ballot "project" would not cause additional degradation of air quality, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on loss of sensitive wildlife and plant habitat were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted.

Subsequent projects within infill areas including annexations would be addressed by an Initial Study, which will determine whether they are "within the scope of the Master EIR" or whether a Mitigated Negative Declaration shall be prepared pursuant to CEQA Section 21157.1 or if a Focused EIR must be prepared pursuant to CEQA Section 21158, before the proposal is initiated. Therefore, 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 proposal to place the CPDs and Infill Areas on the ballot "project" would not cause additional generation of noise, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts for generation of noise were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Subsequent projects within infill areas including annexations would be addressed by an Initial Study, which will determine whether they are "within the scope of the Master EIR" or whether a Mitigated Negative Declaration shall be prepared pursuant to CEQA Section 21157.1 or if a Focused EIR must be prepared pursuant to CEQA Section 21158, before the proposal is initiated. 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 still valid.

D. **Loss of Productive Agricultural Land**

The proposal to place the CPDs and Infill Areas on the ballot "project" would not cause additional loss of productive agricultural land, not already identified in the MEIR.
MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on loss of productive agricultural land were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Subsequent projects within infill areas including annexations would be addressed by an Initial Study, which will determine whether they are "within the scope of the Master EIR" or whether a Mitigated Negative Declaration shall be prepared pursuant to CEQA Section 21157.1 or if a Focused EIR must be prepared pursuant to CEQA Section 21158, before the proposal is initiated. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages V-4-1 through V-4-12) are still valid.

E. Increased Demand for Water Supplies
The proposal to place the CPDs and Infill Areas on the ballot "project" would not cause additional increased demand for water supplies, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on increased demand for water supplies were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Subsequent projects within infill areas including annexations would be addressed by an Initial Study, which will determine whether they are "within the scope of the Master EIR" or whether a Mitigated Negative Declaration shall be prepared pursuant to CEQA Section 21157.1 or if a Focused EIR must be prepared pursuant to CEQA Section 21158, before the proposal is initiated. Therefore, Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages V-5-1 through V-5-13 are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services
The proposal to place the CPDs and Infill Areas on the ballot "project" would not cause additional increased demand for sanitary services, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts for increased demand for sanitary sewer services were analyzed and mitigation provided by the GPMEIR.
Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Subsequent projects within infill areas including annexations would be addressed by an Initial Study, which will determine whether they are “within the scope of the Master EIR” or whether a Mitigated Negative Declaration shall be prepared pursuant to CEQA Section 21157.1 or if a Focused EIR must be prepared pursuant to CEQA Section 21158, before the proposal is initiated. Therefore, 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 proposal to place the CPDs and Infill Areas on the ballot “project” would not cause additional disturbance of wildlife and plant habitat areas, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on loss of sensitive wildlife and plant habitat were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Subsequent projects within infill areas including annexations would be addressed by an Initial Study, which will determine whether they are “within the scope of the Master EIR” or whether a Mitigated Negative Declaration shall be prepared pursuant to CEQA Section 21157.1 or if a Focused EIR must be prepared pursuant to CEQA Section 21158, before the proposal is initiated. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in the MEIR for Sensitive Wildlife and Plant Habitat, (pages V-7-1 through V-7-30) are, therefore, still valid.

H. Disturbance of Archaeological and Historic Sites
The proposal to place the CPDs and Infill Areas on the ballot “project” would not cause additional disturbance of archaeological and historic sites, not already identified in the MEIR. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on disturbance of archaeological and historic sites were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Subsequent projects within infill areas including annexations would be addressed by an Initial Study, which will determine whether they are “within the scope of the Master EIR” or whether a Mitigated Negative Declaration shall be prepared pursuant to CEQA Section 21158.
21157.1 or if a Focused EIR must be prepared pursuant to CEQA Section 21158, before the proposal is initiated. Therefore, the project would not disturb any new archaeological or historic sites not already analyzed in the General Plan MEIR. The Existing conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages V-8-1 through V-8-22) are, therefore, still valid.

I. Drainage, Flooding and Water Quality
The proposal to place the CPDs and Infill Areas on the ballot "project" would not change the size or configuration of drainage, flooding and water quality facilities, not already identified in the MEIR. Therefore, the project will not create any new significant drainage, flooding or water quality impacts that were not addressed in the MEIR. Therefore, any potential adverse impacts on drainage, flooding and water quality were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Subsequent projects within infill areas including annexations would be addressed by an Initial Study, which will determine whether they are "within the scope of the Master EIR" or whether a Mitigated Negative Declaration shall be prepared pursuant to CEQA Section 21157.1 or if a Focused EIR must be prepared pursuant to CEQA Section 21158, before the proposal is initiated. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages V-9-1 through V-9-13) are, therefore, still valid.

J. Increased Demand for Storm Drainage
The proposal to place the CPDs and Infill Areas on the ballot "project" would not generate any additional population or development beyond that identified in the MEIR that cause increased demand for storm drainage facilities. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on Increased Demand for storm drainage were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Subsequent projects within infill areas including annexations would be addressed by an Initial Study, which will determine whether they are "within the scope of the Master EIR" or whether a Mitigated Negative Declaration shall be prepared pursuant to CEQA Section 21157.1 or if a Focused EIR must be prepared pursuant to CEQA Section 21158, before the proposal is initiated. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages V-10-1 through V-10-16) are, therefore, still valid.
K. **Increased Demand for Parks and Open Space**

The proposal to place the CPDs and Infill Areas on the ballot "project" would not generate any additional population beyond that identified in the MEIR that would use parks or open space facilities. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on Increased Demand for Parks and Open Space were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Subsequent projects within infill areas including annexations would be addressed by an Initial Study, which will determine whether they are "within the scope of the Master EIR" or whether a Mitigated Negative Declaration shall be prepared pursuant to CEQA Section 21157.1 or if a Focused EIR must be prepared pursuant to CEQA Section 21158, before the proposal is initiated. 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-11-11) are, therefore, still valid.

L. **Increased Demand for Schools**

The proposal to place the CPDs and Infill Areas on the ballot "project" would not generate any additional population beyond that identified in the MEIR that would use school facilities. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on Increased Demand for schools were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Subsequent projects within infill areas including annexations would be addressed by an Initial Study, which will determine whether they are "within the scope of the Master EIR" or whether a Mitigated Negative Declaration shall be prepared pursuant to CEQA Section 21157.1 or if a Focused EIR must be prepared pursuant to CEQA Section 21158, before the proposal is initiated. Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages V-12-1 through V-12-11) are, therefore, still valid.

M. **Increased Demand for Police Services**

The proposal to place the CPDs and Infill Areas on the ballot "project" would not generate any additional population beyond that identified in the MEIR that would require increased Police services or facilities. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure
or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on Increased Demand for police services were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Subsequent projects within infill areas including annexations would be addressed by an Initial Study, which will determine whether they are “within the scope of the Master EIR” or whether a Mitigated Negative Declaration shall be prepared pursuant to CEQA Section 21157.1 or if a Focused EIR must be prepared pursuant to CEQA Section 21158, before the proposal is initiated. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages V-13-1 through V-13-7) are, therefore, still valid.

N. Increased Demand for Fire Services
The proposal to place the CPDs and Infill Areas on the ballot “project” would not generate any additional population beyond that identified in the MEIR that would require increased Fire services or facilities. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on Increased Demand for Fire services were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Impacts to annexation of Infill Areas would be addressed by an Initial Study/Mitigated Negative Declaration prepared pursuant to CEQA Section 21157.1 before a proposal is initiated. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages V-14-1 through IV-14-9) are, therefore, still valid.

O. Generation of Solid Waste
The proposal to place the CPDs and Infill Areas on the ballot “project” would not generate any additional population beyond that identified in the MEIR that would result in increased generation of solid waste or related facilities. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on generation of solid waste and related services were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Subsequent projects within infill areas

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including annexations would be addressed by an Initial Study, which will determine whether they are “within the scope of the Master EIR” or whether a Mitigated Negative Declaration shall be prepared pursuant to CEQA Section 21157.1 or if a Focused EIR must be prepared pursuant to CEQA Section 21158, before the proposal is initiated. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages V-15-1 through V-15-10) are, therefore, still valid.

P. Generation of Hazardous Materials

The proposal to place the CPDs and Infill Areas on the ballot “project” would not generate any additional population or development beyond that identified in the MEIR that would result in increased generation of hazardous materials. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on generation of hazardous materials were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Subsequent projects within infill areas including annexations would be addressed by an Initial Study, which will determine whether they are “within the scope of the Master EIR” or whether a Mitigated Negative Declaration shall be prepared pursuant to CEQA Section 21157.1 or if a Focused EIR must be prepared pursuant to CEQA Section 21158, before the proposal is initiated. The Existing Conditions, Impacts analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages V-16-1 through V-16-15) are, therefore, still valid.

Q. Landslides and Seismic Activity

The proposal to place the CPDs and Infill Areas on the ballot “project” would not generate any additional population or development beyond that identified in the MEIR that would result in increased exposure to landslides and seismic activity. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on exposure to landslides and seismic activity were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Subsequent projects within infill areas including annexations would be addressed by an Initial Study, which will determine whether they are “within the scope of the Master EIR” or whether a Mitigated Negative Declaration shall be prepared pursuant to CEQA Section 21157.1 or if a Focused EIR must be prepared pursuant to CEQA Section 21158,
before the proposal is initiated. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Landslide and Seismic Activity (pages V-17-1 through V-17-12) are, therefore, still valid.

R. Energy

The proposal to place the CPDs and Infill Areas on the ballot "project" would not generate any additional population or development beyond that identified in the MEIR that would result in increased demand for energy. The ballot measures do not propose any changes to the gross acreage, land use designations, infrastructure, or circulation system of the General Plan analyzed by the MEIR. Therefore, any potential adverse impacts on increased demand for energy were analyzed and mitigation provided by the GPMEIR.

Detailed impacts of development of the CPDs would be identified through a Focused EIR prepared pursuant to CEQA Section 21158 when a development application/land plan is submitted. Subsequent projects within infill areas including annexations would be addressed by an Initial Study, which will determine whether they are "within the scope of the Master EIR" or whether a Mitigated Negative Declaration shall be prepared pursuant to CEQA Section 21157.1 or if a Focused EIR must be prepared pursuant to CEQA Section 21158, before the proposal is initiated. 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. Mitigation Measures for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposal to place the CPDs and Infill Areas on the ballot "project" is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 1999082041).

B. The proposal to place the CPDs and Infill Areas on the ballot "project" will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

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

D. There are no specific features unique to the proposal to place the CPDs and Infill Areas on the ballot "project" that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

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

Signature: [Signature]

Initial Study
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MODESTO CITY COUNCIL
RESOLUTION NO. 2003-347

A RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION AN ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO THE UNINCORPORATED AREA REFERRED TO AS “COFFEE-SYLVAN INFILL AREA”, GENERALLY LOCATED EAST OF COFFEE ROAD, SOUTH OF SYLVAN AVENUE, EAST AND WEST OF KELLER STREET CONTAINING 275 PARCELS ON 89 ACRES, IN THE MODESTO URBAN AREA GENERAL PLAN, AND APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO (“CITY”) AND COUNTY OF STANISLAUS (“COUNTY”) TO RESOLVE POTENTIAL FISCAL IMPACTS OF UPGRADING EXISTING DEFICIENT INFRASTRUCTURE WITHIN THE COFFEE-SYLVAN INFILL AREA OF THE MODESTO URBAN AREA GENERAL PLAN, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, on March 6, 1979, the voters enacted the Modesto Citizens’ Advisory Growth Management Act (Measure A) which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for the extension of any sewer trench without first holding an advisory election, and

WHEREAS, on November 4, 1997, the voters enacted the Modesto Citizens’ Advisory Growth Management Act of 1995 (Measure M) which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for sewer improvements without first holding an advisory election, and

WHEREAS, in order to satisfy the requirements of Measure A and Measure M the City Council of the City of Modesto desires to submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 4, 2003, an advisory measure relating to the provisions of sewer service to a certain area of the city with the understanding that this action is not the first step leading to annexation, it is for the sole purpose of making sewer service available to those areas and with the further understanding that no City funds will be expended to provide such sewer service.
WHEREAS, the Measure M Policy further provides that a Measure M vote for substantial infill areas will not be scheduled until the City and County have addressed and reached agreement to resolve the potential fiscal impacts of upgrading existing deficient infrastructure; and,

WHEREAS, the City and County shall resolve the potential impacts of upgrading existing infrastructure on the terms and conditions as set forth in the agreement, so that the City can schedule a Measure M vote for the Infill Area.

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

SECTION 1. BALLOT MEASURE.

Provided the County of Stanislaus approve the Public Improvement Agreement attached as “Exhibit A” on or before July 23, 2003, then pursuant to Section 9603 of the Elections Code, the Council of the City of Modesto proposes to, and hereby does, on its own motion, submit to the qualified electors of the City of Modesto at a regular election to be held on November 4, 2003, an advisory measure relating to the provision of sewer service to certain areas of the city as set forth below, and hereby designates the form of the ballot measure for use at said special election as follows:

MEASURE *

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan?

"Coffee-Sylvan Infill Area"

The following unincorporated area generally located east of Coffee Road, south of Sylvan Avenue, east and west of Keller Street containing 275 lots on 89 acres.
SECTION 2. FORM OF BALLOT

On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the proposal to extend sanitary sewer service:

MEASURE * City of Modesto Sewer Service Extension Advisory Measure.

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan provided the area is first annexed to the City?

Coffee-Sylvan Infill Area

The unincorporated area generally located east of Coffee Road, south of Sylvan Avenue, east and west of Keller Street containing 275 lots on 89 acres.

SECTION 3. CONDUCT OF ELECTION.

The advisory election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, the advisory election shall be held as provided for in the City Charter, and in all particulars not provided for therein, the advisory election shall be held as provided by law for the holding of advisory elections and regular municipal elections in the City of Modesto and otherwise in accordance with the Elections Code of the State of California.

SECTION 4. CITY CLERK CERTIFICATION.

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Elections Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

07/01/03/C&ED/Patrick Kelly/Coffee-Sylvan 3 2003-347
BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 2003, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
PUBLIC IMPROVEMENT AGREEMENT

This Agreement is made, entered into and effective the____ day of July, 2003, by and between the CITY OF MODESTO, a municipal corporation ("CITY") and the COUNTY OF STANISLAUS, a political subdivision of the State of California ("COUNTY"). This Agreement is made with reference to the following:

WHEREAS, CITY owns, operates and maintains a sewer district which is designed and intended to serve residents and business located within the City of Modesto ("Sewer District"); and,

WHEREAS, there exists an substantial unincorporated County island within the CITY’s limits which is commonly known as the Coffee-Sylvan Neighborhood, more particularly described in Exhibit A hereto and incorporated herein by reference ("Infill Area"); and,

WHEREAS, COUNTY has requested that CITY’s Sewer District provide sewer service to the Infill Area; and,

WHEREAS, the Modesto Citizens Advisory Growth Management Act, commonly known as “Measure A” and the Modesto Citizens Advisory Growth Management Act of 1995 ("Measure M") provide that CITY’s Council shall not approve, authorize, or appropriate funds for sewer improvements without first holding an advisory election as provided by California Elections Code section 9603; and,

WHEREAS, CITY’s Policy to Implement Measure M ("Measure M Policy") recognizes that a successful Measure M vote may lead to public expectations that annexation will immediately follow with corresponding expectations that existing deficient infrastructure will be upgraded to meet current CITY standards; and,

WHEREAS, in recognition of these expectations, the Measure M Policy further provides
that a Measure M vote for substantial infill areas will not be scheduled until the CITY and COUNTY have addressed and reached agreement to resolve the potential fiscal impacts of upgrading existing deficient infrastructure; and,

WHEREAS, CITY and COUNTY have resolved the potential fiscal impacts of upgrading existing deficient infrastructure on the terms and conditions as set forth in this Agreement so that CITY can schedule a Measure M vote for the Infill Area.

NOW THEREFORE, in consideration of the mutual covenants, promises and agreements herein contained, the parties hereto mutually agree as follows:

1. CONSTRUCTION OF PUBLIC IMPROVEMENTS

Prior to connection of any sewer lines to CITY’s Sewer District, or provision of any sewer service from CITY’s Sewer District to any lot within the Infill Area, COUNTY shall improve all existing public improvements, or construct new public improvements, to fully comply with all requirements of the Modesto Municipal Code and all current CITY standards. The public improvements to be upgraded or newly constructed shall include but not be limited to streets, street lighting, storm drainage, sewer, sidewalks, curbs and gutters. The design and construction of all such public improvements, including all labor, materials and supplies used upon, for or about the performance of said work, shall be at COUNTY’s sole cost.

2. CONSTRUCTION OF PUBLIC SEWER IMPROVEMENTS

Prior to connection of any sewer lines to CITY’s Sewer District, or provision of any sewer service from CITY’s Sewer District to any lot within the Infill Area, COUNTY shall construct all sewer subtrunks, laterals and other piping facilities which would be necessary to extend sewer service from CITY’s Sewer District to the Infill Area, if and when the CITY is able to do so, and shall enter into an agreement with the CITY regarding maintenance of said sewer
pipelines. COUNTY shall design and construct all such sewer improvements to fully comply with all requirements of the Modesto Municipal Code and all current CITY standards. The design and construction of all sewer improvements, including all labor, materials and supplies used upon, for or about the performance of said work, shall be at COUNTY's sole cost.

3. COMPLETION OF PUBLIC IMPROVEMENTS.

COUNTY agrees to take all actions as may be necessary to ensure that the upgrades to and construction of Public Improvements as provided in this Agreement are complete and, where appropriate, dedicated to and accepted by CITY prior to connection of sewer from CITY's Sewer District to Infill Area, or to provision of sewer service to any lot within the Infill Area. In the event that COUNTY shall fail to complete such work within said time, the CITY may, at its sole option, complete the same, and recover the full cost and expense thereof from the COUNTY.

5. INDEMNIFICATION.

COUNTY shall hold CITY harmless from, and save, defend and indemnify it against any and all claims, losses, liabilities and damages from every cause including, but not limited to, injury to person or to property or wrongful death, with the indemnity to include reasonable attorney=s fees, and all costs and expenses, arising directly or indirectly out of any act or omission of COUNTY, whether or not the act or omission arises from the sole negligence or other liability of COUNTY, or its agents, officers, employees, or volunteers relating to or arising out of the construction, dedication and installation of the above listed Public Improvements. The provisions of this Paragraph 3 shall survive the expiration and termination of this Agreement. The CITY shall promptly notify the COUNTY of any claim, action, or proceedings and shall cooperate fully in the defense.

4. GENERAL PROVISIONS.
A. COUNTY shall not have the right to assign this Agreement or any rights hereunder without the prior written approval of CITY, and such consent to transfer any rights hereunder shall not be unreasonably withheld by CITY.

B. All covenants, stipulations and agreements in this Agreement shall bind the representatives, successors and assigns of the respective parties.

C. Where the terms of this Agreement require the exercise of discretion by the CITY or COUNTY, or their respective engineering staff, discretion shall not be exercised in an unreasonable, arbitrary or capricious manner. CITY=s execution of this Agreement in no way limits the discretion of CITY in the permit and approval process in connection with construction of any of the above Public Improvements, including but not limited to the provision of sewer service by CITY's Sewer District.

D. The language of each and all paragraphs, terms and/or provisions of this Agreement shall, in all cases and for any and all purposes, and in any way and all circumstances whatsoever, be construed as a whole, according to its fair meaning, and not for or against any party hereto and with no regard whatsoever to the identity or status of any person or persons who drafted all or any portion of this Agreement.

E. There shall be no third party beneficiaries to this Agreement.

F. Any waiver by CITY of any obligation or condition in this Agreement must be in writing. No waiver will be implied from any delay or failure of CITY to take action on any breach or default of COUNTY or to pursue any remedy allowed under this Agreement or applicable law.

G. This Agreement and its exhibit contain the entire understanding between COUNTY and CITY with respect to the matters contained herein. All previous proposals, offers
and communications relative to this Agreement, whether oral or written, are hereby superseded except to the extent that they have been incorporated into this Agreement. No future waiver of or exception to any of the terms, conditions, and provisions of this Agreement shall be considered valid unless specifically agreed to in writing by all the parties.

H. If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

I. COUNTY shall fully comply with all applicable federal, state, and local laws, ordinances, regulations and permits related to the performance of their respective obligations under this Agreement, including the design, installation, and construction of the above Public Improvements.

IN WITNESS WHEREOF, CITY, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2003-____, adopted by the Council of the City of Modesto on the ____ day of July, 2003, and COUNTY has authorized the execution of this Agreement in duplicate by its Chief Executive Officer under authority of Resolution No. ______, adopted by the Board of Supervisors of Stanislaus County on the ____ day of July, 2003.

CITY OF MODESTO, a municipal corporation

COUNTY OF STANISLAUS, a political subdivision of the State of California

By ___________________                               ___________________
    JACK CRIST, City Manager                          REAGAN WILSON, Chief Executive Officer

ATTEST:

-5-
By ______________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
MICHAEL D. MILICH, City Attorney

By ______________________
ALISON A. BARRATT-GREEN
Senior Deputy City Attorney

APPROVED AS TO FORM:
MICHAEL KRAUSNICK, County Counsel

By ______________________
ED BURROUGHS,
Deputy County Counsel
EXHIBIT “A”

“Coffee-Sylvan Infill Area”

The unincorporated area generally located east of Coffee Road, south of Sylvan Avenue, east and west of Keller Street containing 275 lots on 89 acres.
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-348

A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THE ADVISORY MEASURE CONSIDERING THE EXTENSION OF SEWER SERVICE TO THE UNINCORPORATED AREA REFERRED TO AS "COFFEE-SYLVAN INFILL AREA", GENERALLY LOCATED EAST OF COFFEE ROAD, SOUTH OF SYLVAN AVENUE, EAST AND WEST OF KELLER STREET CONTAINING 275 PARCELS ON 89 ACRES, IN THE MODESTO URBAN AREA GENERAL PLAN TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE

WHEREAS, the Modesto City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 4, 2003, an advisory measure concerning the unincorporated area referred to as "Coffee-Sylvan Infill Area", the unincorporated area generally located east of Coffee Road, south of Sylvan Avenue, east and west of Keller Street containing 275 parcels on 89 acres, in the Modesto Urban Area General Plan to the City Attorney for the purpose of preparing an impartial analysis of said measure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an Impartial Analysis of the measure showing the effect of the measure on existing law on the operation of the measure.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 2003, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:
AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MIchael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO THE UNINCORPORATED AREA REFERRED TO AS "COFFEE-SYLVAN INFILL AREA", GENERALLY LOCATED EAST OF COFFEE ROAD, SOUTH OF SYLVAN AVENUE, EAST AND WEST OF KELLER STREET CONTAINING 275 PARCELS ON 89 ACRES IN THE AREA OF THE MODESTO URBAN AREA GENERAL PLAN

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 4, 2003, an advisory measure concerning the unincorporated area referred to as "Coffee-Sylvan Infill Area", the unincorporated area generally located east of Coffee Road, south of Sylvan Avenue, east and west of Keller Street containing 275 parcels on 89 acres in the Modesto Urban Area General Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said measure and to change such arguments until and including the date and time after which no argument may be filed with the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1\textsuperscript{st} day of July, 2003, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: \underline{Jean Zahr}  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: \underline{Michael D. Milich}  
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-350

A RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION AN ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO THE UNINCORPORATED AREAS DESIGNATED "EMPIRE NORTH COMPREHENSIVE PLANNING DISTRICT" IN THE MODESTO URBAN AREA GENERAL PLAN, GENERALLY LOCATED EAST OF THE BURLINGTON NORTHERN SANTA FE RAILROAD, NORTH OF SUMMIT WAY, WEST OF CHURCH STREET AND SOUTH OF DRY CREEK IN THE MODESTO URBAN AREA GENERAL PLAN AND "JOHANSEN COMPREHENSIVE PLANNING DISTRICT" IN THE MODESTO URBAN AREA GENERAL PLAN, GENERALLY LOCATED EAST OF CLAUSE ROAD, NORTH OF YOSEMITE, WEST OF THE BURLINGTON NORTHERN SANTA FE RAILROAD AND SOUTH OF DRY CREEK

WHEREAS, on March 6, 1979, the voters enacted the Modesto Citizens’ Advisory Growth Management Act (Measure A) which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for the extension of any sewer trench without first holding an advisory election, and

WHEREAS, on November 4, 1997, the voters enacted the Modesto Citizens’ Advisory Growth Management Act of 1995 (Measure M) which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for sewer improvements without first holding and advisory election, and

WHEREAS, in order to satisfy the requirements of Measure A and Measure M the City Council of the City of Modesto desires to submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 4, 2003, an advisory measure relating to the provisions of sewer service to a certain area of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. BALLOT MEASURE.

That pursuant to Section 9603 of the Elections Code, the Council of the City of Modesto proposes to, and hereby does, on its own motion, submit to the qualified electors of the City of Modesto at a regular election to be held on November 4, 2003, an advisory measure relating to the provision of sewer service to certain areas of the city as set forth below, and hereby designates the form of the ballot measure for use at said special election as follows:

MEASURE L

Shall the City Council provide sewer service to the following described areas of the Modesto Urban Area General Plan, provided the areas are first annexed to the City?

“Empire North Comprehensive Planning District, consisting of 141 gross acres”

The unincorporated area designated “Empire North Comprehensive Planning District” in the Modesto Urban Area General Plan. Generally located, the unincorporated area is, east of the Burlington Northern Santa Fe Railroad, north of Summit Way, west of Church Street and south of Dry Creek.

“Johansen Comprehensive Planning District, consisting of 501 gross acres”

The unincorporated area designated “Johansen Comprehensive Planning District” in the Modesto Urban Area General Plan. Generally located, the unincorporated area is, east of Claus Road, north of Yosemite, west of the Burlington Northern Santa Fe Railroad and south of Dry Creek.

SECTION 2. FORM OF BALLOT

On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the proposal to extend sanitary sewer service:
MEASURE L City of Modesto Sewer Service Extension Advisory Measure.

Shall the City Council provide sewer service to the following described areas of the Modesto Urban Area General Plan provided the areas are first annexed to the City?

Yes ☐
No ☐

**Empire North Comprehensive Planning District, 141 gross acres**

The unincorporated area designated “Empire North Comprehensive Planning District” in the Modesto Urban Area General Plan. Generally located, the unincorporated area is, east of the Burlington Northern Santa Fe Railroad, north of Summit Way, west of Church Street and south of Dry Creek.

**“Johansen Comprehensive Planning District, consisting of 501 gross acres”**

The unincorporated area designated “Johansen Comprehensive Planning District” in the Modesto Urban Area General Plan. Generally located, the unincorporated area is, east of Claus Road, north of Yosemite, west of the Burlington Northern Santa Fe Railroad and south of Dry Creek.

**SECTION 3. CONDUCT OF ELECTION.**

The advisory election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, the advisory election shall be held as provided for in the City Charter, and in all particulars not provided for therein, the advisory election shall be held as provided by law for the holding of advisory elections and regular municipal elections in the City of Modesto and otherwise in accordance with the Elections Code of the State of California.

**SECTION 4. CITY CLERK CERTIFICATION.**

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Elections Department of the County of...
Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 2003, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: Frohman, Jackman

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

(SIGNATURE)

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

07/01/03/C&ED/Patrick Kelly/Empire No. 4 2003-350

WHEREAS, the Modesto City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 4, 2003, an advisory measure concerning the unincorporated areas designated “Empire North Comprehensive Planning District” and “Johansen Comprehensive Planning District” in the Modesto Urban Area General Plan to the City Attorney for the purpose of preparing an impartial analysis of said measure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an Impartial Analysis of the measure showing the effect of the measure on existing law on the operation of the measure.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 2003, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: Frohman, Jackman

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO THE UNINCORPORATED AREA DESIGNATED “EMPIRE NORTH COMPREHENSIVE PLANNING DISTRICT” IN THE MODESTO URBAN AREA GENERAL PLAN, GENERALLY LOCATED EAST OF THE BURLINGTON NORTHERN SANTA FE RAILROAD, NORTH OF SUMMIT WAY, WEST OF CHURCH STREET AND SOUTH OF DRY CREEK IN THE MODESTO URBAN AREA GENERAL PLAN AND “JOHANSEN COMPREHENSIVE PLANNING DISTRICT” IN THE MODESTO URBAN AREA GENERAL PLAN, GENERALLY LOCATED EAST OF CLAUSE ROAD, NORTH OF YOSEMITE, WEST OF THE BURLINGTON NORTHERN SANTA FE RAILROAD AND SOUTH OF DRY CREEK

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 4, 2003, an advisory measure concerning the unincorporated areas designated “Empire North Comprehensive Planning District” and “Johansen Comprehensive Planning District” in the Modesto Urban Area General Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said measure and to change such arguments until and including the date and time after which no argument may be filed with the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 2003, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: Frohman, Jackman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION AN ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO AN 80 ACRE PORTION OF THE UNINCORPORATED AREA DESIGNATED "KIERNAN-CARVER COMPREHENSIVE PLANNING DISTRICT" DESIGNATED "VILLAGE RESIDENTIAL" BY THE MODESTO URBAN AREA GENERAL PLAN, GENERALLY LOCATED SOUTH OF BANGS AVENUE, NORTH OF PELANDALE AVENUE, EAST OF CARVER ROAD AND WEST OF TULLY ROAD.

WHEREAS, on March 6, 1979, the voters enacted the Modesto Citizens’ Advisory Growth Management Act (Measure A) which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for the extension of any sewer trench without first holding an advisory election, and

WHEREAS, on November 4, 1997, the voters enacted the Modesto Citizens’ Advisory Growth Management Act of 1995 (Measure M) which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for sewer improvements without first holding and advisory election, and

WHEREAS, in order to satisfy the requirements of Measure A and Measure M the City Council of the City of Modesto desires to submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 4, 2003, an advisory measure relating to the provisions of sewer service to a certain area of the city.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. BALLOT MEASURE.

That pursuant to Section 9603 of the Elections Code, the Council of the City of Modesto proposes to, and hereby does, on its own motion, submit to the qualified electors of the City of Modesto at a regular election to be held on November 4, 2003, an advisory measure relating to the provision of sewer service to certain areas of the city as set forth below, and hereby designates the form of the ballot measure for use at said special election as follows:

MEASURE M

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan, provided the area is first annexed to the City?

"Kiernan-Carver Comprehensive Planning District, 80-acre portion located south of Bangs Avenue, north of Pelandale Ave, east of Carver Road, and west of Tully Road"

The 80-acre portion of the unincorporated area designated "Kiernan-Carver Comprehensive Planning District" by the Modesto Urban Area General Plan, located south of Bangs Avenue, north of Pelandale Avenue, east of Carver Road and west of Tully Road.

SECTION 2. FORM OF BALLOT

On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the proposal to extend sanitary sewer service:

MEASURE M City of Modesto Sewer Service Extension Advisory Measure.

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan provided the area is first annexed to the City? Yes ☐ No ☐
The 80-acre portion of the unincorporated area designated "Kiernan-Carver Comprehensive Planning District" by the Modesto Urban Area General Plan, located south of Bangs Avenue, north of Pelandale Avenue, east of Carver Road and west of Tully Road.

SECTION 3. CONDUCT OF ELECTION.

The advisory election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, the advisory election shall be held as provided for in the City Charter, and in all particulars not provided for therein, the advisory election shall be held as provided by law for the holding of advisory elections and regular municipal elections in the City of Modesto and otherwise in accordance with the Elections Code of the State of California.

SECTION 4. CITY CLERK CERTIFICATION.

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Elections Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 2003, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-354

A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THE ADVISORY MEASURE CONSIDERING THE EXTENSION OF SEWER SERVICE TO AN 80 ACRE PORTION OF THE UNINCORPORATED AREA DESIGNATED "KIERNAN-CARVER COMPREHENSIVE PLANNING DISTRICT" DESIGNATED "VILLAGE RESIDENTIAL" BY THE MODESTO URBAN AREA GENERAL PLAN, GENERALLY LOCATED SOUTH OF BANGS AVENUE, NORTH OF PELANDALE AVENUE, EAST OF CARVER ROAD AND WEST OF TULLY ROAD TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE

WHEREAS, the Modesto City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 4, 2003, an advisory measure concerning an eighty (80) acre portion of the unincorporated area designated "Kiernan-Carver Comprehensive Planning District" in the Modesto Urban Area General Plan to the City Attorney for the purpose of preparing an impartial analysis of said measure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an Impartial Analysis of the measure showing the effect of the measure on existing law on the operation of the measure.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 2003, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryan, Mayor Sabatino

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

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ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO AN 80 ACRE PORTION OF THE UNINCORPORATED AREA DESIGNATED "KIERNAN-CARVER COMPREHENSIVE PLANNING DISTRICT" DESIGNATED "VILLAGE RESIDENTIAL" BY THE MODESTO URBAN AREA GENERAL PLAN, GENERALLY LOCATED SOUTH OF BANGS AVENUE, NORTH OF PELANDALE AVENUE, EAST OF CARVER ROAD AND WEST OF TULLY ROAD.

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 4, 2003, an advisory measure concerning an eighty (80) acre portion of the unincorporated area designated "Kiernan-Carver Comprehensive Planning District" in the Modesto Urban Area General Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said measure and to change such arguments until and including the date and time after which no argument may be filed with the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 2003, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO-FORM:

By  
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-356

A RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION AN ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO THE UNINCORPORATED AREA REFERRED TO AS “ROBERTSON ROAD INFILL AREA”, GENERALLY LOCATED SOUTH OF ROBERTSON ROAD, EAST OF CARPENTER ROAD, WEST OF HAYS STREET AND NORTH OF JOHN STREET CONTAINING 334 PARCELS ON 96.8 ACRES IN THE MODESTO URBAN AREA GENERAL PLAN, AND APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO (“CITY”) AND COUNTY OF STANISLAUS (“COUNTY”) TO RESOLVE POTENTIAL FISCAL IMPACTS OF UPGRADING EXISTING DEFICIENT INFRASTRUCTURE WITHIN THE ROBERTSON ROAD INFILL AREA OF THE MODESTO URBAN AREA GENERAL PLAN, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, on March 6, 1979, the voters enacted the Modesto Citizens’ Advisory Growth Management Act (Measure A) which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for the extension of any sewer trench without first holding an advisory election, and

WHEREAS, on November 4, 1997, the voters enacted the Modesto Citizens’ Advisory Growth Management Act of 1995 (Measure M) which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for sewer improvements without first holding and advisory election, and

WHEREAS, in order to satisfy the requirements of Measure A and Measure M the City Council of the City of Modesto desires to submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 4, 2003, an advisory measure relating to the provisions of sewer service to a certain area of the city with the understanding that this action is not the first step leading to annexation, it is for
the sole purpose of making sewer service available to those areas and with the further understanding that no City funds will be expended to provide such sewer service.

WHEREAS, the Measure M Policy further provides that a Measure M vote for substantial infill areas will not be scheduled until the City and County have addressed and reached agreement to resolve the potential fiscal impacts of upgrading existing deficient infrastructure; and,

WHEREAS, the City and County shall resolve the potential impacts of upgrading existing infrastructure on the terms and conditions as set forth in the agreement, so that the City can schedule a Measure M vote for the Infill Area.

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

SECTION 1. BALLOT MEASURE.

Provided the County of Stanislaus approve the Public Improvement Agreement attached as “Exhibit A” on or before July 23, 2003, then pursuant to Section 9603 of the Elections Code, the Council of the City of Modesto proposes to, and hereby does, on its own motion, submit to the qualified electors of the City of Modesto at a regular election to be held on November 4, 2003, an advisory measure relating to the provision of sewer service to certain areas of the city as set forth below, and hereby designates the form of the ballot measure for use at said special election as follows:

MEASURE *

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan?

“Robertson Road Infill Area”

The following unincorporated area generally located south of Robertson Road, east of Carpenter Road, west of Hays Street, and north of John Street containing 334 parcels on 96.8 acres.
SECTION 2. FORM OF BALLOT

On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the proposal to extend sanitary sewer service:

MEASURE * City of Modesto Sewer Service Extension Advisory Measure.

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan provided the area is first annexed to the City?  
Yes ☐  No ☐

Robertson Road Infill Area

The unincorporated area generally located south of SR 99, east of Crows Landing Road, west of Main Street, and north of Hatch Road containing 334 parcels on 96.8 acres.

SECTION 3. CONDUCT OF ELECTION.

The advisory election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, the advisory election shall be held as provided for in the City Charter, and in all particulars not provided for therein, the advisory election shall be held as provided by law for the holding of advisory elections and regular municipal elections in the City of Modesto and otherwise in accordance with the Elections Code of the State of California.
SECTION 4. CITY CLERK CERTIFICATION.

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Elections Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 2003, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHRI City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
PUBLIC IMPROVEMENT AGREEMENT

This Agreement is made, entered into and effective the ___ day of July, 2003, by and between the CITY OF MODESTO, a municipal corporation ("CITY") and the COUNTY OF STANISLAUS, a political subdivision of the State of California ("COUNTY"). This Agreement is made with reference to the following:

WHEREAS, CITY owns, operates and maintains a sewer district which is designed and intended to serve residents and business located within the City of Modesto ("Sewer District"); and,

WHEREAS, there exists an substantial unincorporated County island within the CITY’s limits which is commonly known as the Robertson Road Neighborhood, more particularly described in Exhibit A hereto and incorporated herein by reference ("Infill Area"); and,

WHEREAS, COUNTY has requested that CITY’s Sewer District provide sewer service to the Infill Area; and,

WHEREAS, the Modesto Citizens Advisory Growth Management Act, commonly known as "Measure A" and the Modesto Citizens Advisory Growth Management Act of 1995 ("Measure M") provide that CITY’s Council shall not approve, authorize, or appropriate funds for sewer improvements without first holding an advisory election as provided by California Elections Code section 9603; and,

WHEREAS, CITY’s Policy to Implement Measure M ("Measure M Policy") recognizes that a successful Measure M vote may lead to public expectations that annexation will immediately follow with corresponding expectations that existing deficient infrastructure will be upgraded to meet current CITY standards; and,

WHEREAS, in recognition of these expectations, the Measure M Policy further provides
that a Measure M vote for substantial infill areas will not be scheduled until the CITY and COUNTY have addressed and reached agreement to resolve the potential fiscal impacts of upgrading existing deficient infrastructure; and,

WHEREAS, CITY and COUNTY have resolved the potential fiscal impacts of upgrading existing deficient infrastructure on the terms and conditions as set forth in this Agreement so that CITY can schedule a Measure M vote for the Infill Area.

NOW THEREFORE, in consideration of the mutual covenants, promises and agreements herein contained, the parties hereto mutually agree as follows:

1. CONSTRUCTION OF PUBLIC IMPROVEMENTS

Prior to connection of any sewer lines to CITY’s Sewer District, or provision of any sewer service from CITY’s Sewer District to any lot within the Infill Area, COUNTY shall improve all existing public improvements, or construct new public improvements, to fully comply with all requirements of the Modesto Municipal Code and all current CITY standards. The public improvements to be upgraded or newly constructed shall include but not be limited to streets, street lighting, storm drainage, sewer, sidewalks, curbs and gutters. The design and construction of all such public improvements, including all labor, materials and supplies used upon, for or about the performance of said work, shall be at COUNTY’s sole cost.

2. CONSTRUCTION OF PUBLIC SEWER IMPROVEMENTS

Prior to connection of any sewer lines to CITY’s Sewer District, or provision of any sewer service from CITY’s Sewer District to any lot within the Infill Area, COUNTY shall construct all sewer subtrunks, laterals and other piping facilities which would be necessary to extend sewer service from CITY’s Sewer District to the Infill Area, if and when the CITY is able to do so, and shall enter into an agreement with the CITY regarding maintenance of said sewer
pipelines. COUNTY shall design and construct all such sewer improvements to fully comply with all requirements of the Modesto Municipal Code and all current CITY standards. The design and construction of all sewer improvements, including all labor, materials and supplies used upon, for or about the performance of said work, shall be at COUNTY’s sole cost.

3. COMPLETION OF PUBLIC IMPROVEMENTS.

COUNTY agrees to take all actions as may be necessary to ensure that the upgrades to and construction of Public Improvements as provided in this Agreement are complete and, where appropriate, dedicated to and accepted by CITY prior to connection of sewer from CITY’s Sewer District to Infill Area, or to provision of sewer service to any lot within the Infill Area. In the event that COUNTY shall fail to complete such work within said time, the CITY may, at its sole option, complete the same, and recover the full cost and expense thereof from the COUNTY.

5. INDEMNIFICATION.

COUNTY shall hold CITY harmless from, and save, defend and indemnify it against any and all claims, losses, liabilities and damages from every cause including, but not limited to, injury to person or to property or wrongful death, with the indemnity to include reasonable attorney=s fees, and all costs and expenses, arising directly or indirectly out of any act or omission of COUNTY, whether or not the act or omission arises from the sole negligence or other liability of COUNTY, or its agents, officers, employees, or volunteers relating to or arising out of the construction, dedication and installation of the above listed Public Improvements. The provisions of this Paragraph 3 shall survive the expiration and termination of this Agreement. The CITY shall promptly notify the COUNTY of any claim, action, or proceedings and shall cooperate fully in the defense.

4. GENERAL PROVISIONS.
A. COUNTY shall not have the right to assign this Agreement or any rights hereunder without the prior written approval of CITY, and such consent to transfer any rights hereunder shall not be unreasonably withheld by CITY.

B. All covenants, stipulations and agreements in this Agreement shall bind the representatives, successors and assigns of the respective parties.

C. Where the terms of this Agreement require the exercise of discretion by the CITY or COUNTY, or their respective engineering staff, discretion shall not be exercised in an unreasonable, arbitrary or capricious manner. CITY=s execution of this Agreement in no way limits the discretion of CITY in the permit and approval process in connection with construction of any of the above Public Improvements, including but not limited to the provision of sewer service by CITY’s Sewer District.

D. The language of each and all paragraphs, terms and/or provisions of this Agreement shall, in all cases and for any and all purposes, and in any way and all circumstances whatsoever, be construed as a whole, according to its fair meaning, and not for or against any party hereto and with no regard whatsoever to the identity or status of any person or persons who drafted all or any portion of this Agreement.

E. There shall be no third party beneficiaries to this Agreement.

F. Any waiver by CITY of any obligation or condition in this Agreement must be in writing. No waiver will be implied from any delay or failure of CITY to take action on any breach or default of COUNTY or to pursue any remedy allowed under this Agreement or applicable law.

G. This Agreement and its exhibit contain the entire understanding between COUNTY and CITY with respect to the matters contained herein. All previous proposals, offers
and communications relative to this Agreement, whether oral or written, are hereby superseded except to the extent that they have been incorporated into this Agreement. No future waiver of or exception to any of the terms, conditions, and provisions of this Agreement shall be considered valid unless specifically agreed to in writing by all the parties.

H. If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

I. COUNTY shall fully comply with all applicable federal, state, and local laws, ordinances, regulations and permits related to the performance of their respective obligations under this Agreement, including the design, installation, and construction of the above Public Improvements.

IN WITNESS WHEREOF, CITY, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2003-____, adopted by the Council of the City of Modesto on the ____ day of July, 2003, and COUNTY has authorized the execution of this Agreement in duplicate by its Chief Executive Officer under authority of Resolution No. ______, adopted by the Board of Supervisors of Stanislaus County on the ____ day of July, 2003.

CITY OF MODESTO, a municipal corporation

By ____________________________

JACK CRIST, City Manager

COUNTY OF STANISLAUS, a political subdivision of the State of California

By ____________________________

REAGAN WILSON, Chief Executive Officer

ATTEST:
By ______________________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
MICHAEL D. MILICH, City Attorney

By ______________________________
ALISON A. BARRATT-GREEN
Senior Deputy City Attorney

APPROVED AS TO FORM:
MICHAEL KRAUSNICK, County Counsel

By ______________________________
ED BURROUGHS,
Deputy County Counsel
EXHIBIT "A"

"Robertson Road Infill Area"

The unincorporated area generally located south of Robertson Road, east of Carpenter Road, west of Hays Street, and north of John Street containing 334 parcels on 96.8 acres.
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-357

A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THE ADVISORY MEASURE CONSIDERING THE EXTENSION OF SEWER SERVICE TO THE UNINCORPORATED AREA REFERRED TO AS “ROBERTSON ROAD INFILL AREA”, GENERALLY LOCATED SOUTH OF ROBERTSON ROAD, EAST OF CARPENTER ROAD, WEST OF HAYS STREET AND NORTH OF JOHN STREET CONTAINING 334 PARCELS ON 96.8 ACRES IN THE MODESTO URBAN AREA GENERAL PLAN TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE

WHEREAS, the Modesto City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 4, 2003, an advisory measure concerning the unincorporated area referred to as “Robertson Road Infill Area”, the unincorporated area generally located south of Robertson Road, east of Carpenter Road, west of Hays Street and north of John Street containing 334 parcels on 96.8 acres, in the Modesto Urban Area General Plan to the City Attorney for the purpose of preparing an impartial analysis of said measure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an Impartial Analysis of the measure showing the effect of the measure on existing law on the operation of the measure.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 2003, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: \[Signature\]
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By \[Signature\]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-358

A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO THE UNINCORPORATED AREA REFERRED TO AS “ROBERTSON ROAD INFILL AREA”, GENERALLY LOCATED SOUTH OF ROBERTSON ROAD, EAST OF CARPENTER ROAD, WEST OF HAYS STREET AND NORTH OF JOHN STREET CONTAINING 334 PARCELS ON 96.8 ACRES IN THE MODESTO URBAN AREA GENERAL PLAN

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 4, 2003, an advisory measure concerning the unincorporated area referred to as “Robertson Road Infill Area”, the unincorporated area generally located south of Robertson Road, east of Carpenter Road, west of Hays Street and north of John Street containing 334 parcels on 96.8 acres in the Modesto Urban Area General Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said measure and to change such arguments until and including the date and time after which no argument may be filed with the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 2003, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Byrant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION AN ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO THE UNINCORPORATED AREA REFERRED TO AS “SHACKELFORD INFILL AREA”, GENERALLY LOCATED SOUTH OF SR 99, EAST OF CROWS LANDING ROAD, WEST OF MAIN STREET, AND NORTH OF HATCH ROAD CONTAINING 497 PARCELS ON 153 ACRES IN THE MODESTO URBAN AREA GENERAL PLAN, AND APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO (“CITY”) AND COUNTY OF STANISLAUS (“COUNTY”) TO RESOLVE POTENTIAL FISCAL IMPACTS OF UPGRADING EXISTING DEFICIENT INFRASTRUCTURE WITHIN THE SHACKELFORD INFILL AREA OF THE MODESTO URBAN AREA GENERAL PLAN, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, on March 6, 1979, the voters enacted the Modesto Citizens’ Advisory Growth Management Act (Measure A) which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for the extension of any sewer trench without first holding an advisory election, and

WHEREAS, on November 4, 1997, the voters enacted the Modesto Citizens’ Advisory Growth Management Act of 1995 (Measure M) which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for sewer improvements without first holding and advisory election, and

WHEREAS, in order to satisfy the requirements of Measure A and Measure M the City Council of the City of Modesto desires to submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 4, 2003, an advisory measure relating to the provisions of sewer service to a certain area of the city with the understanding that this action is not the first step leading to annexation, it is for
the sole purpose of making sewer service available to those areas and with the further understanding that no City funds will be expended to provide such sewer service.

WHEREAS, the Measure M Policy further provides that a Measure M vote for substantial infill areas will not be scheduled until the City and County have addressed and reached agreement to resolve the potential fiscal impacts of upgrading existing deficient infrastructure; and,

WHEREAS, the City and County shall resolve the potential impacts of upgrading existing infrastructure on the terms and conditions as set forth in the agreement, so that the City can schedule a Measure M vote for the Infill Area.

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

SECTION 1. BALLOT MEASURE.

That pursuant to Section 9603 of the Elections Code, the Council of the City of Modesto proposes to, and hereby does, on its own motion, submit to the qualified electors of the City of Modesto at a regular election to be held on November 4, 2003, an advisory measure relating to the provision of sewer service to certain areas of the city as set forth below, and hereby designates the form of the ballot measure for use at said special election as follows:

MEASURE N

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan?

"Shackelford Infill Area"

The following unincorporated area generally located south of SR 99, east of Crows Landing Road, west of Main Street, and north of Hatch Road containing 497 parcels on 153 acres.
SECTION 2. FORM OF BALLOT

On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the proposal to extend sanitary sewer service:

MEASURE N City of Modesto Sewer Service Extension Advisory Measure.

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan provided the area is first annexed to the City?

Yes ☐ No ☐

Shackelford Infill Area

The unincorporated area generally located south of SR 99, east of Crows Landing Road, west of Main Street, and north of Hatch Road containing 497 parcels on 153 acres.

SECTION 3. CONDUCT OF ELECTION.

The advisory election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, the advisory election shall be held as provided for in the City Charter, and in all particulars not provided for therein, the advisory election shall be held as provided by law for the holding of advisory elections and regular municipal elections in the City of Modesto and otherwise in accordance with the Elections Code of the State of California.
SECTION 4. CITY CLERK CERTIFICATION.

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Elections Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 2003, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: ________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _______________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-360

A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THE ADVISORY MEASURE CONSIDERING THE EXTENSION OF SEWER SERVICE TO THE UNINCORPORATED AREA REFERRED TO AS “SHACKELFORD INFILL AREA”, GENERALLY LOCATED SOUTH OF SR 99, EAST OF CROWS LANDING ROAD, WEST OF MAIN STREET, AND NORTH OF HATCH ROAD CONTAINING 497 PARCELS ON 153 ACRES, IN THE MODESTO URBAN AREA GENERAL PLAN TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE

WHEREAS, the Modesto City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 4, 2003, an advisory measure concerning the unincorporated area referred to as “Shackelford Infill Area”, the unincorporated area generally located south of SR 99, east of Crows Landing Road, west of Main Street, and north of Hatch Road containing 497 parcels on 153 acres, in the Modesto Urban Area General Plan to the City Attorney for the purpose of preparing an impartial analysis of said measure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an Impartial Analysis of the measure showing the effect of the measure on existing law on the operation of the measure.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 2003, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-361

A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO THE UNINCORPORATED AREA REFERRED TO AS "SHACKELFORD INFILL AREA", GENERALLY LOCATED SOUTH OF SR 99, EAST OF CROWS LANDING ROAD, WEST OF MAIN STREET, AND NORTH OF HATCH ROAD CONTAINING 497 PARCELS ON 153 ACRES, IN THE MODESTO URBAN AREA GENERAL PLAN

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 4, 2003, an advisory measure concerning the unincorporated area referred to as "Shackelford Infill Area", the unincorporated area generally located south of SR 99, east of Crows Landing Road, west of Main Street, and north of Hatch Road containing 497 parcels on 153 acres, in the Modesto Urban Area General Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said measure and to change such arguments until and including the date and time after which no argument may be filed with the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the
City of Modesto held on the 1st day of July, 2003, by Councilmember Fisher, who moved
its adoption, which motion being duly seconded by Councilmember Jackman, was upon
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating,
O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-362

A RESOLUTION AMENDING THE FISCAL YEAR 2003-04 OPERATING BUDGET TO APPROPRIATE $24,000 FROM THE GENERAL FUND RESERVE, 0100-800-8000-8003 TO THE PARKS SERVICES MAINTENANCE, 0100-480-4522-0235.

WHEREAS, for several years, staff has been meeting with citizens to discuss recommendations regarding the consumption of alcohol in the City’s parks, and

WHEREAS, the Community Qualities Forum also addressed the issue of alcohol in parks, and passed a motion on February 13, 2002, recommending that the city pass an ordinance prohibiting the consumption of alcohol in all neighborhood parks, and

WHEREAS, an ordinance was introduced at the July 1, 2003, City Council meeting amending sections 12-4.201 and 12-4.202 of Article 2 of Chapter 4 of Title 12 of the Modesto Municipal Code relating to use of park and recreation areas and facilities, and

WHEREAS, in order to enforce the ordinance, signage must be strategically placed at the identified miscellaneous/neighborhood parks at a cost of $24,000, and

WHEREAS, the Safety and Communities Committee met on March 3, 2003, and supported recommendation of the proposed amendments to sections 12-4.201 and 12-4.202 of Article 2 of Chapter 4 of Title 12 of the Modesto Municipal Code relating to use of park and recreation areas and facilities,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2003-04 operating budget to appropriate $24,000 from the General Fund Reserve, 0100-800-8000-8003 to Parks Service and Maintenance, 0100-480-4522-0235.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 2003, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, O’Bryant

NOES: Councilmembers: Jackman, Keating, Mayor Sabatino

ABSENT: Councilmembers: None

Attest: Jean Zahr

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich

MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING RENEWAL OF EXCESS WORKERS’ COMPENSATION INSURANCE

WHEREAS, the City of Modesto has participated in the workers’ compensation excess insurance pool, California Public Employers Insurance Authority (CPEIA), since July 1, 2002, and

WHEREAS, renewal of City’s excess workers’ compensation insurance is due on July 1, 2003, and

WHEREAS, staff has received an initial quote that provides for a rate increase due to the pool’s loss experience and the City of Modesto’s loss experience in particular, and

WHEREAS, our Broker of Record, Driver Alliant, was unable to obtain a better price in the commercial insurance market, and

WHEREAS, due to time constraints in the renewal process, staff will receive an optional quote for $750,000 self-insured retention (SIR) by June 30, 2003, and

WHEREAS, based upon policy direction received from Council, staff will bind Insurance coverage through the City’s broker at $1 million SIR or $750,000 SIR, if financially advantageous.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Acting Risk Manager is hereby authorized to bind excess workers’ compensation insurance coverage as presented by the City’s Broker of Record and the City Manager is authorized to execute the renewal agreement.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 1st day of July, 2003, by Councilmember Jackman, who
moved its adoption, which motion being duly seconded by Councilmember Conrad, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating,
O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
(Seal)

JEAN ZAHR, City Clerk

APPROVED AS TO FORM

By:  
Michael D. Milich, City Attorney
WHEREAS, the City of Modesto and the County of Stanislaus are joint partners in the Waste-to-Energy Facility, which is operated by Covanta Stanislaus, and

WHEREAS, tipping fees are established to pay debt service, operation and maintenance costs and pass through costs, such as insurance, property taxes, and various permits and fees that are incurred by Covanta Stanislaus, as provided for in a Service Agreement, and

WHEREAS, tipping fees at the Waste-to-Energy Facility are set by joint action of the Contracting Communities, which are the City of Modesto and Stanislaus County, and

WHEREAS, the Contracting Communities approved a $30.00 per ton tipping fee at the Waste-to-Energy Facility which became effective January 1, 2002, and

WHEREAS, the Council of the City of Modesto must concur with any proposed reduction in the tipping fees at the Facility, and

WHEREAS, the Solid Waste-to-Energy Executive Committee, at its June 12, 2003, meeting, discussed a $2.00 per ton reduction in the tipping fees at the Facility and recommends approval of said decrease in the tipping fees and City staff recommends, upon concurrence by the County Board of Supervisors, that the tipping fees at the Waste-to-Energy Facility be decreased from the present $30.00 per ton to $28.00 per ton, effective August 1, 2003
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a decrease in the tipping fees at the Waste-to-Energy Facility from the present $30.00 per ton to $28.00 per ton, effective August 1, 2003.

BE IT FURTHER RESOLVED that Resolution No. 2001-586 is hereby rescinded effective July 31, 2003.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH OMNI MEANS, LTD., IN THE AMOUNT OF $8,828 FOR ADDITIONAL WORK NOT INCLUDED IN THE ORIGINAL AGREEMENT TO PROVIDE ENGINEERING SERVICES RELATED TO THE STREET PROJECT DOCUMENTATION FOR THE CAPITAL FACILITIES FEE UPDATE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO AGREEMENT

WHEREAS, on August 8, 2002, the City Council approved a professional services agreement with Omni Means, Ltd., to prepare documentation for street projects to be included in the Capital Facilities Fee program update, and

WHEREAS, following completion of their original tasks, Omni Means, Ltd. was asked to provide additional input and attend a number of meetings to aid in gaining final approval of the program update, and

WHEREAS, Omni Means, Ltd. has requested an additional fee of $8,828 to cover the additional scope of work,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment to agreement with Omni Means, Ltd., in the amount of $8,828 for additional services for the document preparation of the Capital Facilities Fee program update.

BE IT FURTHER RESOLVED that the 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 8th day of July, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: 

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AMENDMENT NO. 16 TO THE AGREEMENT FOR KANSAS NEEDHAM OVERHEAD CONSTRUCTION SUPPORT SERVICES WITH PARSONS TRANSPORTATION GROUP IN THE AMOUNT OF $51,381.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT

WHEREAS, by Resolution No. 88-750, the original Agreement for Engineering Services with Parsons Transportation Group (formerly known as De Leuw, Cather & Company) for the Ninth Street Railroad Relocation Project was approved by Council on October 4, 1988, and

WHEREAS, the initial agreement and seven subsequent amendments were for studies and applications for grants, and

WHEREAS, Amendment Nos. 9, 10, 11, & 12 began the actual design and property research, and

WHEREAS, Amendment No. 12 funded the re-design efforts after Caltrans approved the Kansas Needham Highway 132 realignment project, and

WHEREAS, Amendment No. 13 funded the aesthetic treatments of the Kansas-Needham Overhead, intersection changes to College-Needham, and construction support services, and

WHEREAS, Amendment No. 14 funded an expanded scope of services to address additional design changes and project delays, and

WHEREAS, Amendment No. 15 funded construction support services for the Pacbell retaining wall, resolved submittal issues and errors, and
WHEREAS, Amendment No. 16 will continue to fund construction support services and thus complete the construction of the Kansas Needham Overhead,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that Amendment No. 16 to an agreement between the City of Modesto and the Parsons Transportation Group for continued engineering services for the 9th Street Railroad Relocation project (Kansas Needham Overhead) be, and it is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute said amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

7/8/03/E&T/Kris Ohlson -2-
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-367

A RESOLUTION APPROVING THE FINAL MAP OF THE VILLAGIO SUBDIVISION OF THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT WITH K-D LAND & CATTLE INVESTMENTS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

WHEREAS, K-D LAND & CATTLE INVESTMENTS, LLC, a California Limited Liability Company, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 4.74 acres, known as the VILLAGIO SUBDIVISION ("SUBDIVISION"), in the Village One Specific Plan Area, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 17th day of June, 2002, and

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: 

(SIGNATURE)

ALISON A. BARRATT-GREEN, City Attorney

APPROVED AS TO FORM:

By ____________________________

ALISON A. BARRATT-GREEN, City Attorney
RESOLUTION NO. 2003-368

A RESOLUTION APPROVING A CHANGE TO THE PREVIOUSLY APPROVED INSTITUTIONAL NETWORK CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN THE CITY OF MODESTO AND COMCAST OF CALIFORNIA XII, INC., REMOVING THE PROVISION IN SECTION 3 FOR THE BUY-OUT OF THE I-NET IN THE EVENT THAT THERE IS NO LONGER A CABLE FRANCHISE IN THE CITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, on April 1st 2003, Council approved an agreement with Comcast of California XII, Inc relating to the installation of a fiber and conduit network (I-NET) for the City and other public agency use, and

WHEREAS, staff agreed to return to Council for further approval if there were any material changes to the contract, and

WHEREAS, since that time, Comcast and the City have been unable to reach a resolution on the issue of ownership of the I-NET at the termination of the Franchise Renewal Agreement, and

WHEREAS, the City proposed that in the event of termination the I-NET would transfer to the City and the other agencies at its fully depreciated value, and

WHEREAS, Comcast suggests that the transfer price should be based on the fair market value of the I-NET, and

WHEREAS, to facilitate the completion of the agreement, Comcast Government Affairs representative and the City's special counsel suggested the contract remain silent on the issue of the I-NET ownership in the event of termination of the Franchise Renewal Agreement and City staff concurs.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a change to the previously approved Institutional Network Construction and Maintenance Agreement between the City of Modesto and Comcast of California X11, Inc.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager or his designee to execute said agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

Attest: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: 

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

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

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

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

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

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

1. Environmental Compliance Inspector I
2. Environmental Compliance Inspector II
3. Senior Environmental Compliance Inspector
4. Regulatory Compliance Supervisor
5. Laboratory & Environmental Monitoring Supervisor

The classifications were created as a result of an audit completed for The Environmental Services Unit of the Operations and Maintenance Department and as a result of negotiations with the Modesto City Employees' Association.
The specifications for the classifications of Environmental Compliance Inspector I, Environmental Compliance Inspector II as shown on the attached Exhibit “A”, Senior Environmental Compliance Inspector as shown on the attached Exhibit “A-1”, Regulatory Compliance Supervisor as shown on the attached Exhibit “A-2”, and Laboratory & Environmental Monitoring Supervisor as shown on the attached Exhibit "A-3", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of the City of Modesto.

SECTION 2. CLASSIFICATION DELETED. The Position Classification Plan of the City of Modesto is hereby amended to delete the following classifications:

Industrial Waste Inspector I
Industrial Waste Inspector II
Hazardous Materials Program Coordinator
Industrial Waste Supervisor

Said classifications are being deleted as a result of the creation of the new classifications which are set forth in SECTION 1 of this Resolution.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after July 8, 2003.
The forgoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 8th day of July, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney
ENVIRONMENTAL COMPLIANCE INSPECTOR I/II

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

DEFINITION

Under supervision, to investigate and enforce state, Federal, and local standards for pretreatment and discharges into city wastewater collection systems; to investigate and enforce local, state, and federal regulations for storm water; to perform inspections of businesses and systems, obtaining samples and ensuring compliance with discharge permits and requirements; to conduct on-going monitoring, compliance, data collection, analysis and reporting.

DISTINGUISHING CHARACTERISTICS

The Inspector I is the entry and first working level in the Environmental Compliance Inspector class series. Incumbents in this class learn to conduct basic inspections, investigations, and perform on-going monitoring and enforcement activities covering wastewater collection systems, storm water quality, pretreatment requirements, and environmental compliance. Many assignments are performed in a training capacity. This level is distinguished from Environmental compliance Inspector II in that the Environmental Compliance Inspector II is the journey level with incumbents expected to perform the full range of assignments on a relatively independent basis.

These positions are normally flexibly staffed, meaning an incumbent may advance to the II level after a minimum of 18 months and demonstration of proficiency that meets the requirements of Environmental Compliance Inspector II.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from Environmental Compliance Supervisor.
Essential Functions, Continued:

Environmental Compliance Inspector II (In addition to the requirements of the Inspector I):

May participate in administrative appeal and show cause hearings and participate in the development of compliance schedules.

Analyzes treatment plant influent sample results to determine effectiveness and compliance with Pretreatment program objectives.

May be assigned to respond to illicit storm water discharges, determining the type of pollutants, assessing clean-up procedures and make appropriate notifications.

MARGINAL FUNCTION STATEMENTS:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Wastewater treatment, collection systems, and environmental contamination of storm water.

Chemical, biological, physical, and environmental sciences.

State, Federal, and local laws, regulations, and ordinances related to environmental regulation of wastewater treatment, pretreatment, and storm water.

Operations and maintenance of equipment used monitoring and control of industrial discharge, wastewater, and storm water.

Inspection methods and sampling techniques and standards.

Computers and software used in environmental inspections and investigations.
In Addition, Knowledge Required for Environmental Compliance Inspector II:

Policies and procedures of the City's Environmental Compliance Program.

Principles and practices of environmental compliance, including inspection, review, and enforcement methods and practices.

Principles of consulting with businesses and the public to promote environmental compliance.

Functions and operations of State and Federal environmental health and regulatory agencies.

Principles of work scheduling, planning and training.

Ability to:

Perform environmental compliance investigations, inspections and enforcement.

Collect, analyze, and interpret environmental data, reaching valid conclusions.

Read and interpret blue prints and schematic drawings.

Read, interpret and apply policies and procedures regarding environmental inspections and compliance with pretreatment systems and less complex storm water regulations.

Prepare a variety of technical reports.

Perform research and analytical work.

Perform medium to heavy manual labor, including lifting and carrying 75 lbs. of weight.

Operate a variety of office and technical equipment and computers.
QUALIFICATIONS:

Ability to, Continued:

Effectively represent the Environmental Services Unit of the Department in interactions with the public and with private sector individuals, firms and agencies.

Establish and maintain cooperative working relationships.

In Addition, Ability Required for Environmental Compliance Inspector II:

Provide instruction, guidance, and consultation on environmental problems within the assigned area.

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:

Inspector I:

Three (3) years of experience as a Wastewater Treatment Plant Operator or one (1) year of experience in environmental compliance inspection or water quality laboratory work.

Inspector II:

Eighteen (18) months of experience performing a variety of environmental investigations and inspections equivalent to that of an Environmental Compliance Inspector I with the City of Modesto or twenty-four (24) months performing a variety of environmental investigations and inspections for another public agency.
Training, Both Levels:

Education equivalent to completion of a college degree in biology, chemistry, physics, environmental science or a closely related field.

License or Certificate

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

Completion of Hazardous Materials First Responder Operational Training as prescribed by the State Office of Emergency Services within the first two (2) years of appointment.

For Inspector I:

Possession of a valid Grade I Environmental Compliance Inspector Certificate issued by the California Water Environmental Association within two (2) years of appointment.

For Inspector II:

Possession of a valid Grade II Environmental Compliance Inspector Certificate issued by the California Water Environmental Association within two and one-half (2 ½) years of appointment.

WORKING CONDITIONS

Environmental Conditions:

Work is usually performed in office, outdoor, and driving environments; some work is performed in varying temperatures and humidity; some exposure to high levels of noise; some exposure to dust; possible exposure to hazardous waste and materials; possible exposure to gases, fumes, and a variety of pollutants; contact with other staff and the public.
Physical Conditions:

Sit for extended periods; frequently stand and walk; crawl through various areas on hands and knees; stand walk or crouch on narrow and slippery surfaces; climb ladders, stairs, and scaffolding; ability to lift and move objects weighing up to 75 lbs.; use of combustible gas meter, chlorine and PH instruments; and other applicable environmental monitoring and sampling devices.
CITY OF MODESTO
No. 3263
JULY 2003

SENIOR ENVIRONMENTAL COMPLIANCE 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

Under supervision, to investigate and enforce state, Federal, and local regulations for storm water; to perform inspections of businesses and systems, obtaining samples and ensuring compliance with discharge permits and requirements; to conduct on-going monitoring, compliance, data collection, analysis and reporting.

DISTINGUISHING CHARACTERISTICS

The Senior Inspector is the advanced level in the Environmental Compliance Inspector class series. This level is distinguished from the Environmental Compliance Inspector II in that the Senior Environmental Compliance Inspector is the senior level with incumbents expected to perform and make decisions within the full range of assignments on an independent basis and to take the lead in training new staff.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Environmental Compliance Supervisor.

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

Essential Functions:

Assist the Section Supervisor in the development and revision of City Ordinances and Enforcement Response Plans related to environmental compliance.

Provide or coordinate staff training; work with employees to correct deficiencies through coaching.

Collect data for and prepare reports.
Essential Functions, Continued:

Manage and manipulate data base information.

Conduct or direct regular inspections of industrial, commercial, and multifamily residential facilities and construction sites that are regulated by the City's storm water program.

Monitor and enforce storm water programs, ensuring compliance with Federal, state, and local regulations.

Assess Notices of Intent (NOI) and Storm Water Pollution Prevention Plans for compliance with Federal, state and local regulations.

Identify, inspect and evaluate new industries and businesses for suitability of enrollment in the Storm Water Program.

Meet with representatives of businesses, industries and public agencies to review blueprints/plans to confirm proper configuration of facilities.

Determine the presence of appropriate Best Management Practices (BMP) for storm water construction activities, source and treatment controls.

Ensure that equipment and control measures meet statutory requirements.

Assist the Section Supervisor in the preparation of Administrative Orders and Notice and Orders to be issued by the City.

Participate in administrative appeal and show cause hearings.

Review and make recommendations regarding California Environmental Quality Act (CEQA), Environmental Impact Reports (EIR's), and associated documents, tentative maps, improvement plans, blueprints, and design plans to ensure adherence to Federal, state and local storm water regulations and standards applicable to construction activities, new and redevelopment projects.

Analyze storm water run-off sample data results to determine effectiveness and compliance with storm water program objectives.

Respond to, or direct the response to illicit discharges and potential illicit discharges to the storm drain system, assist in determining the type of pollutants,
Essential Functions, Continued:

Assess clean-up procedures, make appropriate recommendations for clean up, ensure clean-up is adequate and make appropriate notifications.

Perform and/or direct annual and/or seasonal storm water monitoring activities as assigned.

MARGINAL FUNCTION STATEMENTS:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Wastewater and storm water treatment, collection systems, and environmental contamination of storm water.
- Chemical, biological, physical, and environmental sciences.
- State, Federal, and local laws, regulations, and ordinances related to environmental regulation storm water.
- Inspection methods, and sampling techniques and standards.
- Computers and software used in environmental inspections and investigations.
- Policies and procedures of the City's Environmental Compliance Program.
- Principles and practices of environmental compliance, including inspection, review, and enforcement methods and practices.
- Principles of consulting with businesses and the public to promote environmental compliance.
- Principles of work scheduling, planning and training.
QUALIFICATIONS:

Ability to, Continued:

Perform, direct, and train others on environmental compliance investigations, inspections and enforcement.

Collect, analyze, and interpret environmental data, reaching valid conclusions.

Read and interpret blue prints and schematic drawings.

Read, interpret and apply policies and procedures regarding environmental inspections and compliance with storm water regulations.

Prepare and analyze a variety of technical reports.

Perform research and analytical work.

Perform medium to heavy manual labor, including lifting and carrying 75 pounds of weight.

Operate a variety of office and technical equipment and computers.

Effectively represent the Environmental Services Unit of the Department in interactions with the public and with private sector individuals, firms and agencies.

Establish and maintain cooperative working relationships.

Lead by example and train assigned staff

Communicate clearly and concisely, both orally and in writing.

Provide instruction, guidance, and consultation on environmental problems within the assigned area.
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:

Eighteen (18) months of experience performing a variety of environmental investigations and inspections equivalent to that of an Environmental Compliance Inspector II with the City of Modesto or twenty-four (24) months performing a variety of journey or senior level environmental investigations and inspections for another public agency.

Training:

Education equivalent to completion of a college degree in biology, chemistry, physics, environmental science or a closely related field.

License or Certificate

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

Completion of Hazardous Materials First Responder Operational Training and Advanced Environmental Crimes Investigations Training, as prescribed by the State Office of Emergency Services, within the first two (2) years of appointment.

Possession of a valid Grade II Environmental Compliance Inspector Certificate issued by the California Water Environmental Association.

WORKING CONDITIONS

Environmental Conditions:

Work is usually performed in office, outdoor, and driving environments; some work is performed in varying temperatures and
Environmental Conditions, Continued:

humidity; some exposure to high levels of noise; some exposure to dust; possible exposure to hazardous waste and materials; possible exposure to gases, fumes, and a variety of pollutants; contact with other staff and the public.

Physical Conditions:

Sit for extended periods; frequently stand and walk; crawl through various areas on hands and knees; stand walk or crouch on narrow and slippery surfaces; climb ladders, stairs, and scaffolding; ability to lift and move objects weighing up to 75 pounds; use of combustible gas meter, PH instruments; and other applicable environmental monitoring and sampling devices.
REGULATORY COMPLIANCE SUPERVISOR

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

Supervise, plan, direct, and coordinate the City’s Regulatory Compliance Program; to maintain the consistency of the City’s Pretreatment and Stormwater Programs with State and Federal mandates; to direct the implementation of local pretreatment inspections; to direct the enforcement of state, Federal and local regulations regarding pretreatment and discharges into the City’s wastewater collection system; to monitor and direct compliance with discharge permits; to coordinate the development and maintenance of a data base regarding pretreatment functions, inspections, and enforcement; and to do related work as required.

DISTINGUISHING CHARACTERISTICS

This is a single-position, first level supervisor for the Regulatory Compliance functions. The incumbent is responsible for supervising three major programs consisting of pretreatment, industrial, and public education and directing the work of assigned staff, ensuring that programs are fully implemented and meet required standards and mandates. In addition, the incumbent has a major role in the development of local ordinances and enforcement of environmental regulations.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Deputy Director of Operations and Maintenance. Exercises direct and indirect supervision over technical and clerical support staff.

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

Direct Pretreatment, Industrial, Plan Check, and Public Education Programs.

Develop, implement, and modify pretreatment inspection and enforcement programs that promote a safer environment, protect collection systems,
ESSENTIAL FUNCTION STATEMENTS, Continued:

groundwater, and receiving water in compliance with state, Federal, and local laws, regulations, and ordinances.

Supervise, evaluate and coach assigned staff including maintaining discipline and ensuring all rules, policies and procedures are enforced; advise and counsel subordinates; follow up on problems and complaints; participate in selection of staff.

Develop and manage program budgets, projecting future goals and projects based on program elements, ensuring proper spending and funding.

Meet with regional, State, and Federal regulators and other interested parties in developing and negotiating environmental permits for the City involving wastewater and storm water.

Oversee development and submission of required reports for State and Federal regulatory agencies associated with programs including the annual pretreatment and storm water reports.

Supervise and coordinate enforcement actions to ensure proper and consistent notices of violation, compliance schedules, citations, and notices of orders.

Monitor and coordinate contractual service activities related to effluent discharges, storm water programs and pretreatment activities.

Meet with City Council and Committees, City staff, industry managers, and community groups to discuss current pretreatment needs, environmental issues, future rates for services and pending regulations.

Oversee the development and maintenance of a pretreatment program database.

MARGINAL FUNCTION STATEMENTS:

Perform related duties as assigned.
QUALIFICATIONS

Knowledge of:

Program planning and development methods and techniques.

Principles of budget development and fiscal monitoring.

Policies and procedures of the City's Environmental Compliance Program.

State and Federal laws, rules, regulations, requirements and procedures governing pretreatment, and storm water inspection and enforcement, including local ordinances, and related State and Federal regulations.

Chemical, biological, physical, and environmental sciences.

Principles and practices of environmental compliance, including inspection, review, and enforcement methods and practices.

Principles of consulting with businesses and the public to promote environmental compliance.

Functions and operations of State and Federal environmental health and regulatory agencies.

Sampling techniques and standards.

Computers and software used in environmental inspections, data tracking, and investigations.

Principles of personnel administration including staff supervision, training and performance evaluation.

Ability to:

Plan, develop, organize, implement, and direct regulatory compliance programs and staff to ensure compliance with State and Federal programs.

Supervise and train staff to perform a variety of environmental regulatory compliance, investigations, inspections, and enforcement activities.
QUALIFICATIONS:

Ability to, Continued:

Supervise the development and implementation of training programs and public information efforts related to regulatory compliance.

Analyze and interpret environmental data, reaching valid conclusions.

Prepare a variety of technical reports, which include use of word processing and spreadsheet software.

Develop, interpret and apply policies, regulations, and procedures regarding environmental inspections and compliance for pretreatment systems and storm water.

Develop budget and conduct fiscal monitoring activities.

Prepare or oversee the preparation of a variety of technical program reports.

Operate a variety of office and technical equipment and computers in the performance of environmental compliance inspections and investigations.

Effectively represent the Environmental Services Section of the Water Quality Control Division in contacts with the public, businesses, engineers, architects, and other City staff.

Establish and maintain cooperative working relationships.

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 (3) years of experience performing a variety of environmental investigations and inspections in the analysis of water, wastewater or other environmental samples including at least one year of lead or supervisory experience.

Training:

Education equivalent to completion of college degree in biology, chemistry, physics, environmental science.

License or Certificate

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

Possession of a valid Grade II Environmental Compliance Inspector Certificate issued by the California Water Environmental Association at time of final filing.

Completion of Hazardous Material Forty-Hour First Responder Training, as prescribed by the State Office of Emergency Services within two (2) years of appointment.

WORKING CONDITIONS

Environmental Conditions:

Work is usually performed in office environment; some work is performed in varying temperatures and humidity; some exposure to dust; possible exposure to hazardous waste and materials; possible exposure to gases, fumes, and a variety of pollutants; contact with other staff and the public.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time, and frequently standing and walking.
LABORATORY & ENVIRONMENTAL MONITORING SUPERVISOR

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

Supervise, plan, direct, and coordinate the City's Laboratory and Environmental Monitoring Program; to maintain the consistency of the City's Laboratory with State and Federal mandates, approved standards and quality assurance and control; to maintain consistency of the City's Environmental Monitoring Programs with State and Federal mandates; to direct the implementation of required sampling and testing; to direct the activities related to state, Federal and local regulations regarding stormwater and pretreatment sampling and industrial discharges into the City's wastewater collection system; to direct the monitoring, sampling and record keeping associated with compliance with discharge permits; to coordinate the development and maintenance of a data base regarding Industrial, pretreatment, Water Quality processes, and Water Quality discharge samples and testing, to correspond and write required documents associated with NPDES discharges; and to do related work as required.

DISTINGUISHING CHARACTERISTICS

This is a single-position, first level supervisor for the Laboratory and Environmental Monitoring functions. The incumbent is responsible for supervising two major programs consisting of laboratory and environmental sampling and directing the work of assigned staff, ensuring that programs are fully implemented and meet required standards and mandates. In addition, the incumbent has a major role in the development of new markets for water quality and water laboratory services.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Deputy Director of Operations and Maintenance. Exercises direct and indirect supervision over technical and clerical support staff.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

Direct Industrial and Water Quality Control sampling and testing programs and Laboratory Staff in accordance with regulations, standards, and quality assurance requirements.

Coordinate the development of additional markets for existing laboratory services and recommend further testing apparatus be purchased based on cost effectiveness or the need to meet regulatory requirements.

Coordinate with the Water Operations Division and other existing clients to make sure client monitoring, sampling, testing, and reporting needs are being met.

Supervise, evaluate and coach assigned staff including maintaining discipline and ensuring all rules, policies and procedures are enforced; advise and counsel subordinates; follow up on problems and complaints; participate in selection of staff.

Develop programs for the implementation and enforcement of environmental monitoring, sampling, and testing programs to protect collection systems, groundwater, and receiving waters in compliance with state, Federal, and local laws, regulations, and ordinances.

Develop and manage program budgets, projecting future goals and projects based on program elements, ensuring proper spending and funding.

Oversee development and submission of required reports for State and Federal regulatory agencies associated with programs.

Monitor and coordinates contractual service activities related to effluent discharges, storm water, and pretreatment sampling activities.

Meet with industry managers to discuss current pretreatment sampling needs and pending regulations.

Oversee the development and maintenance of a laboratory, water quality control, and environmental monitoring database.
ESSENTIAL FUNCTIONS, Continued:

Meet with various City and community groups and committees to discuss Laboratory and environmental monitoring issues.

MARGINAL FUNCTION STATEMENTS:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Program planning and development methods and techniques.

Principles of budget development and fiscal monitoring.

Principles and practices of water/wastewater laboratory operations, maintenance, and services.

Approved related laboratory practices and procedures.

Pertinent State and Federal environmental health and water quality regulations.

Policies and procedures of the City’s Environmental Compliance Program.

State and Federal laws, rules, regulations, requirements and procedures governing laboratory and pretreatment, and storm water sampling including applicable local ordinances, and related State and Federal regulations.

Chemical, biological, physical, and environmental sciences.

Principles and practices of environmental sampling and testing, methods and practices.

Functions and operations of State and Federal environmental health and regulatory agencies.
QUALIFICATIONS:

Knowledge of, Continued:

Sampling techniques and standards.

Computers and software used in laboratory testing and environmental sampling.

Principles of personnel administration including staff supervision, training, and performance evaluation.

Ability to:

Plan, develop, organize, implement, and direct laboratory and environmental monitoring programs and staff to ensure compliance with State and Federal programs.

Supervise and train staff to perform a variety of laboratory and environmental monitoring and associated activities.

Analyze, and interpret environmental data, reaching valid conclusions.

Prepare a variety of technical reports, which includes use of word processing and spreadsheet software.

Develop budget and conduct fiscal monitoring activities.

Prepare or oversee the preparation of a variety of technical program reports.

Operate a variety of office and technical equipment and computers in the performance of laboratory sampling and testing and environmental monitoring.

Effectively represent the Environmental Services Section of the Water Quality Control Division in contacts with the public, businesses, engineers, architects, and other City staff.

Establish and maintain cooperative working relationships.
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 (3) years of experience performing chemical, biological, or microbiological analysis and/or a variety of laboratory work including environmental monitoring, sampling, and analysis of water, wastewater or other environmental samples, including at least one year of lead or supervisory experience.

Training:

Education equivalent to completion of college degree in biology, chemistry, biochemistry, or closely related field.

License or Certificate

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

Possession of a valid CWEA Grade II Laboratory Certificate within two and a half years (2.5 years) years of appointment. Possession of a CWEA Grade III Laboratory Certificate within four (4) years of appointment.

Completion of Hazardous Material Forty-Hour (40) First Responder Training, as prescribed by the State Office of Emergency Services within two (2) years of appointment.

WORKING CONDITIONS

Environmental Conditions:

Work is usually performed in office environment; some work is performed in varying temperatures and humidity; some exposure to dust; possible exposure to hazardous waste and materials; possible
Environmental Conditions, Continued:

exposure to gases, fumes, and a variety of pollutants; contact with other staff and the public.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time, and frequently standing and walking.
A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2003-178, WHICH APPROVED THE MODESTO CONFIDENTIAL AND MANAGEMENT ASSOCIATION MEMORANDUM OF UNDERSTANDING (MCMA MOU), TO REVISE THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO CREATE THE SALARY RANGES FOR THE CLASSIFICATIONS OF REGULATORY COMPLIANCE SUPERVISOR AND FOR LABORATORY AND ENVIRONMENTAL MONITORING SUPERVISOR

WHEREAS, the City Council desires to amend Resolution No. 2003-178 (MCMA MOU),

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2003-178. Exhibit "A" of Resolution No. 2003-178 entitled "City of Modesto Class Range Table Represented Management And Confidential Non-Sworn Classes Effective June 24, 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 July 8, 2003," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" creates the salary range for Regulatory Compliance Supervisor and Laboratory & Environmental Monitoring Supervisor at Range 434.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 8, 2003.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 2003, by Councilmember Frohman, who moved
its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll carried
and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

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>
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<tbody>
<tr>
<td>403</td>
<td>Administrative Office Assistant I (Confidential)</td>
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<tr>
<td>407</td>
<td>Administrative Office Assistant II (Confidential)</td>
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<tr>
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</table>
| 411   | Administrative Office Assistant III (Confidential)  
       | Police Clerk II (Confidential) |
| 412   | |
| 413   | Senior Personnel Clerk |
| 414   | |
| 415   | Senior Administrative Office Assistant (Confidential) |
| 416   | |
| 417   | |
| 418   | Legal Secretary |
| 419   | Police Training and Records Technician (Confidential)  
       | Public Information Technician (Confidential) |
| 420   | Accountant I (Confidential)  
       | Deputy City Clerk  
       | Employee Benefits Coordinator  
       | Executive Secretary (Represented)  
       | Legal Services Technician  
       | Systems Technician |
| 421   | |
| 422   | Office Supervisor  
       | Utility Dispatch Supervisor  
<pre><code>   | Workers' Compensation Claims Examiner I |
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<table>
<thead>
<tr>
<th>RANGE</th>
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<tbody>
<tr>
<td>423</td>
<td>Custodian Supervisor</td>
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<tr>
<td>424</td>
<td>Assistant Planner</td>
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<td>Buyer</td>
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<td>425</td>
<td>Administrative Analyst I</td>
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<tr>
<td>426</td>
<td>Police Support Services Supervisor</td>
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<td></td>
<td>Stores Manager</td>
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<td>427</td>
<td>Assistant City Clerk/Auditor</td>
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<td>Legal Services Administrator</td>
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<td></td>
<td>Workers' Compensation Claims Examiner II</td>
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<td>428</td>
<td>Accountant II (Represented)</td>
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<td>Customer Services Specialist</td>
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<td>Customer Services Supervisor</td>
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<td>Senior Buyer</td>
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<td>Associate Planner</td>
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<td>Events Supervisor I</td>
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<td>Junior Civil Engineer</td>
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<td>Senior Crime Analyst</td>
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<td>Social Services Program Supervisor</td>
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<td>431</td>
<td>Administrative Analyst II</td>
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<td>Assistant Risk Manager</td>
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<td>Budget Analyst I</td>
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<td>Geographic Information Systems Analyst</td>
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<td>Personnel Analyst</td>
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<td>Recycling Program Coordinator</td>
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<td>Senior Community Development Program Specialist</td>
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<td>Systems Analyst</td>
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<td>432</td>
<td>Communications Specialist</td>
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<td>Neighborhood Preservation Supervisor</td>
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| 432 (continued) | Operations and Maintenance Supervisor  
Recreation Supervisor II  
Senior Accountant  
Water Quality Control Maintenance Supervisor  
Water Quality Control Operations Supervisor  
Youth Program Supervisor |
| 433 | Organizational Development Specialist |
| 434 | Arborist  
Assistant Civil Engineer  
Assistant Traffic Engineer  
Budget Analyst II  
Electrical Supervisor  
Events Supervisor II  
Geographic Information Systems Coordinator  
**Laboratory & Environmental Monitoring Supervisor**  
Operations Supervisor  
**Regulatory Compliance Supervisor**  
SCADA Supervisor  
Senior Housing Rehabilitation Specialist  
Senior Programmer Analyst |
| 435 | Business Analyst  
Cultural Services Manager  
Integrated Waste Specialist  
Management Analyst  
Senior Personnel Analyst |
| 436 | Senior Planner |
| 437 | |
| 438 | Budget Officer  
Communications and Marketing Manager  
Development and Operations Coordinator  
Financial/Investment Officer  
Housing Program Supervisor  
Land Surveyor  
Property Agent  
Purchasing Supervisor  
Senior Business Analyst |
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| 438    | Systems Engineer  
         | Transportation Planner |
| 439    | Administrative Services Officer  
         | Community Facilities Districts Administrative Officer |
| 440    | Associate Civil Engineer  
         | Associate Traffic Engineer |
| 441    | Airport Manager  
         | Building Maintenance Superintendent  
         | Fire Marshal  
         | Fleet Manager  
         | Golf Services Manager  
         | Parks Operations Superintendent  
         | Parks Planning and Development Manager  
         | Police Records Manager  
         | Recreation Superintendent  
         | Solid Waste Program Manager  
         | Streets Engineer  
         | Transit Manager  
         | Urban Forestry Superintendent  
         | Wastewater Collections Superintendent  
         | Water Superintendent |
| 442    | Customer Services Division Manager  
         | Information Services Manager  
         | Manager of Budget and Financial Analysis  
         | Supervising Building Inspector  
         | Supervising Construction Inspector |
| 443    |       |
| 444    | Business Development Manager  
         | Deputy Chief Building Official  
         | General Services Manager  
         | Principal Planner |
| 445    | Accounting Division Manager  
<pre><code>     | Housing and Neighborhoods Division Manager |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>446</td>
<td>Water Quality Control Superintendent</td>
</tr>
</tbody>
</table>
| 447   | Business Development Division Manager  
       | Chief Building Official  
       | Planning Division Manager  
       | Senior Civil Engineer  
       | Traffic Engineer |
| 448   |       |
| 449   |       |
| 450   |       |
| 451   |       |
| 452   |       |
| 453   |       |
| 455   |       |
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-371

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO ADD ENVIRONMENTAL COMPLIANCE INSPECTOR I (RANGE 124), ENVIRONMENTAL COMPLIANCE INSPECTOR II (RANGE 128) AND SENIOR ENVIRONMENTAL COMPLIANCE INSPECTOR (RANGE 132).

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 July 8, 2003," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Environmental Compliance Inspector I (Range 124), Environmental Compliance Inspector II (Range 128) and Senior Environmental Compliance Inspector (Range 132) to the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 8, 2003.
The forgoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 8th day of July, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: Conrad

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>
</table>
| 101   | Custodian I  
       | Maintenance Aide |
| 103   | Administrative Office Assistant I |
| 104   |                                    |
| 105   |                                    |
| 106   |                                    |
| 107   | Administrative Office Assistant II 
       | Custodian II |
|       | Police Clerk I |
| 108   |                                    |
| 109   |                                    |
| 110   | Animal Control Officer I  
       | Security Officer  
       | Equipment Service Worker I  
       | Maintenance Worker I |
| 111   | Account Clerk  
       | Administrative Office Assistant III  
       | Evidence and Property Specialist  
       | Police Clerk II |
| 112   |                                    |
| 113   | Computer Operator  
       | Drafting and Graphics Technician |
| 114   | Electrical Technician I  
       | Equipment Service Worker II  
       | Maintenance Worker II  
       | Production Technician  
<pre><code>   | Storeskeeper |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 115   | Accounting Technician  
      | Animal Control Officer II  
      | Assistant to the Events Coordinator  
      | Code Enforcement Officer I  
      | Community Service Officer I  
      | Planning Technician 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   | Assistant Buyer  
      | Building Maintenance Mechanic  
      | Civil Engineering Technician I  
      | Code Enforcement Officer II  
      | Community Service Officer II  
      | Maintenance Mechanic – Parks  
      | Maintenance Mechanic – Pumps  
      | Planning Technician II  
      | 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  
|       | Meter Reader Crewleader  
|       | Senior Equipment Operator  
|       | Traffic Painter Crewleader  
|       | Welder/Fabricator |
| 121   | Wastewater Treatment Plant Relief Operator |
| 122   | Coach Mechanic  
|       | Cross Connection Specialist  
|       | Fire Equipment Mechanic  
|       | Programmer Analyst I  
|       | 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 |
| 125   | Crime Analyst |
| 126   | Building Inspector I  
|       | Coach Mechanic Crewleader  
|       | Electrician  
|       | 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  
       Programmer Analyst II  
       Sr. Wastewater Treatment Plant Operator |
| 129   | |
| 130   | Building Inspector II  
       Construction Inspector  
       Housing Rehabilitation Specialist II  
       Project Coordinator |
| 131   | Sr. Civil Engineering Assistant |
| 132   | **Sr. Environmental Compliance Inspector** |
| 133   | |
| 134   | Deputy Fire Marshal  
       Plan Review Engineer  
       Senior Building Inspector  
       Senior Construction Inspector |
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-372

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

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

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

SECTION I. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to establish the following classifications:

   Water Resource Specialist I
   Water Resource Specialist II

As a result of changes in the State requirement to require employees involved in the operation and maintenance of the City’s drinking water system to be certified, Water Resources Specialist I (Range 120) and Water Resources Specialist II (Range 124), assigned to the General Non Sworn Bargaining Unit, and shown on attached Exhibit “A”, which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.
SECTION 2. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Police Civilian Supervisor

This classification is being amended as a result of a title change from Police Support Services Supervisor to Police Civilian Supervisor. The specification for the classification of Police Civilian Supervisor, as shown as Exhibit “B”, which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after July 8, 2003.

The forgoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 8th day of July, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: ____________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________
MICHAEL D. MILICH, City Attorney
WATER RESOURCE SPECIALIST I/II

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 provide technical support, reporting and analysis for environmental compliance; to perform research, statistical and other analytical work; to serve as a liaison between the City and state/federal regulatory agencies in the areas pertaining to environmental compliance for water quality.

DISTINGUISHING CHARACTERISTICS

Water Resource Specialist I – This is the entry-level class in the Water Resource Specialist series. This class is distinguished from the Water Resource Specialist II by the performance of more routine tasks and duties assigned to the position. Since this class is typically used as a training class, employees may have limited or no directly related work experience.

Water Resource Specialist II – This is the full journey level class within the Water Resource Specialist series. This class is distinguished from the Water Resource Specialist I by the performance of the full range of duties as assigned. 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. Positions in this class are flexibly staffed and are normally filled by advancement from the I level class after a minimum of 18 months. If filled from the outside, prior work experience directly related to the area of assignment is required.

SUPERVISION RECEIVED AND EXERCISED

Water Resource Specialist I

Receives direction from and reports to management staff.

Water Resource Specialist II

Receives general direction from and reports to management staff.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Preparation of regulatory reports, including drinking water assessments and testing waivers.

Serve as liaison to water quality testing laboratories; schedule water quality testing by site and prepare documentation related to testing, such as chain of custody.

Investigate, analyze, develop and prepare special studies or projects, as requested.

Answer questions and provide information/reports for release to the public, outside agencies and City staff, including preparation of the Consumer Confidence Report and other public notices and reports.

Assist with documentation and reporting related to legal actions.

Analyze reports and flag discrepancies and/or issues of concern.

Research and advise staff on equipment purchases, write specifications or justifications, and order materials or services.

Maintain databases pertinent to the management of water quality, disinfection, treatment, operations and distribution.

In Addition for the Specialist II:

Develop and analyze databases pertinent to the management of water quality, disinfection, treatment, operations and distribution.

Investigate water quality problems in the distribution system.

Monitor system flow and pressure in response to consumer demands.

Marginal Functions:

Perform related duties, as assigned.
QUALIFICATIONS

Knowledge of:

Modern office procedures, methods and computer equipment.

Technical and public report writing procedures.

Statistical methods and methods of graphic presentation.

Principles of chemistry, biology and related sciences as they pertain to Environmental compliance.

Computer applications including database, spreadsheet and word processing.

Knowledge of Water Resource Specialist II: (In addition to the qualifications for Specialist I)

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

Procedures and methods for environmental compliance monitoring.

Procedures and policies relating to the public bidding process.

Database management of water quality, disinfection, treatment, operations and distribution data.

Ability to:

Learn procedures and methods used in environmental compliance monitoring.

Learn applicable Federal, State and local laws, codes and regulations.

Analyze facts and make sound recommendations.

Use and operate a personal computer including applicable software.
Ability to (Continued):

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

Schedule and deliver water certification training.

Communicate clearly and concisely, both orally and in writing.

Ability to Water Resource Specialist II:  (In addition to the qualifications for Specialist I)

Identify and respond to public issues and concerns.

Determine proper chemical dosage rates for wellhead disinfection.

Interpret and apply Federal, State and local policies, procedures, laws and regulations.

Plan, initiate and complete work assignments with a minimum of direction.

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:

Water Resource Specialist I

Experience:

One year of increasingly responsible administrative, analytical and/or technical experience with a private or public agency, preferably in the area of environmental compliance, or a related field.
Training:

An Associate of Science Degree from an accredited college or a Certificate in Water Technology that includes 15 units of college coursework from an accredited college in physical, chemical, or biological science, or a related field.

License or Certificate:

Ability to obtain a minimum of a Grade I Water Distribution Certificate, as issued by the California Department of Health Services, within eighteen months of date of hire. Failure to obtain this certification will constitute grounds for dismissal from City service. Possession of a Grade I Water Treatment Certificate is desirable.

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

**Water Resource Specialist II**

Experience:

Two years of increasingly responsible administrative, analytical and/or technical experience with a private or public agency, preferably in the area of environmental compliance, or a related field.

-OR-

Eighteen (18) months as a Water Resource Specialist I with the City of Modesto.

Training:

An Associate of Science Degree from an accredited college or a Certificate in Water Technology that includes 15 units of college coursework from an accredited college in physical, chemical, or biological science, or a related field.

License or Certificate:

Possession of a minimum of a Grade I Water Treatment Certificate and a Grade II Water Distribution Certificate, as issued by the California Department of Health Services.
License or Certificate (Continued):

Services. Possession of higher-level certification (Grades III – IV) is highly desirable.

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

WORKING CONDITIONS

Environment Conditions:

Office and field environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting prolonged periods of time and for traveling from site to site.
POLICE CIVILIAN SUPERVISOR

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

Plan, organize and supervise the operations of a shift or unit or clerical staff serving in support functions, and to perform a variety of community relations, administrative and technical duties. Works a variety of shifts including days, evenings, weekends and holidays.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Information Services Division Lieutenant or other management staff. Exercises direct and indirect supervision over subordinate, property, evidence and identification technicians, clerical staff and community services officers.

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

Essential Functions:

Supervise, evaluate and coach assigned staff including maintaining discipline and ensuring all rules, policies and procedures are enforced; advise and counsel subordinates; follow up on problems and complaints; participate in selection of staff.

Schedule personnel for shifts, including contacting off-duty employees to make necessary adjustments in shift schedules to fill vacancies, determining overtime needs and authorizing expenditure.

Supervise the training of employees in procedures, automated systems, and the use of equipment.

Recommend, coordinate and implement policy and procedures.

Participate in the development, supervision and maintenance of records and files necessary to the Police Records Section functions.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - (Continued)

Investigate internal or citizen problems and complaints and respond in a manner resulting in appropriate resolution, and write reports related to the internal investigation of complaints.

Manage, facilitate and mediate workplace conflict issues.

Review, implement and interpret operating procedures and make recommendations for revisions to procedure manuals and other training materials as necessary.

Maintain and coordinate updates of automated files for records management system.

Supervise the accountability of incoming fees.

Compile and edit various monthly and annual reports including statistical, internal and administration reports.

Work with other department personnel, city staff and the public in the areas of assigned functional responsibilities.

Monitor all statistical reporting to determine any discrepancies and correct them prior to public announcements or state reporting.

Act as Custodian of Records as assigned, including court appearances for both civil and criminal cases.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of supervision, training and performance evaluation.

Computer systems, including CLETS and Police network.

Principles and practices of office management, record keeping and scheduling.
QUALIFICATIONS – (Continued)

Knowledge of:

Principles of police records management and maintenance.

Departmental rules and regulations and any governing MOU'S.

California Department of Justice policies, principles, codes, regulations and laws governing records management, and all federal requirements.

Criminal law with particular reference to the data needed for prosecution and recording of information, including rules of identification and evidentiary requirements, record keeping, computer entries and release of information.

A variety of additional codes, specifically Code of Civil Procedure, Government Code, Health and Safety Code, and Vehicle Code as they apply to duties within the division.

Ability to:

Supervise, train, plan, organize and review the work of assigned staff.

Exercise independent judgment and make sound decisions in emergency situations.

Communicate clearly and concisely, both orally and in writing.

Handle simultaneous events effectively.

Operate computer equipment and other office equipment quickly and accurately.

Maintain attention to detail despite frequent interruptions.

Work cooperatively with other departments, outside agencies and the public including the ability to resolve conflicts.

Compile and maintain complex and extensive records and prepare reports.
QUALIFICATIONS – (Continued)

Ability to:

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

EXPERIENCE AND TRAINING GUIDELINES

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

Experience:

Four years of increasingly responsible experience in a law enforcement agency performing technical support duties, including one year of supervisory or lead responsibility.

Education:

Equivalent to an Associate of Arts Degree in Business Administration, Behavioral Science, Criminal Justice or a related field.

License or Certificate:

Successful completion of a POST certified Supervisory course within one year of appointment.

Successful completion of the POST Records management course within two years of appointment.
WORKING CONDITIONS:

Environmental Conditions:

Office environment; exposure to computer screens.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time.

Work Assignment:

Must be willing to work various shifts as assigned including weekends and holidays.
A RESOLUTION AMENDING EXHIBIT “A” OF RESOLUTION NO. 95-26 TO AMEND THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO ESTABLISH THE SALARY RANGE FOR THE CLASSIFICATIONS OF WATER RESOURCE SPECIALIST I AND WATER RESOURCE SPECIALIST II EFFECTIVE JULY 8, 2003.

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 I. 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 July 8, 2003” which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit “A” revises the Class Range Table to establish a salary range for Water Resource Specialist I (Salary Range 120) and Water Resource Specialist II (Salary Range 124).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 8, 2003.
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 8th day of July, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: [Signature]

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
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</table>
| 101   | Custodian I  
       | Maintenance Aide |
| 103   | Administrative Office Assistant I |
| 104   | |
| 105   | |
| 106   | |
| 107   | Administrative Office Assistant II  
       | Custodian II  
       | Police Clerk I |
| 108   | |
| 109   | |
| 110   | Animal Control Officer I  
       | Security Officer  
       | Equipment Service Worker I  
       | Maintenance Worker I |
| 111   | Account Clerk  
       | Administrative Office Assistant III  
       | Evidence and Property Specialist  
       | Police Clerk II |
| 112   | |
| 113   | Computer Operator  
       | Drafting and Graphics Technician |
| 114   | Electrical Technician I  
       | Equipment Service Worker II  
       | Maintenance Worker II  
       | Production Technician  
<pre><code>   | Storeskeeper |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 115   | Accounting Technician  
|       | Animal Control Officer II  
|       | Assistant to the Events Coordinator  
|       | Code Enforcement Officer I  
|       | Community Service Officer I  
|       | Planning Technician 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   | Assistant Buyer  
|       | Building Maintenance Mechanic  
|       | Civil Engineering Technician I  
|       | Code Enforcement Officer II  
|       | Community Service Officer II  
|       | Maintenance Mechanic – Parks  
|       | Maintenance Mechanic – Pumps  
|       | Planning Technician II  
|       | Public Information Technician  
<p>|       | Wastewater Treatment Plant Operator |</p>
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<th>TITLE</th>
</tr>
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</table>
| 120   | Accountant I  
       | Assistant Electrician  
       | Equipment Mechanic  
       | Fire Prevention Technician II  
       | Laboratory Analyst I  
       | Meter Reader Crewleader  
       | Senior Equipment Operator  
       | Traffic Painter Crewleader  
       | **Water Resource Specialist I**  
       | Welder/Fabricator |
| 121   | Wastewater Treatment Plant Relief Operator |
| 122   | Coach Mechanic  
       | Cross Connection Specialist  
       | Fire Equipment Mechanic  
       | Industrial Waste Inspector I  
       | Programmer Analyst I  
       | 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  
       | 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  
       | Coach Mechanic Crewleader  
       | Electrician  
       | Housing Financial Specialist  
       | Housing Rehabilitation Specialist I  
<pre><code>   | Industrial Waste Inspector II |
</code></pre>
<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  
Instrument Repair Technician  
Programmer Analyst II  
Sr. Wastewater Treatment Plant Operator |
| 129   | |
| 130   | Building Inspector II  
Construction Inspector  
Hazardous Material Program Coordinator  
Housing Rehabilitation Specialist II  
Project Coordinator |
| 131   | Sr. Civil Engineering Assistant |
| 132   | |
| 133   | |
| 134   | Deputy Fire Marshal  
Plan Review Engineer  
Senior Building Inspector  
Senior Construction Inspector |
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-373A

A RESOLUTION AMENDING EXHIBIT “A” OF RESOLUTION NO. 2003-330 TO AMEND THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO RETITLE THE POLICE SUPPORT SERVICES SUPERVISOR TO POLICE CIVILIAN SUPERVISOR

WHEREAS, the City Council desires to amend Exhibit “A” of Resolution No. 2003-330,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2003-330. Exhibit “A” entitled “City of Modesto Class Range Table Represented Management And Confidential Non-Sworn Classes Effective June 24, 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 July 8, 2003, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit “A” changes the title of the former Police Support Services Supervisor classification to Police Civilian Supervisor.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 8, 2003.
The forgoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 8th day of July, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
CITY OF MODESTO
CLASS RANGE TABLE
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective July 8, 2003

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>403</td>
<td>Administrative Office Assistant I (Confidential)</td>
</tr>
<tr>
<td>407</td>
<td>Administrative Office Assistant II (Confidential)</td>
</tr>
<tr>
<td>408</td>
<td></td>
</tr>
<tr>
<td>409</td>
<td></td>
</tr>
<tr>
<td>410</td>
<td></td>
</tr>
</tbody>
</table>
| 411   | Administrative Office Assistant III (Confidential)  
Police Clerk II (Confidential)  |
| 412   |                                           |
| 413   | Senior Personnel Clerk                     |
| 414   |                                           |
| 415   | Senior Administrative Office Assistant (Confidential) |
| 416   |                                           |
| 417   |                                           |
| 418   | Legal Secretary                           |
| 419   | Police Training and Records Technician (Confidential)  
Public Information Technician (Confidential) |
| 420   | Accountant I (Confidential)  
Deputy City Clerk  
Employee Benefits Coordinator  
Executive Secretary (Represented)  
Legal Services Technician  
Systems Technician |
| 421   |                                           |
| 422   | Office Supervisor  
Utility Dispatch Supervisor  
Workers' Compensation Claims Examiner I |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>423</td>
<td>Custodian Supervisor</td>
</tr>
</tbody>
</table>
| 424   | Assistant Planner  
Buyer |
| 425   | Administrative Analyst I |
| 426   | **Police Civilian Supervisor**  
Stores Manager |
| 427   | Assistant City Clerk/Auditor  
Legal Services Administrator  
Workers' Compensation Claims Examiner II |
| 428   | Accountant II (Represented)  
Customer Services Specialist  
Customer Services Supervisor  
Senior Buyer |
| 429   | |
| 430   | Associate Planner  
Events Supervisor I  
Junior Civil Engineer  
Senior Crime Analyst  
Social Services Program Supervisor |
| 431   | Administrative Analyst II  
Assistant Risk Manager  
Budget Analyst I  
Geographic Information Systems Analyst  
Personnel Analyst  
Recycling Program Coordinator  
Senior Community Development Program Specialist  
Systems Analyst |
| 432   | Communications Specialist  
Industrial Waste Supervisor |

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<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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</table>
| 432 (continued) | Neighborhood Preservation Supervisor  
| | Operations and Maintenance Supervisor  
| | Recreation Supervisor II  
| | Senior Accountant  
| | Water Quality Control Maintenance Supervisor  
| | Water Quality Control Operations Supervisor  
| | Youth Program Supervisor  |
| 433 | Organizational Development Specialist  |
| 434 | Arborist  
| | Assistant Civil Engineer  
| | Assistant Traffic Engineer  
| | Budget Analyst II  
| | Electrical Supervisor  
| | Events Supervisor II  
| | Geographic Information Systems Coordinator  
| | Operations Supervisor  
| | SCADA Supervisor  
| | Senior Housing Rehabilitation Specialist  
| | Senior Programmer Analyst  |
| 435 | Business Analyst  
| | Cultural Services Manager  
| | Integrated Waste Specialist  
| | Management Analyst  
| | Senior Personnel Analyst  |
| 436 | Senior Planner  |
| 437 | |
| 438 | Budget Officer  
| | Communications and Marketing Manager  
| | Development and Operations Coordinator  
| | Financial/Investment Officer  
| | Housing Program Supervisor  
| | Land Surveyor  
| | Property Agent  
| | Purchasing Supervisor  
<p>| | Senior Business Analyst  |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 438 (continued) | Systems Engineer  
Transportation Planner |
| 439 | Administrative Services Officer  
Community Facilities Districts Administrative Officer |
| 440 | Associate Civil Engineer  
Associate Traffic Engineer |
| 441 | Airport Manager  
Building Maintenance Superintendent  
Fire Marshal  
Fleet Manager  
Golf Services Manager  
Parks Operations Superintendent  
Parks Planning and Development Manager  
Police Records Manager  
Recreation Superintendent  
Solid Waste Program Manager  
Streets Engineer  
Transit Manager  
Urban Forestry Superintendent  
Wastewater Collections Superintendent  
Water Superintendent |
| 442 | Customer Services Division Manager  
Information Services Manager  
Manager of Budget and Financial Analysis  
Supervising Building Inspector  
Supervising Construction Inspector |
| 443 | |
| 444 | Business Development Manager  
Deputy Chief Building Official  
General Services Manager  
Principal Planner |
| 445 | Accounting Division Manager  
Housing and Neighborhoods Division Manager |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>446</td>
<td>Water Quality Control Superintendent</td>
</tr>
</tbody>
</table>
| 447   | Business Development Division Manager  
Chief Building Official  
Planning Division Manager  
Senior Civil Engineer  
Traffic Engineer |
| 448   |       |
| 449   |       |
| 450   |       |
| 451   |       |
| 452   |       |
| 453   |       |
| 455   |       |
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-374

A RESOLUTION PLACING A PROPOSED CHARTER AMENDMENT ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2003, IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL, BY MOTION OF THE COUNCIL, TO ADD SECTION 503 TO THE CHARTER RELATING TO LIMITATION OF TERMS OF OFFICE.

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

SECTION 1. Pursuant to Article 11 of Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 4, 2003, a proposal to add Section 503 to the Charter of the City of Modesto as set forth below, and hereby designates and refers to said proposal to be set forth in the form of a ballot measure as hereinafter prescribed for use at said regular municipal election:
PROPOSED AMENDMENT

TO THE

CHARTER OF THE CITY OF MODESTO

Regular Municipal Election

November 4, 2003

The Council of the City of Modesto hereby proposes, on its own motion, to add

Section 503 to the Charter of the City of Modesto as follows:

MEASURE

SECTION 503. LIMITATION OF TERMS OF OFFICE.

No person elected to the office of Councilmember or Mayor for two (2) consecutive terms shall again be eligible to hold that same office until one (1) full intervening term of four (4) years has elapsed. The offices of Mayor and Councilmember shall be considered separate offices for the purpose of applying this provision so that service of two (2) full terms in one (1) office shall not act as a bar to service of two (2) full terms in the other. If a person serves a partial term in excess of twenty-six (26) months, it shall be considered a full term for the purpose of this provision. This limitation applies prospectively to terms to which persons have been elected commencing with the 2003 general municipal election.

SECTION 2. That it hereby orders the City Clerk to submit the Charter amendment to the voters at a regular election on November 4, 2003.

SECTION 3. That the measure to appear on the ballot is as follows:

<table>
<thead>
<tr>
<th>Measure _____</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shall the Modesto City Charter be amended to impose prospectively a two-term limit on the offices of Mayor and Councilmember?</td>
<td>No</td>
</tr>
</tbody>
</table>
SECTION 4. That the County Election Department is authorized to canvass the returns of the Regular Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 5. That the City Clerk shall certify to the passage and adoption of this resolution with the Board of Supervisors and the County Election Department of the County of Stanislaus.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 2003, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: Fisher

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-375

A RESOLUTION TRANSMITTING A COPY OF A BALLOT MEASURE RELATING TO A CHARTER AMENDMENT IMPOSING A LIMITATION ON TERMS OF OFFICE TO THE CITY ATTORNEY FOR IMPARTIAL ANALYSIS.

WHEREAS, Section 9280 of the State Elections Code provides that whenever any City measure qualifies for a place on the ballot, the governing body may direct the City Clerk to transmit a copy of the measure to the City Attorney for preparation of an impartial analysis, and

WHEREAS, a copy of the ballot measure relating to the proposed Charter amendment is included in Resolution No. 2003-374, a copy of which is attached,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed to transmit a copy of the above-described measure to the City Attorney for preparation of an impartial analysis explaining the effect of the measure.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to handle the printing and distribution of the impartial analysis.

BE IT FURTHER RESOLVED that the City Attorney is hereby authorized to prepare the impartial analysis of each of the above-described measures.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 8th day of July, 2003, by Councilmember Conrad, who
moved its adoption, which motion being duly seconded by Councilmember O’Bryant,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Frohman, Jackman, Keating, O’Bryant,
        Mayor Sabatino

NOES: Councilmembers: Fisher

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
        JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-376

A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE PROPOSED CHARTER AMENDMENT IMPOSING A LIMITATION ON TERMS OF OFFICE.

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 4, 2003, a proposal to add Section 503 to Charter of the City of Modesto imposing a limitation on terms of office,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said measure and to change such arguments until and including the date and time after which no argument may be filed with the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 8th day of July, 2003, by Councilmember Conrad, who
moved its adoption, which motion being duly seconded by Councilmember O'Bryant,
was upon roll call carried and the resolution adopted by the following vote:

**AYES:**
Councilmembers: Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

**NOES:**
Councilmembers: Fisher

**ABSENT:**
Councilmembers: None

**ATTEST:**
JEAN ZAHR, City Clerk

(SEAL)

**APPROVED AS TO FORM:**

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-377

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(561) (TUTINO)

WHEREAS, a verified application for an amendment to Section 19-3-9 of the Zoning Map was filed by Mario Tutino on November 21, 2002, to reclassify Planned Development Zone, P-D(550) and a portion of Planned Development Zone P-D(416), to Planned Development Zone, P-D(561), to allow a three-story hotel, property located at the northwest corner of West Orangeburg and Martin Avenues, described as follows:

P-D(550) to P-D (561)

All that certain real property situated in the City of Modesto, County of Stanislaus, State of California, and being a portion of the Northwest Quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

All of Lot A as shown on that certain map filed for record on February 17, 1988 of Orangeview Manor in Book 32 of Maps, Page 67; and all of Parcel 4 on that certain Parcel Map filed for record on June 30, 1987, in Book 39 of Parcel Maps, Page 67;

Also including all of Teresa Street and all Martin Avenue and the northerly half of West Orangeburg Avenue, all being immediately adjacent to the above described property.

Portion of P-D(416) to P-D (561)

All that certain real property situated in the City of Modesto, County of Stanislaus, State of California, and being a portion of the Northwest Quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

All of Parcel 3 on that certain Parcel Map filed for record on June 30, 1987, in Book 39 of Parcel Maps, Page 67;

Also including the northerly half of West Orangeburg Avenue, all being immediately adjacent to the above described property.
WHEREAS, after a public hearing held on June 2, 2003, 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. 2003-33, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed hotel is consistent with the current General Plan land use designation for the site.

2. The hotel is compatible with the adjacent land uses along Orangeburg Avenue.

WHEREAS, said matter was set for a public hearing of the City Council to be held on July 8, 2003, 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 Mario Tutino 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. 2003-33 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3315-C.S. on the 8th of July, 2003, reclassifying the above-described property from Planned Development Zone P-D(550) and Planned Development Zone, P-D(416), to Planned Development Zone, P-D(561).

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(561), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and elevations titled “Extended Stay America” as amended in red, stamped approved by the City Council.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks, Recreation and Neighborhoods Director.

3. Sequoia Sempervirens, “Soquel or “Aptos Blue,” 24-inch-box size, at 12-feet on center spacing, shall be installed along the north and east property lines as indicated on the stamped approved plan and required by the Parks, Recreation and Neighborhoods Director. The Sequoia Sempervirens installed along the east property line shall be placed on the street-side of the wall required by Condition of Approval Number 5.

4. Prior to the issuance of Certificate of Occupancy, landscaping and the irrigation system shall be installed in accordance with the approved plan.

5. Fences or walls shall be constructed prior to occupancy and shall be as follows:
   a. An eight-foot-high decorative masonry wall on the north property line, where the property is adjacent to residences.
   b. A six-foot-high decorative masonry wall on the north property line with creeping vine on both sides, where the property is adjacent to Teresa Street.
   c. A six-foot-high decorative masonry wall, five feet behind property line with landscaping as required by the Parks, Recreation and Neighborhoods Director and creeping vine on both sides, where the property is adjacent to Martin Avenue.

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

7. Prior to occupancy of any building, irrigation, electrical, gas and domestic water lines shall be removed, relocated, or protected as required by the Engineering and Transportation Director and/or the utility companies, and easements for utility lines to remain shall be dedicated.
8. All existing street and property monuments within or abutting this project site shall be preserved. If, during construction of on-site or off-site improvements, monuments are damaged or destroyed, the applicant/developer shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per City Standards and file the necessary information with the County Recorder's Office as required by AB1414.

9. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

10. Ten-foot-wide public utility easements, and planting easements located within the ten-foot-wide public utility easements, shall be dedicated along all street frontages as required by the Engineering and Transportation Director.

11. Prior to the issuance of a building permit, the developer shall submit a plan for approval by the Operations and Maintenance Director to provide on-site treatment of stormwater in accordance with the guidance manual for new development stormwater quality control measures. Storm drain improvements shall be constructed in accordance with the approved plans.

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

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

14. All signs shall comply with the sign requirements of the C-3 Zone.

15. Trash bins shall be kept in enclosures in accordance with the approved plan and in accordance with plans approved by the Operations and Maintenance Department Director. Enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community and Economic Development Department Director.
16. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction on the in this parcel map shall be based on the rates in effect at time of issuance of the building permit.

17. Prior to the issuance of a building permit, an additional five feet of right-of-way shall be dedicated along the Martin Avenue frontage of the property.

18. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

19. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a Registered Civil Engineer and approved by the Engineering and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

20. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

21. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the northwest, substantially as shown in red on the plot plan.

22. Prior to the issuance of a building permit, the applicant shall conduct a sewer capacity study of the line in west Orangeburg Avenue to determine its capacity to serve this project to the satisfaction of the Engineering and Transportation Director.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(561):

The entire construction program be accomplished in one phase, construction to begin on or before July 8, 2007, and completion to be not later than July 8, 2008.

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(561), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Frohman, Keating, O’Bryant, Mayor Sabatino
NOES: Councilmembers: Fisher, Jackman
ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk
(SEAL)

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

APPROVED AS TO LEGAL DESCRIPTION
By: John Mitchell 
Community & Economic Development Department 
Planning Division
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-378

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 19-3-9 OF THE ZONING MAP
TO REZONE PLANNED DEVELOPMENT ZONE, P-D(550) AND A PORTION
OF PLANNED DEVELOPMENT ZONE P-D(416), TO PLANNED DEVELOP-
MENT ZONE, P-D(561), PROPERTY LOCATED ON THE NORTHWEST
CORNER OF WEST ORANGEBURG AND MARTIN AVENUES (TUTINO).

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, Mario Tutino has proposed that the zoning designation for property
located on the northwest corner of West Orangeburg and Martin Avenues be amended to
rezone Planned Development Zone, P-D(550) and a portion of Planned Development
Zone P-D(416), to Planned Development Zone, P-D(561), in the City of Modesto, (“the
project”) to allow for a three-story hotel, 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 2003-33 ("Initial Study") reviewed the proposed amendment to the Zoning Map and rezone to P-D(561) 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, the City caused public hearing notices of the City's intent to make a finding that the proposed project conforms with the Master EIR to be sent to affected by the rezone, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on July 8, 2003, 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 from to P-D(561) 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. That the proposed project is contemplated and described in the FMEIR Update (SCH No. 1999082041) as being within the scope of the FMEIR Update.
2. That the project will have no new significant effects on the environment not identified or examined in the FMEIR Update, and no new or additional mitigation measures are required.

3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the FMEIR Update will be sufficient for this project.

5. That all feasible mitigation measures set forth in the FMEIR Update which are appropriate to the project shall be incorporated in the project.

6. That the Initial Study EA/C&ED 2003-33 provides substantial evidence to support findings 1 thru 5, above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of 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 8th day of July, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Frohman, Keating, O’Bryant, Mayor Sabatino
NOES: Councilmembers: Fisher, Jackman
ABSENT: Councilmembers: None

ATTEST: __________________________
JEAN ZAHN, City Clerk
(SEAL)

APPROVED AS TO FORM:

By: __________________________
MICHAEL D. MILICH, City Attorney
EXHIBIT A
Initial Study
EA/C&ED 2003-33
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. 1999082041), 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:
PD (Extended Stay America)

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

C. Contact person and phone number:
Josh Bridegroom, Community and Economic Development Department, (209) 571-5540

D. Project Location:
Northwest corner of Orangeburg and Martin Avenues

E. Project Sponsor:
Mario Tutino, 151 Kalmus Drive, Suite H-8, Costa Mesa California 92626

F. General Plan Designation:
Mixed Use

G. Current Zoning:
P-D (416) and P-D (550)

H. Description of Proposed Project:
This is an application to rezone the southernmost section of P-D (416) and P-D (550) to planned development to allow for the development of a three story, 40,812 square feet, 104 room, Extended Stay America Hotel with 129 parking stalls. The site plan adheres to all City standards with regard to setbacks and parking provision. Each room is proposed to include a kitchenette.
I. **Surrounding land uses:**
The project is surrounded by Residential to the north and east, Orangeburg Avenue to the South and West, and a hotel to the northwest.

J. **Other public agencies whose approval is required:**
None

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**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 with the analysis contained within the Master EIR.

A. **Traffic and Circulation**

The General Plan designates the project site as mixed-use. The project is consistent with this designation in land use and intensity and will therefore not generate traffic greater than projected by the MEIR. Therefore, there would be no change needed in the Traffic and Circulation section of the EIR. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages V-1-1 through V-1-33) are still valid.

B. **Degradation of Air Quality**

The air quality impacts for this project are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this development will 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 IV-2-26) are therefore still valid.

C. **Generation of Noise**

The General Plan MEIR assumed that there would be further mixed-use development and thus, noise generation within the Baseline Developed Area. Therefore, the Mitigation Measures listed in the MEIR for Generation of Noise (pages V-3-1 through V-3-22) are still valid.

D. **Loss of Productive Agricultural Land**

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

E. **Increased Demand for Water Supplies**

The General Plan MEIR assumed that there would be further development and thus, increased demand for Water Supplies within the Baseline Developed Area. This project is consistent with the General Plan in both land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased
Demand for Water Supplies (pages V-5-1 through IV-5-13) are therefore still valid.

F. Increased Demand for Sanitary Sewer Services

The project is consistent with the General Plan Designation for the site in land use and intensity and will therefore not increase demand for sanitary sewer service beyond that projected by the MEIR. Therefore, 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 still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The project is located in a built-up urban area and is not located in a Potential Biological Resource Study Area, as presented in Figure V-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. Therefore, 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 1995 MEIR, as sited in the 2003 MEIR. Figure 8-1 of the 1995 MEIR, as sited in the 2003 MEIR, indicates that this project is also outside the Archaeological Resource Study Area, which shows areas that may require additional site-specific investigations. Therefore, 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 still valid.

I. Increased Demand for Storm Drainage

The General Plan MEIR assumed that there would be further development and thus, increased demand for Storm Drainage within the Baseline Developed Area. This project is consistent in land use and intensity with the General Plan designation for the site, and the project complies with the adopted storm drainage policies from the various agencies listed in the MEIR. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Storm Drainage (pages V-9-1 through V-9-13) are still valid.

J. Flooding and Water Quality

The General Plan designates the project site as mixed-use. The project is consistent with this designation in land use and intensity and will therefore not generate drainage, flooding or water quality problems greater than projected by the MEIR. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages V-10-1 through V-10-16) are still valid.
K. Increased Demand for Parks and Open Space

The General Plan MEIR assumed that there would be further development and thus, increased demand for Parks and Open Space within the Baseline Developed Area. This project is consistent with the General Plan in terms of land use and intensity. Therefore, 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 still valid.

L. Increased Demand for Schools

This project, being non-residential, would not generate any additional demand for schools. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages V-12-1 through V-12-11) are still valid.

M. Increased Demand for Police Services

The General Plan MEIR assumed that there would be further development and thus, increased demand for police services within the Baseline Developed Area. The proposed project is consistent with the General Plan with regard to land use and intensity. Therefore, 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 still valid.

N. Increased Demand for Fire Services

The General Plan MEIR assumed that there would be further development and thus, increased demand for fire services within the Baseline Developed Area. The MEIR concludes that adopted policies in the City of Modesto and County of Stanislaus would reduce the impact of new projects on Fire Services to a less than significant level. Therefore, 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 still valid.

O. Generation of Solid Waste

The General Plan MEIR assumed that there would be further development and thus, increased generation of solid waste within the Baseline Developed Area. This project is consistent in land use and intensity with the General Plan designation for the site. Therefore, 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 still valid.

P. Generation of Hazardous Materials

The General Plan MEIR assumed that there would be further development and thus, increased generation of hazardous materials within the Baseline Developed Area. This project is consistent in land use and intensity with the General Plan designation for the site. Therefore, 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 still valid.
Q. Landslides and Seismic Activity

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

R. Energy

The MEIR concludes that adopted policies in the City of Modesto and County of Stanislaus would reduce the impact of new projects on Energy to a less than significant level. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages V-18-1 through IV-18-7) are still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed project is within the scope of the General Plan Master EIR (SCH No. 1999082041).

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

D. There are not specific features unique to this project that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will 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:

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