MODESTO CITY COUNCIL
RESOLUTION NO. 2003-379

A RESOLUTION APPROVING THE 2002 ANNUAL GENERAL PLAN REPORT
AND AUTHORIZATION FOR STAFF TO SUBMIT THE ANNUAL REPORT TO
THE STATE OFFICE OF PLANNING AND RESEARCH AND THE STATE
HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT.

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

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

WHEREAS, said General Plan has been amended by Modesto City Council
Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162,
copies of which are on file in the office of the City Clerk, and

WHEREAS, Government Code Section 65400(b)(1) mandates that all planning
agencies submit to their legislative bodies, the Office of Planning and Research, and the
Department of Housing and Community Development an annual report on the status of
the general plan and progress in its implementation, including the progress in meeting its
share of regional housing needs and local effort to remove governmental constraints to
the maintenance improvement and development of housing, and
WHEREAS, the Community & Economic Development Department has investigated and summarized all planning activity conducted in the year 2002 and prepared such a report, and

WHEREAS, on May 19, 2003, the Planning Commission held a duly noticed meeting in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, relating to this proposed 2002 Annual General Plan Report, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 2003-32, recommending to the City Council approve the 2002 Annual General Plan report and its submittal to the State Office of Planning and Research and the Department of Housing and Community Development, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on June 24, 2003, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed 2002 Annual General Plan Report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2002 Annual General Plan Report and authorizes staff to submit said report to the State Office of Planning and Research and the Department of Housing and Community Development as shown on Exhibit “A” attached hereto an incorporated herein by reference.
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 O’Bryant, 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: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHIR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ____________________________
MICHAEL D. MILICH, City Attorney
EXHIBIT “A”

2002 ANNUAL GENERAL PLAN REPORT

This Exhibit is included with the City Council Agenda Packet.
Please Refer to Attachment “A”
Annual General Plan
Progress Report
2002

City of Modesto
Planning Division
Prepared June 2003
2002 Annual Report
on the General Plan

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

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

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

_____________________
Date: 

_____________________
Signature of Authorized Representative

_____________________
Director, Community and Economic Development Department

Title

_____________________
(209) 577-5267

Telephone Number
Purpose

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

Status of the Modesto Urban Area General Plan

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

In April 1992, the City adopted an updated Housing Element, which is one component of the General Plan, pursuant to Government Code Section 65588. The Housing Element was recertified to be in compliance with State Law by HCD in April 1995. The Housing Element update is underway and will be considered for City Council adoption by December 2003.

Progress in Implementation of the General Plan

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

A summary of various planning applications and efforts during 2002 is provided below. The summary describes applicant-initiated planning activity, City-initiated planning activity, and a discussion of housing policy implementation.

A. Applicant-Initiated Planning Activity

1. General Plan Amendments

The City considered two general plan amendments amending small areas on the City's General Plan Land Use Diagram as described below:

a. An amendment to the Modesto Urban Area General Plan to redesignate a one-acre site located between Roseburg and
Mensingr Avenues, west of McHenry Avenue, from Residential to Mixed Use. The Amendment was initiated to facilitate the development of a 20,000 square foot professional office complex.

b. An amendment to the Modesto Urban Area General Plan to redesignate approximately one-acre site at 810 Standiford Avenue from Residential to Mixed Use. The Amendment would result in the development of a 10,000-square-foot professional office complex.

A location map of each of these General Plan Amendments is provided as Map 1 and Map 2.

2. Specific Plan and Precise Plan Amendments

In 2002, the City considered one specific plan amendment. This was an amendment of the Village One Specific Plan and it included a precise plan amendment. These two actions pertained to the same property located on the south side of Sylvan Avenue east of Esta Avenue. The Specific Plan amendment resulted in moving 4.1 acres from Precise Plan Area No. 6 to Precise Plan Area No. 7. The purpose was to facilitate development of 4.1-acre site with single-family family construction.

3. General Plan Conformity

Three requests were considered for conformity with the General Plan.

a. Acquisition of property located at 1340 Scenic Drive by the City for public recreational use.

b. City Disposition of property located at the east corner of Twelfth and I Streets for an office project by the County of Stanislaus.

c. Acquisition of property located at 1200 Graphics Drive by the City to promote the development of a business park (i.e., Kansas Avenue Business Park).

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

Two amendments to the Zoning Code were considered during 2002. They are as follows:

a. Two amendments to the Sign Regulations (Article 21) of the zoning regulations: One amendment now allows freestanding menu boards for car wash establishments. The second amendment added the freestanding sign limitation of 150-feet back to the code.
b. Amendment to the zoning ordinance to provide for residential development in the C-1 and C-2 Zones, subject to a use permit. This amendment was approved to allow an already residentially-developed commercial lot to be expanded with a second residential unit. This change further increased opportunities for mixed use development.

5. Amendments to Standard Specifications

There were two amendments to the City's development standards during 2002.

a. Adoption of vehicular roundabout policy establishing guidelines for the uniform application of roundabouts.

b. Revisions to the City's storm drainage standard specifications.

6. Rezone of land use designations

During 2002, the City considered seven zone changes. They are as follows:

a. Rezone property located between Roseburg and Mensinger Avenues, west of McHenry Avenue, from R-1 & R-3 to Planned Development, P-D(553) allowing a professional office development and associated off-street parking as allowed in the Professional Office (P-O) Zone.

b. Rezone property located at the northeast corner of Hillglen and Esta Avenues from Specific Plan Holding (SP-H) Zone to Specific Plan Overlay (SP-O) to allow a 19-lot subdivision.

c. Rezone property located on the east side of Crows Landing Road, South of Winmoore Way from C-1 to Planned development P-D(554) providing for uses as allowed in the C-2, General Commercial Zone.

d. Rezone property located at 810 Standiford Avenue from R-1 to P-D(555) allowing a medical office development and associated off-street parking as allowed in the P-O Zone.

e. Rezone property located on the northwest corner of Tully Road and Snyder Avenue from SP-O Zone to P-D(557), allowing office uses.

f. Rezone property located at the southwest corner of N. Santa Cruz and La Loma Avenue from Light Commercial (C-1) to P-D(558), allowing an automatic car wash in conjunction with an existing convenience store and gas station as allowed in the C-2 Zone.
7. Precise Plan Amendments

During 2002, the City adopted the establishment of two Precise Plan areas within the Village One Specific Plan. Precise Plan Areas serve as specific zoning and are intended to implement the Village One Specific Plan. The two precise plans are as follows:

a. Adoption of Precise Plan Area No. 13 of the Village One Specific Plan amending the zoning from SP-H to SP-O for the development of single-family residential land uses. The area is bounded by Roselle, Hillglen, Millbrook and Kodiak Avenues.

b. Adoption of Precise Plan Area No. 9 of the Village One Specific Plan amending the zoning from SP-H to SP-O for the development of single-family lot subdivision. The area is generally located at the southwest corner of Sylvan Avenue and Claus Road.

8. Variances

The City considered five variance applications consisting of three requests to encroach within the rear setback requirement. Another rezone request involved adding additional nonconforming land uses to an established development. The remaining variance provided increased living area to a single-family residence. They were as follows:

a. Approval of a variance for property located at 1122 Stoddard Avenue and property at the northwest side of Campus Way west of its intersection of Arc Way. The variance allowed a convenience store and coffee shop, deli shop as additional uses to a nonconforming commercial building and for noncontiguous off-street parking.

b. Approval of a variance for property located at 938 Magnolia Avenue. The variance would extend an existing nonconforming residence into the side-yard setback. The home is an area where many homes do not presently meet setback requirements.

c. Approval of a variance for property located at 1218 Crescent Drive. The variance would permit an addition to the residence within the side-yard setback. The home is not situated parallel to the property because of an oddly shaped lot.

d. Approval of variance for property located at 210 Hintze Avenue. The variance would permit encroachment of a garage into the side yard setback. The request involved a home that was built prior to current zoning setback requirements.
9. Conditional Use Permits

The City considered 14 conditional use permit (CUP) applications. These CUP applications involved a variety of land use proposals as listed on Exhibit A.

10. Plot Plan Applications

Plot plan activity was limited to one application for a 16-unit apartment complex and two plot plans for business-related uses. They are further described below:

a. Plot plan approval for property located at the southwest corner of N. Riverside Drive and Miller Avenue. The plot plan application was for the development of a 16-unit multi-family development (Miller Pointe) in the R-3 Zone.

b. Plot plan approval for property located on the east side of Dale Road opposite Nightingale. The Plot Plan application was for the development of a 49,276-square-foot, two-story medical office building with 289-space parking lot in the Professional Office (P-O) Zone.

c. Plot plan approval for property located at the southeast corner of Coffee Road and Mable Avenue. The plot plan application was for the development of a 13,600-square-foot medical office building in the P-O Zone.

11. Parcel and Subdivision Map Applications

The City processed 12 parcel map applications and 10 subdivision applications. The subdivision map applications involved 105.65 acres, resulting in 464 new lots. The subdivision activity consisted of the following maps.

a. Vesting Tentative Map of Banyon Estates Subdivision dividing 8.25 acres located at the northeast corner of Fine and Sharon Avenues into 48 single-family lots.

b. Vesting Tentative Map of Polakis Property Subdivision dividing 35.9 acres located on the north side of Merle Avenue east of Dermond Road into 180 lots.
c. Vesting Tentative Map of Olympic Park No. 5 Subdivision dividing 3.7 acres located at the southeast corner of Millbrook and Sharon Avenues into 16 single-family lots.

d. Vesting Tentative Map of Village Highlands Phase 7 Subdivision dividing 10.2 acres located on the south side of Sylvan Avenue west of Claus Road into 44 lots.

e. Vesting Tentative Map of Village Highlands Phase 8 Subdivision dividing 8.6 acres located on the south side of Sylvan Avenue west of Claus Road into 13 lots and a 4.2-acre remainder.

f. Vesting Tentative Map of Villagio Subdivision dividing 4.7 acres located at the northeast corner of Hillglen and Esta Avenues into 19 single-family lots.

g. Vesting Tentative Map of Esta Estates dividing two acres located south of Hillglen Avenue, between Esta and Millbrook Avenues into six lots.

h. Vesting Tentative Map of Mira Loma Subdivision dividing 5.1 acres located at the northeast corner of North Conejo and Julian Avenue into 25 single-family lots.

i. Vesting Tentative Map of Covington Pointe Subdivision dividing 16.5 acres located at the southwest corner of Snyder Avenue and Tully Road into 81 residential lots and a remainder lot.

j. Vesting tentative Map of Loretelli Manor Subdivision dividing 10.7 acres located at the southwest corner of Claratina Avenue and Coffee Road into 32 residential lots and one commercial parcel.

A location map depicting the approved tentative subdivisions is included as Map 3.

12. Miscellaneous Development Permits

The City processed nine additional development entitlement permits as follows:

a. Amendment to P-D(139) to allow a funeral parlor

b. A one-year time extension for Filing the Final Map of Monterey Bay Subdivision

c. Amendment to P-D(501) to allow for a retail building and storage building

d. Amendment to P-D(30) allowing for a comprehensive sign package

e. Amendment to P-D(45) revising the development plan
f. Amendment to P-D(485) revising the development plan

g. Plot Plan for a single-family home

h. Amendment to a development agreement with the Galas brothers and Del Valle, Inc. related to the Galas Brothers Tentative Subdivision.

13. Building Permit Activity

During 2002, a total of 1,088 new-resident building permits were issued; 1,067 were for single-family homes and 21 for multi-family units. A total of 45 building permits for new commercial development valued at approximately $23,233,000 were issued. A total of 35 building permits for new industrial development valued at approximately $11,657,000 were also issued.
A table summarizing the complete applicant initiated planning activity during 2002 is provided below.

### Table A

**Summary of Planning Application Activity During 2002:**

<table>
<thead>
<tr>
<th>Type of Application Activity in 2002</th>
<th>Number of Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Plan Amendments</td>
<td>2</td>
</tr>
<tr>
<td>Specific Plan Amendments</td>
<td>1</td>
</tr>
<tr>
<td>Precise Plan Amendments</td>
<td>3</td>
</tr>
<tr>
<td>Rezones</td>
<td>7</td>
</tr>
<tr>
<td>Variances</td>
<td>5</td>
</tr>
<tr>
<td>Conditional Use Permit</td>
<td>14</td>
</tr>
<tr>
<td>Plot Plan Applications</td>
<td>3</td>
</tr>
<tr>
<td>General Plan Conformity</td>
<td>3</td>
</tr>
<tr>
<td>Amendments to the Zoning Ordinance</td>
<td>2</td>
</tr>
<tr>
<td>Amendments to the Standard Specifications</td>
<td>2</td>
</tr>
<tr>
<td>Miscellaneous Development Applications</td>
<td>9</td>
</tr>
<tr>
<td>Parcel Maps</td>
<td>12</td>
</tr>
<tr>
<td>Subdivision Maps</td>
<td>9</td>
</tr>
<tr>
<td><strong>Total Private Development Applications</strong></td>
<td><strong>72</strong></td>
</tr>
</tbody>
</table>
REVISED GENERAL PLAN
LAND USE DIAGRAM

City of Modesto
Page 10
2002 Annual General Plan Report
B. City Initiated Planning Activity

During 2002, the City of Modesto also conducted proactive planning activities. These activities focused on a variety of development issues:


On March 4, 2003, the City Council certified the General Plan Master Environmental Impact Report (MEIR) update and adopted amendments to the General Plan to approve changes to the Circulation and Transportation Map, School Policy text, Archaeological and Historic Resource Policies, Airport Noise Policy, Employment Estimates in Comprehensive Planning Districts (CPD), combine CPD’s to create a Salida CPD consistent with the County General Plan. This effort was possible through extensive staff work conducted during 2002.

2. Kansas Avenue Business Park

During 2002, the Community and Economic Development Department drafted a Guide for Development of the Kansas Avenue Business Park. The Guide outlines general design objectives for the Kansas Avenue Business Park, and is also used to reach a consensus for the development envisioned for the area. Work is now underway to complete a specific plan for the property. In addition, staff is also working on a focused environmental impact report for the proposed project. The proposed site is comprised of 27 industrially-zoned parcels, totaling 94 acres with approximately 45 acres being undeveloped.

3. Northwest Business Park

The Community and Economic Development Department resumed efforts to draft a specific plan for the development of the College West Comprehensive Planning District. This effort was postponed to incorporate the circulation and transportation changes and findings associated with the General Plan Amendment and MEIR Update. The specific plan area consists of 240 acres of business, office, support commercial manufacturing and distribution uses. Up to 2,388,000 square feet of building floor area is proposed.

4. Housing Element Update

The Community and Economic Development Department in collaboration with the Parks, Recreation and Neighborhoods Department commenced the process of updating the Housing Element. The Housing Element update is scheduled for adoption in December 2003. The City of Modesto is expected to provide sites that can accommodate up to 15,300 housing units by June 30, 2008.
5. Roselle/Claribel Specific Plan, General Plan Amendment and Focused EIR

City staff from various departments reviewed conceptual plans for the development of the Roselle/Claribel Specific Plan area. The project area is bordered by Oakdale Road, Sylvan Avenue, Roselle Avenue, and the Claratina Expressway. It would establish the development pattern for approximately 480 acres. A revised conceptual land use plan is pending from the applicant in response to City department comments on the draft concept plan. The project could include approximately 2,400 housing units, 70 acres of new commercial and 30-60 acres of open space.

6. Modesto Downtown Visioning and Ninth/Tenth Street Renovation Project

As a continuation of the overall downtown renovation effort, the City Council directed staff to embark on a visioning project for the restoration of the downtown core. The focus is on the complete renovation of Ninth Street and a portion of Tenth Street. This effort also includes developing a larger vision for the downtown core. Staff began preliminary efforts resulting in a draft budget for project design. The City Council is considering the costs associated with this project in light of other City priorities.

7. Infrastructure Studies

The Engineering and Transportation Department began several infrastructure studies to measure the carrying capacity of existing sewer, water, and storm drainage infrastructure along with anticipated impact from the development of new growth areas. The results of these studies are scheduled for completion in 2003.

8. Village One Building Moratorium

The City also examined the infrastructure needs, costs and development fees associated with build-out of Village One. In 2002, the City Council issued a nine-month moratorium for approval of new residential proposals. The City Council was scheduled to consider the new fee schedule for Village One at its May 6, 2003 meeting.

C. Implementation of Environmental Mitigation Measures

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

D. Implementation of Housing Policy

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

1. Local Housing Growth

During calendar year 2002, the region and the City experienced average population and housing unit increases. The City issued 1,088 permits for new housing units in calendar year 2002. Applying an average density of 2.85 persons per household would increase the City’s population by approximately 3,100 persons during 2002.

2. Local Housing Costs

For the most part, new housing units built during 2002 catered to moderate and above moderate-income households. The median sales price of homes increased from $160,000 to $190,000, with new homes prices starting in the low $200,000 price range. Rental housing costs also continued to rise by as much 30%.

3. Lending Rates

During 2002, mortgage interest rates were at their lowest level in the last 30 years. This has enabled households to either refinance or afford a new and often larger residence. However, the cost of housing has continued to increase as well, pricing out many long-time renters and young and older households from purchasing entry-level homes.

4. Residential Land Inventory

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

In 2002, the City imposed a development moratorium in the Village One Specific Plan area to reassess the City’s development fees that are applied to infrastructure improvements - this temporarily stopped new housing projects in this planning area. The City Council was scheduled to consider the new fees for Village One on May 6, 2003.
5. Development of Housing that is Affordable to Working Families

During 2002, City efforts in implementing the housing element consisted of the following:

a. Approved a 16-unit apartment complex (Miller Pointe) proposed by the Housing Authority County of Stanislaus

b. Committed the Redevelopment Agency’s funds to a housing project in the downtown area

c. Funded the efforts to update the Housing Element

d. Amended the Down Payment Assistance Program

e. Provided federal funding to rehabilitate a 16-unit apartment complex (Garden Gate Apartments) located at 5th and F streets

f. Provided federal funding to Housing Authority County of Stanislaus for the rehabilitation of Pine Meadows Apartment (36 unit)

g. Provided federal funding to STANCO for the development of a new 18-unit multi-family project at 3333 Carver Road

h. Completed Housing Code Enforcement of Prescott Estates, refurbishing 312 condominiums.

6. Housing Element Update

During 2002, the City began its efforts to update the Housing Element. The City conducted one community workshop, three neighborhood meetings and began monthly committee meetings to facilitate the update of the Housing Element. The City contracted with a housing analyst (Cotton/Bridges/Associates) to assist in this effort. The update efforts have resulted in a review of housing accomplishments, identification of housing needs, identification of constraints to housing development, and review of housing goals, policies and programs. The Housing Element update is scheduled for a December 2003 adoption date.

7. 2001-2008 Regional Housing Needs Allocation

During 2002, Stanislaus Council of Governments (StanCOG) developed the 2001-2008 Regional Housing Needs Allocation report. This report was submitted to the State’s Department of Housing and Community Development (HCD) for its approval. HCD has yet to approve StanCOG’s Regional Housing Needs Allocation. Modesto’s allocation ranges from 9,000 units as
proposed by StanCOG to 15,300 units as projected from State estimates. The Allocation report also requires the units to be allocated by income categories (i.e.: very-low, low-, moderate- and above-moderate income).

E. Progress in Meeting the Regional Housing Needs

In February 2001, the Stanislaus Area Association of Governments, now known as Stan COG, adopted the 1990-1997 Housing Needs Report. The State Housing and Community Development Department (HCD) approved this Report. HCD and StanCOG are expected to approve an updated Housing Needs Allocation Plan later this year. Because the proposed Regional Housing Needs Plan has not been adopted, the previous Plan, adopted in 1991 will be used for the Housing Element Update. An average annual housing allocation of the 1990-1997 housing plan required Modesto to accommodate a total of 1,670 units per year. This allocation is projected annually until a new RHNA plan is adopted. This housing need amount is also disaggregated by various income groups. A comparison of housing units constructed and housing units needed is provided on the following table.

The 1990-1997 Housing Needs Report required a total annual housing need as follows:

<table>
<thead>
<tr>
<th>Income Group</th>
<th>Annual Housing Need</th>
<th>Housing added in 2002</th>
<th>Remaining Need</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very-Low</td>
<td>401</td>
<td>0</td>
<td>401</td>
</tr>
<tr>
<td>Low-</td>
<td>284</td>
<td>21</td>
<td>263</td>
</tr>
<tr>
<td>Moderate-</td>
<td>351</td>
<td>150</td>
<td>201</td>
</tr>
<tr>
<td>Above-Moderate</td>
<td>634</td>
<td>917</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>1,670</td>
<td>1,088</td>
<td>865</td>
</tr>
</tbody>
</table>

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

Issues

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

The General Plan’s Community Growth Policy Review states:

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

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

The Urban Growth Review considers existing residential, industrial, and commercial vacant land inventories. With this information the City Council provides direction on the timing and location of annexation of lands to the City. This will be based on availability and capacity of existing public infrastructure and the City’s financial resources. With limited financial resources, the City will have to closely evaluate the rate of future growth and development. The City Council is scheduled to consider the City’s Urban Growth Policy in the summer of 2003.

As a result of any Urban Growth Policy Review actions, the City Council may require a General Plan Amendment. A comprehensive General Plan update may also be directed by the City Council. Subsequent development proposals will be encouraged to be developed under a comprehensive development plan (e.g. Specific Plan). The Modesto downtown area may also be an area of special focus to help it become a regional business and cultural center for the Stanislaus County region.

B. Infrastructure

As part of the Urban Growth Policy Review, City staff will be providing information on the adequacy of existing public infrastructure and the availability of City resources. The City will be examining the availability of water for domestic use. The City will be evaluating the ability of its wastewater delivery and treatment system. An evaluation of the City-Road infrastructure is also pertinent in addressing growth.

The costs associated with providing adequate infrastructure will be tied to development fees. These fees are also under review.

C. Affordable Housing

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

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

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

The City is committed to preserving important farmland outside of its Sphere of Influence. As part of the Urban Growth Review, the City will be carefully considering the direction of development within its Sphere of Influence as it affects important farmland.
Exhibit A

2002 Conditional Use Permits (CUP)

1. CUP for three combined business signs at the Town and Country Square Shopping Center on the north side of Briggsmore Avenue between Sisk and Prescott Roads

2. CUP for a Convenience Store and Coffee Shop/Deli at 1122 Stoddard Avenue and additional parking northwest side of Campus Way, west of Arc Way

3. CUP for the development of a 3,800-square-foot warehouse/retail building and a 4,190-square-foot office building on property at the west of Carpenter Road, between Torrid and Woodland Avenues

4. CUP for an expansion of a six-person to an eight-person residential service facility at 201 Jennie Street

5. CUP to place a sign above the portion of a building located at the southwest corner of Eleventh and J Streets

6. CUP for a revised development plan featuring a two-story multi-purpose building for a church located at 1600 Carver Road

7. CUP to extend a day care facility from 36 to 50 children, also revising hours and relocating playfield fencing at 1911 Toyon Avenue

8. CUP for the development of a 9,900-square-foot office building and related parking

9. CUP for a 72.5-foot-tall cellular communications antenna facility at 1021 Oakdale Road

10. CUP for expansion of a church at the southeast corner of Second and H Streets

11. CUP for a revised master plan featuring an additional modular classroom at the southeast corner of Tully Road and Woodrow Avenue

12. CUP for a one-story addition to the care facility located on the north side of St. Paul’s way, east of Oakdale Road

13. CUP for a 66,000-square-foot two-story high school and off street parking at the southeast corner of Pelandale Avenue and Tully Road

14. CUP for the addition of a storage building and expansion of a parking lot by thirty-six spaces on property at the northeast corner of Floyd Avenue and Newport Drive.
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-380

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND INLAND VILLAGE, A CALIFORNIA GENERAL PARTNERSHIP, FOR A PORTION OF ASSESSORS PARCEL NUMBER: 085-4916 FOR THE ACQUISITION OF PROPERTY FOR THE CLAUS ROAD EXPRESSWAY PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT.

WHEREAS, in March 2000, the City Council of the City of Modesto approved the Claus Road Expressway Project ("Project") to extend the improvements along Claus Road as part of the City’s Capital Improvement Program projects, and

WHEREAS, certain real property needs to be acquired for said Project which property is identified as a portion of Assessor’s Parcel No: 085-4916, and which property is owned by Inland Village, a California General Partnership, and

WHEREAS, an agreement is needed for the acquisition of the needed real property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between City of Modesto and Inland Village, a California General Partnership, for the Claus Road Expressway project is hereby approved.

BE IT FURTHER RESOLVED THAT the execution of said Agreement by the City Manager or his designee on behalf of the City of Modesto is hereby authorized.
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 O'Bryant, 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: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

Approved as to Form:

BY: 

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-381

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF PROPERTY OWNED BY INLAND VILLAGE, A CALIFORNIA GENERAL PARTNERSHIP, FOR ASSESSORS PARCEL NO: 085-4916 FOR THE CLAUS ROAD EXPRESSWAY PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire real property from Inland Village, a California General Partnership, for a portion of Assessors Parcel No: 085-4916 for the Claus Road Expressway Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or his designee is hereby authorized to sign a Certificate of Acceptance on behalf of the City of Modesto for the Grant Deed for the acquisition of property for the Claus Road Expressway Project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his designee is hereby authorized and directed to sign any and all documents related to the purchase of real property on behalf of the City of Modesto as it is required for the acquisition of the property for the Claus Road Expressway Project.
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 O’Bryant, 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: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, CITY CLERK

APPROVED AS TO FORM:

MICHAEL D. MILICH, CITY ATTORNEY
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-382

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH No. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: APPROVING RIGHT-OF-WAY ACQUISITION FOR THE ULTIMATE CLAUS ROAD 6-LANE EXPRESSWAY.

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, Section 15168 (C) (4) of the CEQA Guidelines, relating to reviewing subsequent activities of a Program EIR, states that the lead agency shall prepare a Written Checklist 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 program environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and
WHEREAS, the Engineering and Transportation Department, by Written Checklist, EA/ET 2003-17, reviewed the proposed Claus Road Right-of-Way Acquisition, and made the determination that the proposed acquisition will have no additional significant effect on the environment that was not identified in the Program EIR; and, further, that no new or additional mitigation measures or alternatives will be required, and that, therefore, the proposed right-of-way acquisition is within the scope of the project covered by the Program EIR,

WHEREAS, on July 8, 2003, the City Council considered said matter.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Written Checklist prepared for the proposed Claus Road right-of-way Acquisition, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Written Checklist makes the following findings:

1. This activity is within the scope of the program approved earlier, and

2. The Program Environmental Impact Report adequately describes the activity for the purposes of CEQA.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or 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 O'Bryant, 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: 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
WRITTEN CHECKLIST

EA/ET No. 2003/17

I. PURPOSE

This written checklist, pursuant to CEQA Guidelines Section 15168 (C) (4), serves to make a determination where subsequent activities of a Program EIR involve site-specific operations, based on evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR. This determination includes whether any new environmental document is required beyond the adopted Village One Specific Plan Program EIR (SCH# 90020181) for the proposed Claus Road right of way Acquisition (project).

This Checklist is not an Initial Study: This checklist serves to evaluate a subsequent activity of the Village One Program EIR for site-specific operations, to evaluate the site and the activity and determine whether the environmental effects of the operation were covered in the Program EIR. This checklist is not, an Initial Study as defined by CEQA Guidelines Section 15160 et.seq.

II. PROJECT INFORMATION

1. Project Title: Claus Road Right-of-Way

2. Lead Agency Name and Address: City of Modesto

3. Contact Person and Phone Number: Rich Ulm, Deputy Director
   Modesto Engineering and Transportation Department
   209/577-5215

4. Project Location: 3925 Sylvan Avenue
   Modesto, California
   APN Number 095-01-70
5. Project Sponsor's Name and Address: City of Modesto
   P.O. Box 642
   Modesto, CA 95353

6. General Plan Designation: The General Plan land use designations include Village Residential (VR) which allows predominantly single-family residential uses; Multi-Family Residential; Senior Housing; School/Park/Basin site; Commercial; and Business Park (BP) which allows light industrial manufacturing, office, associated service retail (and, in Village One, regional commercial) uses.

7. Zoning: Specific Plan Holding SP-H

8. Description of Project: Pursuant to the adopted Village One Specific Plan, the City of Modesto is planning to realign Claus Road, near the Sylvan Avenue intersection. The proposed project will require right-of-way from a portion of the property located at 3925 Sylvan Avenue, Modesto, California, identified as APN: 095-01-70. (See attached diagram).

9. Surrounding Land Uses and Setting: The Village One Specific Plan Area is over half built, as planned and approved by the 1990 Village One Specific Plan. The project area is surrounded by rural, agricultural, and open space land uses to the North, South and East, and by residential uses to the West.

10. Other Public Agencies whose Approval is Required: None.
III. DETERMINATION:

Based on the analysis contained-in this document, staff finds that pursuant to Guidelines Section 15162 the following is true for the proposed project:

(1) Major revisions to the Village One Program EIR as updated by the 1994 Supplement, are not required because the project will not involve new significant environmental effects or increase severity of effects previously identified, and

(2) Major revisions to the Village One Program EIR as amended by the 1994 Supplement, are not required because no substantial changes to circumstances have occurred that involve new significant environmental effects or increase severity of effects previously identified, and

(3) No new information of substantial importance that was not known has become available that shows:
   a. one or more significant effects is not discussed in the Village One Program EIR as updated by the 1994 Supplement,
   b. identified significant effects will be more severe,
   c. previously infeasible mitigation measures are now feasible,
   d. project proponents have declined to adopt mitigation measures.

(4) Because no new significant effects and no new mitigation is required for the project, the environmental effects of the operation of the proposed project were covered by the Village One Program EIR as updated by the 1994 Supplement. Therefore, pursuant to CEQA Section 15168 (C) (4) no new environmental document is required.

(5) Therefore, the Claus Road Right-of-Way Acquisition project is within the scope of the Village One Program EIR.

____________________________________  ______________________________ 
Project Manager                        Date

____________________________________

June 2003
## IV. PROJECT EVALUATION:

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

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### I. AESTHETICS. Would the project:

a. Have a substantial adverse effect on a scenic vista?  
   - No

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?  
   - No

c. Substantially degrade the existing visual character or quality of the site and its surroundings?  
   - No

d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?  
   - No

Aesthetic and visual impacts are analyzed on pages III-100 through III-101 of the 1994 Supplement.

### Responses to Checklist Questions

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

b. The Village One Specific Plan program EIR found that there are no scenic resources in the project area, and that the right-of-way acquisition would therefore not result in significant impacts on scenic resources. This finding would not be affected by the proposed Claus Road Right-of-Way Acquisition
project because the project area remains the same. There would be no impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that the Right-of-Way Acquisition would have a less-than-significant impact on the visual character of the area. The proposed Claus Road Right-of-Way Acquisition project would not change the design or layout of the construction proposed under the Village One Specific Plan. For this reason, impacts on the visual character of the area would remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.

d. The proposed Claus Road Right-of-Way Acquisition project would not change the proposed lighting for Village One. For this reason, impacts associated with additional light and glare would remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.

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

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

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

c. Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use? □ □ □ □ ✓

Impacts on agricultural resources are analyzed on pages III-80 through III-94 of the 1994 Supplement.
Responses to Checklist Questions

a. The Village One Specific Plan program EIR found that approximately 4 acres of land designated as Prime Farmland would be lost as a result of the Right-of-Way Acquisition. This impact was determined to be significant and not mitigable. The proposed Claus Road Right-of-Way Acquisition would not affect this finding because the project area would remain the same. There would be no additional impact. No mitigation is required.

b. The Village One Specific Plan program EIR presented information showing that any Williamson Act contracts in the project area would be automatically cancelled on annexation of the land to the City of Modesto, which has occurred, or would expire within 10 years of the time the original program EIR was prepared. The last Williamson Act contract covering land in the project area expired in 2001. There are now no lands in the project area under Williamson Act contract. The project area has also been rezoned consistent with the specific plan, and no lands in the project area are now zoned for agricultural use. There would be no additional impact. No mitigation is required.

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

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

Would the project:

- Conflict with or obstruct implementation of the applicable air quality plan?

- Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
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<td>c.</td>
<td>Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?</td>
<td>☐</td>
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<td>d.</td>
<td>Expose sensitive receptors to substantial pollutant concentrations?</td>
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<td>e.</td>
<td>Create objectionable odors affecting a substantial number of people?</td>
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Impacts on air quality are analyzed on pages III-45 through III-54 of the 1994 Supplement.

**Responses to Checklist Questions**

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

c. The Village One Specific Plan program EIR found that air pollutant emissions associated with traffic at buildout of Village One would exacerbate the existing ozone, PM10, and CO violations in the Modesto area and cause a significant cumulative impact. Partial mitigation for these emissions is included in the program EIR (Mitigation Measures 4.5.3[a] and 4.5.3[b]), and the City of Modesto made a statement of overriding consideration for each impact. The proposed Claus Road Right-of-Way Acquisition would not change the amount of
traffic associated with buildout of Village One or the types of land uses, so trips generated by the project would not be affected. There would be no additional impact. No mitigation is required.

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

e. The Right-of-Way Acquisition consists of concrete and asphalt roadway construction and does not contain any components that would create odors. The proposed Claus Road Right-of-Way Acquisition would not change planned uses of the project area. There would be no impact. No mitigation is required.

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IV. BIOLOGICAL RESOURCES. Would the project:

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

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

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

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? □ □ □ □
Responses to Checklist Questions

a. The Village One Specific Plan program EIR found that the Right-of-Way Acquisition could result in the loss of foraging habitat for Swainson’s hawk, a state-listed threatened species, but found that mitigation measures identified in the program EIR would reduce the impact to a less-than-significant level. The proposed Claus Road Right-of-Way Acquisition would not change project area boundaries. There would be no additional impact. No mitigation is required.

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

c. The Village One Specific Plan program EIR found that the Right-of-Way Acquisition would result in the loss of lands that might be classified as wetlands by the U.S. Army Corps of Engineers, but that, with mitigation, the impact would be less than significant. The proposed Claus Road Right-of-Way Acquisition would not change the project area boundaries or the areas that would be disturbed. There would be no additional impact. No mitigation is required.

d. The Village One Specific Plan program EIR did not identify any migratory corridors in the Right-of-Way Acquisition area, nor did it find that the project would interfere with the movement of any species. The proposed Claus Road Right-of-Way Acquisition would not change the project area boundaries. There would be no impact. No mitigation is required.

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

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

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

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

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

Responses to Checklist Questions

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

The proposed Claus Road Right-of-Way Acquisition would not change the locations or types of construction in the project area nor the boundaries of the project area. Construction of roadway improvements will not result in effects on scattered existing structures. A Cultural Resources Assessment was prepared to determine if any of these affected structures are considered historic resources. The Cultural Resources Assessment is attached to this document as Appendix A. No historic structures are located within the Claus Road right-of-Way project. Therefore, no mitigation measures are necessary.

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

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

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

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2. Strong seismic groundshaking?

   | ☑                             | ☑                            | ☑                                                       | ☑         |

3. Seismic-related ground failure, including liquefaction?

   | ☑                             | ☑                            | ☑                                                       | ☑         |

4. Landslides?

   | ☑                             | ☑                            | ☑                                                       | ☑         |

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

   | ☑                             | ☑                            | ☑                                                       | ☑         |

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

   | ☑                             | ☑                            | ☑                                                       | ☑         |

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

   | ☑                             | ☑                            | ☑                                                       | ☑         |

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

   | ☑                             | ☑                            | ☑                                                       | ☑         |

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

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

e. The Village One Specific Plan included provisions for the project to be served by public sewers. No septic tanks or alternative wastewater systems were proposed. The proposed Claus Road Right-of-Way Acquisition project would not change the proposed method of wastewater disposal. There would be no impact. No mitigation is required.

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VII. HAZARDS AND HAZARDOUS MATERIALS.
Would the project:

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

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

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

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

e. Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area?
### f. Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area?

- Impact: Potentially Significant Impact
- Mitigation: No Mitigation Incorporated
- Impact: Less than Significant Impact
- No Impact

### g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

- Impact: Potentially Significant Impact
- Mitigation: No Mitigation Incorporated
- Impact: Less than Significant Impact
- No Impact

### h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

- Impact: Potentially Significant Impact
- Mitigation: No Mitigation Incorporated
- Impact: Less than Significant Impact
- No Impact

Impacts associated with hazards and hazardous materials are analyzed on pages III-80 through III-94 and III-109 through III-119 of the 1994 Supplement.

**Responses to Checklist Questions**

**a.–c.** The Village One Specific Plan does not allow any land uses that would use hazardous materials. The proposed Claus Road Right-of-Way Acquisition would not change land uses or project area boundaries. There would be no impact. No mitigation is required.

**d.** The Village One Specific Plan program EIR, as supplemented, found no hazardous materials were stored at the Claus Road Right-of-Way project. No significant impacts were identified, and no mitigation measures were required. The proposed Claus Road Right-of-Way Acquisition would not change the locations or types of construction in the project area nor the boundaries of the project area. There would be no additional impact. No mitigation is required.

**e.** The Village One Specific Plan program EIR found that the Right-of-Way Acquisition would not be located in an airport land use plan area or within 2 miles of a public airport. The proposed Claus Road Right-of-Way Acquisition would not change the project area boundaries. There would be no impact. No mitigation is required.

**f.** The Village One Specific Plan program EIR found that a private airstrip, the Eastside Mosquito Abatement District Airstrip, is located east of the eastern border of the Right-of-Way Acquisition area. However, take-offs and landings were found to take place parallel to and outside the area’s border, and flight patterns are generally situated to the east of the project area. The proposed Claus
Road Right-of-Way Acquisition would not change the project area boundaries. There would be no additional impact. No mitigation is required.

g. Since the adoption of the Village One Specific Plan, the Modesto General Plan has been updated to include development of Village One consistent with the specific plan. City emergency plans are developed with the assumption that the Village One Specific Plan will be implemented. The proposed Claus Road Right-of-Way Acquisition would not change construction, land use, or other physical attributes of the Right-of-Way Acquisition. There would be no additional impact. No mitigation is required.

h. The Right-of-Way Acquisition is located in an area of the City of Modesto planned for buildout of an urban neighborhood. Currently, less than 50% of the project area remains undeveloped, with a covering of dry brush and vegetation. The potential for wildland fires is low, and this potential will decrease as buildout continues. Adoption of the proposed Claus Road Right-of-Way Acquisition would not change the schedule or amounts of development. There would be no additional impact. No mitigation is required.

VIII. **HYDROLOGY AND WATER QUALITY.**

Would the project:

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<tbody>
<tr>
<td>a. Violate any water quality standards or waste discharge requirements?</td>
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<td>b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?</td>
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<tr>
<td>c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?</td>
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<tr>
<td>d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite?</td>
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June 2003
e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?  

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<th>Potentially Significant Impact</th>
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f. Otherwise substantially degrade water quality?  

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g. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  

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h. Place within a 100-year flood hazard area structures that would impede or redirect floodflows?  

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<th>Potentially Significant Impact</th>
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</table>

i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?  

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<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
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</table>

j. Contribute to inundation by seiche, tsunami, or mudflow?  

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<tr>
<th>Potentially Significant Impact</th>
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<th>Less-than-Significant Impact</th>
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Impacts associated with hydrology are analyzed on pages III-109 through III-119 of the 1994 Supplement.

**Responses to Checklist Questions**

a. The Village One Specific Plan program EIR did not find that the Right-of-Way Acquisition would violate any water quality standards or waste discharge requirements. The proposed Claus Road Right-of-Way Acquisition would not change water use or discharge associated with the Right-of-Way Acquisition. There would be no additional impact. No mitigation is required.

b. The Village One Specific Plan program EIR found that the Right-of-Way Acquisition might interfere with local groundwater recharge. However, the impact was found to be less than significant because the project area is not a major groundwater recharge area and the project includes a recharge/discharge plan for disposal of stormwater runoff and recharge of groundwater. The proposed Claus Road Right-of-Way Acquisition would not change the amount of impervious surface in the project area or the proposed storm drain facilities. There would be no additional impact. No mitigation is required.
The Village One Specific Plan program EIR found that the Right-of-Way Acquisition will substantially alter the existing drainage pattern of the area but, because the project will incorporate an urban storm drain system, will not result in any erosion impacts. The proposed Claus Road Right-of-Way Acquisition would not change the amount of impervious surface or the proposed storm drain facilities. There would be no additional impact. No mitigation is required.

The Village One Specific Plan program EIR did not find that the Right-of-Way Acquisition would otherwise substantially degrade water quality. The proposed Claus Road Right-of-Way Acquisition would not change water use or discharge associated with the Right-of-Way Acquisition. There would be no additional impact. No mitigation is required.

According to the Village One Specific Plan program EIR, the Right-of-Way Acquisition is not situated in a 100-year flood hazard area or downstream from a levee or dam. The proposed Claus Road Right-of-Way Acquisition would not change the project area boundaries. There would be no impact. No mitigation is required.

The Right-of-Way Acquisition area is located in a flat, inland area not susceptible to seiche, tsunami, or mudflow. There would be no impact. No mitigation is required.

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<th>Less than Significant Impact</th>
<th>Less-than-Significant Impact with Mitigation Incorporated</th>
<th>No Impact</th>
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</table>

IX. LAND USE AND PLANNING. Would the project:

a. Physically divide an established community?
   - ☑

b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
   - ☑

c. Conflict with any applicable habitat conservation plan or natural community conservation plan?
   - ☑

Impacts associated with land use and planning are analyzed on pages III-80 through III-94 of the 1994 Supplement.
Responses to Checklist Questions

a. The proposed Claus Road Right-of-Way Acquisition would not result in any physical changes to the environment beyond those proposed as a part of the Right-of-Way Acquisition. Village One would continue to be developed as a planned community; therefore, the Claus Road Right-of-Way Acquisition would not divide an established community. There would be no impact, and no mitigation is required.

b., c. The Village One Specific Plan has been adopted by the City of Modesto and has been incorporated into the Modesto General Plan. The proposed Claus Road Right-of-Way Acquisition would be consistent with the Village One Specific Plan. There are no other applicable land use or conservation plans for the project area. There would be no impact. No mitigation is required.

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<tr>
<th>Potentially Significant Impact</th>
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<th>Less-than-Significant Impact</th>
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X. MINERAL RESOURCES. Would the project:

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?  
   - ☐ ☐ ☐ ☑

b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?  
   - ☐ ☐ ☐ ☑
Responses to Checklist Questions

a., b. No known mineral resources or important recovery sites are located in the Village One Specific Plan Area. There would be no impact. No mitigation is required.

<table>
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<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
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XI. NOISE. Would the project:

a. Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies? □ □ □ ☑

b. Expose persons to or generate excessive groundborne vibration or groundborne noise levels? □ □ □ ☑

c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? □ □ □ ☑

d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? □ □ □ ☑

e. Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels? □ □ □ ☑

f. Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels? □ □ □ ☑

Impacts associated with noise are analyzed on pages III-55 through III-67 of the 1994 Supplement.
Responses to Checklist Questions

a., c. The Village One Specific Plan program EIR found that traffic associated with the Right-of-Way Acquisition would expose existing residential uses on Claus Road and Sylvan Avenue, to noise levels exceeding the general plan thresholds for residential uses. Mitigation measures identified in the program EIR were determined to reduce the level of impact, but not to a less-than-significant level. The City made a statement of overriding considerations when it certified the 1994 Supplement.

The program EIR also found that proposed residential housing in the project area would be exposed to noise levels exceeding general plan thresholds, but mitigation measures were incorporated to reduce the impact to a less-than-significant level. The proposed Claus Road Right-of-Way Acquisition would not change project-related noise-generating activities. There would be no additional impact. No mitigation is required.

b. The Village One Specific Plan program EIR found that the Right-of-Way Acquisition would not expose people to, or generate excessive, groundborne vibration or groundborne noise levels. The proposed Claus Road Right-of-Way Acquisition would not change project-related noise-generating activities. There would be no impact. No mitigation is required.

d. The Village One Specific Plan program EIR found that construction of the Right-of-Way Acquisition would result in a substantial temporary increase in ambient noise levels for residential housing. However, mitigation measures were incorporated into the program EIR to reduce the impact to a less-than-significant level. The proposed Claus Road Right-of-Way Acquisition would not change construction activities. There would be no additional impact. No mitigation is required.

e. The Village One Specific Plan program EIR found that the Right-of-Way Acquisition would not be located in an airport land use plan area or within 2 miles of a public airport. The proposed Claus Road Right-of-Way Acquisition would not change the project area. There would be no impact. No mitigation is required.

f. The Village One Specific Plan program EIR found that a private airstrip, the Eastside Mosquito Abatement District Airstrip, is located east of the eastern border of the Right-of-Way Acquisition area. However, take-offs and landings take place parallel to and outside the area’s border, and flight patterns are generally situated east of the project area. The adjacent land use would be a business park, which would not be significantly affected by the limited noise generated at the airstrip. The proposed Claus Road Right-of-Way Acquisition would not change land use designations or the boundaries of the project area. There would be no additional impact. No mitigation is required.
XII. POPULATION AND HOUSING. Would the project:

a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? □ □ □ ☑

b. Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere? □ □ □ ☑

c. Displace a substantial number of people, necessitating the construction of replacement housing elsewhere? □ □ □ ☑

Impacts on population and housing are analyzed on pages III-95 through III-99 of the 1994 Supplement.

Responses to Checklist Questions

a.–c. The Village One Specific Plan program EIR found that the Right-of-Way Acquisition would result in no significant impacts on population and housing units. The proposed Claus Road Right-of-Way Acquisition would not change the amount of housing or employment in the specific plan area. There would be no impact. No mitigation is required.

XIII. PUBLIC SERVICES. Would the project:

a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:


June 2003

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<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
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<tr>
<td>Fire protection?</td>
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<td>Police protection?</td>
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<td>Schools?</td>
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<td>Parks?</td>
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<tr>
<td>Other public facilities?</td>
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Impacts on public services are analyzed on pages III-120 through III-158 of the 1994 Supplement.

Responses to Checklist Questions

a. The Village One Specific Plan program EIR found that the only significant impact the Right-of-Way Acquisition would have on public services would be in the areas of fire protection and law enforcement. Mitigation measures were identified in the program EIR to reduce the level of this impact to a less-than-significant level. No other significant impacts on public services were identified. The proposed Claus Road Right-of-Way Acquisition would ensure that cost estimates for funding public service improvements are up to date. The Claus Road Right-of-Way Acquisition would not change the provision of public services. There would be no additional impact. No mitigation is required.

XIV. RECREATION. Would the project:

a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

Impacts on recreation are analyzed on pages III-120 through III-158 of the 1994 Supplement.
Responses to Checklist Questions

a., b. No significant impacts on recreation were identified in the program EIR. The Claus Road Right-of-Way Acquisition would not change the provision of parks and recreation facilities. There would be no additional impact. No mitigation is required.

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<tr>
<th>Potentially Significant Impact</th>
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XV. TRANSPORTATION/TRAFFIC. Would the project:

a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?

b. Cause, either individually or cumulatively, exceedance of a level-of-service standard established by the county congestion management agency for designated roads or highways?

c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

d. Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

e. Result in inadequate emergency access?

f. Result in inadequate parking capacity?

g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Impacts on transportation and traffic are analyzed on pages III-40 – III-44 of the 1994 Supplement.
Responses to Checklist Questions

a., b. The Village One Specific Plan program EIR found that the Right-of-Way Acquisition would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system and would affect level of service at several intersections. Mitigation measures identified in the program EIR were identified to reduce impacts to a less-than-significant level for all intersections except the Briggsmore Avenue/Oakdale Avenue intersection. For that intersection, the impact was determined to be significant and not mitigable. The City of Modesto made a statement of overriding considerations for that impact at the time it certified the 1994 Supplement. The proposed Claus Road Right-of-Way Acquisition would not alter traffic patterns in the project area or result in additional trips. There would be no additional impact. No mitigation is required.

c. The Village One Specific Plan program EIR did not find that the Right-of-Way Acquisition would result in a change in air traffic patterns. The proposed Claus Road Right-of-Way Acquisition does not include any elements that would affect air traffic patterns. There would be no impact. No mitigation is required.

d. The Village One Specific Plan program EIR did not find that the Right-of-Way Acquisition included any hazardous design features or increased any incompatible uses for roads in the project area. The proposed Claus Road Right-of-Way Acquisition would not change roadway design or land uses. There would be no impact. No mitigation is required.

e. The Village One Specific Plan program EIR did not find that the Right-of-Way Acquisition would result in inadequate emergency access in the project area. Project design included provision of adequate roadways to serve the Village One development. The proposed Claus Road Right-of-Way Acquisition would not change roadway design or land uses. There would be no additional impact. No mitigation is required.

f. The Village One Specific Plan program EIR did not find that the Right-of-Way Acquisition would result in inadequate parking capacity in the project area. The provision of parking, consistent with zoning requirements for all land uses, will be required. The proposed Claus Road Right-of-Way Acquisition would not change land use standards related to parking or amounts or intensity of development. There would be no impact. No mitigation is required.

g. The Village One Specific Plan has been adopted by the City of Modesto. Policies of the specific plan are coordinated with the policies of the general plan, including those applicable to transportation. The proposed Claus Road Right-of-Way Acquisition does not include any changes related to transportation policies, and would have no impact. No mitigation is required.
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
---|---|---|---|---|
☐ |

b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
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c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
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d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed? | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
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e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments? | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
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f. Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs? | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
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g. Comply with federal, state, and local statutes and regulations related to solid waste? | Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporated | Less-than-Significant Impact | No Impact |
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Impacts on utilities and service systems are analyzed on pages III-120 through III-158 of the 1994 Supplement.

Responses to Checklist Questions

a. The City provides sewer services to the Village One area. All wastewater would be directed to city wastewater treatment facilities. No wastewater discharges would occur in the project area. The proposed Claus Road Right-of-Way Acquisition would not increase the amount of wastewater that will be generated at buildout of the Right-of-Way Acquisition. There would be no additional impact. No mitigation is required.
b., c. The Village One Specific Plan program EIR discusses the changes and new facilities that will be needed for the Right-of-Way Acquisition. The EIR found that, with mitigation, there would be no significant impact on water or wastewater infrastructure. The proposed Claus Road Right-of-Way Acquisition would not change the project demand for water or wastewater service. There would be no additional impact. No mitigation is required.

c. The Village One Specific Plan program EIR discusses the changes and new facilities that will be needed for the Right-of-Way Acquisition. The EIR found that, with mitigation, there would be no significant impact on stormwater drainage facilities. An update to the Storm Drainage Master Plan has been prepared and is under consideration by the City. An addendum to the Village One program EIR for the Storm Drainage Master Plan has also been prepared and is under consideration by the City. The proposed Claus Road Right-of-Way Acquisition would not change the project drainage plans or expected volume of stormwater. The project would not result in any additional impacts or the need for any additional mitigation beyond that assessed in the Addendum to the Village One Program EIR for the Storm Drainage Master Plan.

d. The Village One Specific Plan program EIR found that, with mitigation, the effects of the Right-of-Way Acquisition on water supply would be less than significant. The proposed Claus Road Right-of-Way Acquisition would not change the Right-of-Way Acquisition's demand for water. There would be no additional impact. No mitigation is required.

f., g. The Village One Specific Plan program EIR found that the area's landfills have sufficient permitted capacity to accommodate the Right-of-Way Acquisition's solid waste disposal needs. The proposed Claus Road Right-of-Way Acquisition would not result in any physical changes in the environment or the generation of any additional solid waste. There would be no impact. No mitigation is required.
XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

b. Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Cumulative impacts are analyzed on page III-161 of the 1994 Supplement.

Responses to Checklist Questions

a. As described above, the proposed Claus Road Right-of-Way Acquisition would not result in any significant impacts on the environment over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.

b. As described above, the proposed Claus Road Right-of-Way Acquisition would not result in any significant impacts, either on a project or on cumulative level, over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.

c. As described above, the proposed Claus Road Right-of-Way Acquisition would not result in any significant impacts affecting humans over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-383

A RESOLUTION APPROVING THE FY 2003-2004 BUDGET FOR THE STANISLAUS RESOURCE RECOVERY ("WASTE-TO-ENERGY") FACILITY

WHEREAS, on December 17, 1985, the City of Modesto and County of Stanislaus entered into an agreement for administration of the City/County Service Agreement with the Stanislaus Waste Energy Company (now Covanta Stanislaus) for supply and acceptance of solid waste, and

WHEREAS, since that time, the City has been partners with Stanislaus County and Covanta Stanislaus in the Stanislaus Resource Recovery Facility (the "Waste-to-Energy" or "WTE" Facility), and

WHEREAS, the Agreement established a Solid Waste-to-Energy Executive Committee ("Executive Committee") to prepare an annual budget for each fiscal year, which Waste-to-Energy annual budget is to be submitted to the City Council and Board of Supervisors for approval, and

WHEREAS, at its June 12, 2003, meeting the Solid Waste-to-Energy Executive Committee considered the 2003/2004 budget as shown in the attached Exhibit "A", and the Executive Committee unanimously approved forwarding the 2003/2004 Waste-to-Energy budget to the Modesto City Council and the Stanislaus County Board of Supervisors for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the FY 2003-2004 Waste-to-Energy Project Budget, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, as recommended by the City/County Solid Waste-to-Energy Executive Committee.
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 O’Bryant, 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: 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
<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>FY 00-01 Budget</th>
<th>FY 01-02 Expenditures</th>
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<td>62700 Books &amp; Periodicals</td>
<td>500.00</td>
<td>0.00</td>
<td>500.00</td>
<td>0.00</td>
</tr>
<tr>
<td>62900 Exp. Equipment - To $5,000</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
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<tr>
<td>63000 Professional &amp; Special Svcs</td>
<td><strong>200,000.00</strong></td>
<td>20,000.00</td>
<td>26,387.50</td>
<td>45,000.00</td>
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<tr>
<td>63280 Contracts</td>
<td><strong>0.00</strong></td>
<td>14,150.00</td>
<td>0.00</td>
<td>20,584.00</td>
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<td>63400 Engineering Services</td>
<td><strong>75,000.00</strong></td>
<td>16,566.18</td>
<td>100,000.00</td>
<td>100,000.00</td>
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<tr>
<td>63410 Admin. Services (City)</td>
<td><strong>130,000.00</strong></td>
<td>129,675.94</td>
<td>160,000.00</td>
<td>160,000.00</td>
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<tr>
<td>63840 Legal Services</td>
<td><strong>50,000.00</strong></td>
<td>39,425.63</td>
<td>250,000.00</td>
<td>170,000.00</td>
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<tr>
<td>65000 Publications &amp; Legal Notices</td>
<td>200.00</td>
<td>0.00</td>
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<tr>
<td>65100 Rents &amp; Leases-Equipment</td>
<td>1,000.00</td>
<td>0.00</td>
<td>0.00</td>
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<tr>
<td>65300 Rents &amp; Leases-Struct &amp;Grnds</td>
<td><strong>4,000.00</strong></td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
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<tr>
<td>65700 Education &amp; Training</td>
<td>1,000.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>65920 Meeting Allowance</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
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<tr>
<td>66710 Service Charges</td>
<td>11,820,998.00</td>
<td>12,120,856.80</td>
<td>6,770,342.00</td>
<td>7,645,470.00</td>
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<tr>
<td>67040 Other Travel Expenses</td>
<td><strong>7,500.00</strong></td>
<td>1,047.10</td>
<td>7,500.00</td>
<td>7,500.00</td>
</tr>
<tr>
<td>74080 Central Svcc Printing</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>200.00</td>
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<tr>
<td>74250 County Counsel Services</td>
<td>22,740.00</td>
<td>3,386.43</td>
<td>23,000.00</td>
<td>17,308.00</td>
</tr>
<tr>
<td>74300 Funds &gt;13-Svc dpt Billings-In</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>74301 Funds &gt;13-Svc dpt Billings-Au</td>
<td>280.00</td>
<td>110.00</td>
<td>110.00</td>
<td>130.00</td>
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<tr>
<td>74302 Funds &gt;13-Svc dpt Billings-Pu</td>
<td>350.00</td>
<td>200.00</td>
<td>200.00</td>
<td>300.00</td>
</tr>
<tr>
<td>74370 Stores-Office Supplies</td>
<td>210.00</td>
<td>220.00</td>
<td>220.00</td>
<td>220.00</td>
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<tr>
<td>74520 Admin. Services (County)</td>
<td>77,000.00</td>
<td>126,518.57</td>
<td>98,000.00</td>
<td>103,344.00</td>
</tr>
<tr>
<td>74880 Funds &gt; A-87 charges-CEO</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>85850 Other Operating Transfers Out</td>
<td>787,600.00</td>
<td>781,898.00</td>
<td>405,000.00</td>
<td>405,000.00</td>
</tr>
<tr>
<td>85850b Operating Transfers Out - AB 939</td>
<td>85850b</td>
<td>781,898.00</td>
<td>405,000.00</td>
<td>405,000.00</td>
</tr>
<tr>
<td>Total</td>
<td>13,278,430.00</td>
<td>13,253,719.14</td>
<td>7,661,286.59</td>
<td>9,205,000.00</td>
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* As of April, 2003, proj. through end of Fiscal Year.
<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>60400</td>
<td>$0</td>
<td>Communications - provision for personal communications equipment</td>
</tr>
<tr>
<td>61600</td>
<td>$0</td>
<td>Maintenance - equipment - provision for equipment maintenance contracts</td>
</tr>
</tbody>
</table>
| 62200   | $15,500  | Memberships -  
  $15,000: Annual Membership in the Independent Energy Producers Association, which was formed to represent the interests of small energy producers.  
  $500: Annual membership in the IWSA, a national organization representing the interest of waste-to-energy facilities. |
| 62600   | $200     | Office Supplies - WTE letterhead, envelopes, etc.                                                                                           |
| 62780   | $200     | Books/Periodicals - provision for WTE related publications                                                                                   |
| 63000   | $134,000 | Professional and Special Services   
  $80,000: Financial Advisors - Ongoing Financial Advisor Services related to the administration of the project, such as disposal fee projections.  
  $8,000: Bond Logistix - Annual analysis required for tax purposes   
  $36,000: Legislative Lobbyist - Lobbyist to represent the project's interests with the Legislature, ISO, and other state agencies  
  $10,000: Bi-annual Trust Account Audit - The project audits the Trust Account every two years. |
| 63280   | $0       | Contracts                                                                                                                                |
| 63400   | $100,000 | Engineering Services - Contingency for engineering services that may be required if there are any required modifications to the facility.     |
| 63410   | $170,000 | Administrative Services - Reimbursement to the City of Modesto for staff costs associated with the project, as follows:  
  Engineering & Transportation - $32,500  
  City Attorney - $29,500  
  Solid Waste - $96,000  
  Office Expenses - $12,000 |
<p>| 63640   | $200,000 | Legal Services - Outside legal counsel for the PG&amp;E litigation, Bond Counsel to the project, Bankruptcy Counsel to the project, and other necessary legal assistance. |
| 65000   | $200     | Public/legal notices - Provision for required legal notices                                                                               |
| 65100   | $0       | Rent/equipment - Provision for office equipment rental                                                                                      |
| 65300   | $0       | Rent/structure - Provision for administration space rental                                                                                |
| 66710   | $7,645,470 | Service Charges - Annual total of payments of the monthly Service Fees to Ogden Martin, which includes Debt Service, O&amp;M costs, Pass Throughs and other costs. |
| 67040   | $7,500   | Travel Expenses - For project related travel.                                                                                               |
| 60      | $8,273,070 | Services &amp; Supplies                                                                                                                        |</p>
<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>74080</td>
<td>$200</td>
<td>Central Services Printing</td>
</tr>
<tr>
<td>74250</td>
<td>$17,308</td>
<td>County Counsel - Covers the County’s cost for County Counsel services related to the project.</td>
</tr>
<tr>
<td>74301</td>
<td>$130</td>
<td>Service Department Billing/Auditor - Covers the project related costs of the County Auditor/Controller.</td>
</tr>
<tr>
<td>74302</td>
<td>$300</td>
<td>Service Dept. Bill - Purchasing - Internal service by Purchasing Dept.</td>
</tr>
<tr>
<td>74370</td>
<td>$220</td>
<td>Stores - Internal supplies</td>
</tr>
<tr>
<td>74520</td>
<td>$103,344</td>
<td>Admin Services - Covers the project related costs of the County Department of Environmental Resources, as follows: $7,344 - Department of Environmental Resources $96,000 - Solid Waste Staff</td>
</tr>
<tr>
<td>74880</td>
<td>$428</td>
<td>A-87 Charges - County admin charges</td>
</tr>
<tr>
<td>70</td>
<td>$121,930</td>
<td>Other Charges</td>
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<td>82130</td>
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<td>Office equipment</td>
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<td>84420</td>
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<td>Personal computer equipment</td>
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<td>80</td>
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<td>Fixed Assets</td>
</tr>
<tr>
<td>85850</td>
<td>$810,000</td>
<td>Transfers out - $1.50/ton for HHW and $1.50/ton for AB 939</td>
</tr>
<tr>
<td>85</td>
<td>$810,000</td>
<td>Other Financial Uses</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$9,205,000 Total Expenditures for FY 2001-2002</td>
</tr>
<tr>
<td>Account</td>
<td>Amount Budgeted</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-----------------</td>
<td>------------------------------------------------------------------</td>
</tr>
<tr>
<td>17000</td>
<td>$1,510,000</td>
<td>Interest - Interest on pooled cash</td>
</tr>
<tr>
<td>34400</td>
<td>$7,560,000</td>
<td>Sanitation Service - Disposal fee revenues</td>
</tr>
<tr>
<td>36470</td>
<td>$0</td>
<td>Other - Service charge</td>
</tr>
<tr>
<td>40590</td>
<td>$0</td>
<td>Donations &amp; contributions</td>
</tr>
<tr>
<td>40860</td>
<td>$135,000</td>
<td>Miscellaneous reimbursement - supplemental waste revenue and service fee credits</td>
</tr>
<tr>
<td>41450</td>
<td>$0</td>
<td>Prior period revenue</td>
</tr>
<tr>
<td></td>
<td>$9,205,000</td>
<td>Total Revenues for FY 2003-2004</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-384

A RESOLUTION AUTHORIZING STAFF TO SOLICIT REQUESTS FOR PROPOSALS FOR THE “TRAFFIC SIGNAL COORDINATION PROJECT WITHIN DOWNTOWN MODESTO.”

WHEREAS, in January, 2001, staff applied for and was successful in securing federal funding from the Congestion Mitigation Air Quality (CMAQ) grant program for this project in the amount of $159,354, and

WHEREAS, RSTP/CMAQ match funds were requested in the amount of $20,000. The City’s match will be $646 if the RSTP/CMAQ match funds are approved or $20,646, if we do not get the match funds, and

WHEREAS, the total project cost is $180,000 and funds are budgeted in “Traffic Coordination Downtown,” account no. 2300-160-N062, and

WHEREAS, a coordinated traffic signal system must be maintained with new baseline data collected every three to four years. Our last major downtown signal timing project was done in 1998, and

WHEREAS, the project involves collecting traffic count data and retiming 68 current and 3 future traffic signals in downtown Modesto, and

WHEREAS, the Economic Development Committee reviewed this project at its meeting on June 9, 2003, and recommended approval of the project, and

WHEREAS, the consultant selection will be a one-step combined RFQ and RFP process, a selection panel, appointed by the Engineering & Transportation Director, will review the proposals and recommend negotiations with the best qualified consulting firm,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to solicit a competitive Request For Proposal (RFP) for a Traffic Signal Coordination Project within downtown Modesto.

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 Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, 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
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-385

A RESOLUTION AUTHORIZING STAFF TO SOLICIT A REQUEST FOR PROPOSALS (RFP) FOR A NEW BUS BENCH FRANCHISE AND INTERIOR BUS ADVERTISING LEASE TO BECOME EFFECTIVE JANUARY 1, 2004, AND APPOINTING A MEMBER OF THE CITY COUNCIL TO SERVE ON THE PROPOSAL EVALUATION COMMITTEE.

WHEREAS, the current bus bench franchise and interior bus advertising lease expire December 31, 2003, and

WHEREAS, bus benches are used by Modesto Area Express (MAX) customers to wait for buses and are particularly important to individuals who, because of age or physical disability, cannot stand for long periods of time, and

WHEREAS, continuation of the bus bench franchise saves the City a minimum of $50,000 annually in maintenance expenses, and

WHEREAS, the City Council has expressed an interest in participating on panels that evaluate proposals, and

WHEREAS, the Economic Development Committee met on June 9, 2003, and supported the recommendation of City staff, and

WHEREAS, by an agenda report to the City Council dated June 25, 2003, from the Engineering and Transportation Director, City staff recommended that the Council approve soliciting a request for proposals for a new bus bench franchise and interior bus advertising lease and consider appointing a Councilmember to the proposal evaluation committee as either a voting or non-voting member.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that staff is authorized to solicit a request for proposals for a new bus bench franchise and interior bus advertising lease,

BE IT FURTHER RESOLVED that Councilmember Keating is appointed to serve on the proposal evaluation committee as a voting member.

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 Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, 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 Zah

JEAN ZAH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-386

A RESOLUTION APPROVING A PERSONAL COMPUTER USE POLICY FOR THE MAYOR AND COUNCILMEMBERS

WHEREAS, in preparation for the Year 2000, The City of Modesto transitioned off a mainframe computer architecture to a client/server architecture, instituting a City wide network, internet connection and a standard e-mail system, and

WHEREAS, in August 2000, the City Council approved three computer policies for governing the use of this new architecture, including the use of personal computers, the Internet and e-mail, and

WHEREAS, these three policies were designed to protect the City’s interest and liability for all City staff but contained no special provisions for Council, and

WHEREAS, these special provisions are now included in this recommended Council Policy, and

WHEREAS, they include non City e-mail access, personal use of the Internet, use of private computer equipment for City business, technical support staff availability, security and damaged or lost computer equipment, and

WHEREAS, IT and the City Manager’s office have worked together to develop the attached policy, and

WHEREAS, a Personal Computer Use Policy was submitted to the Finance Committee on April 21 2003 and the Committee recommended that the policies be reviewed.

07/08/03/IT/J Lewis

1 2003-386
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the attached PC Use Policy for the Mayor and Council members.

BE IT FURTHER RESOLVED THAT THE Council hereby authorizes the City Manager or his designee to implement and enforce said policies.

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 Council member Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Council members: Conrad, Fisher, Frohman, Jackman, O'Bryant, Mayor Sabatino
NOES: Council members: Keating
ABSENT: Council members: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:
By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-387

A RESOLUTION APPROVING A PHASED PROGRAM OF METER INSTALLATION AND METERED WATER BILLING OF SINGLE-FAMILY DWELLINGS IN THE CITY'S OUTLYING WATER SYSTEMS, BEGINNING WITH THE GRAYSON AND DEL RIO SYSTEMS.

WHEREAS, Section 11-1.06 of the Modesto Municipal Code establishes the rules and regulations for metered water service, and

WHEREAS, due to water quality issues throughout the City of Modesto water systems, there exists a water shortage potential due to water quality concerns, and

WHEREAS, the City's nine outlying water systems are entirely dependent on groundwater sources for water supply, and

WHEREAS, this dependence on groundwater requires effective strategies to limit or reduce water consumption in these areas, and

WHEREAS, the City is concerned about its ability to pump sufficient water to customers in these areas to meet demand, and

WHEREAS, City staff has developed a water conservation augmentation plan to address current water capacity issues, and

WHEREAS, City staff recommends a phased program of meter installation and metered water billing of single-family dwellings in the City's outlying water systems, beginning with the Del Rio and Grayson water systems, and

WHEREAS, city staff also recommends that the metered billing of single-family dwellings in the City's outlying water systems of Grayson and Del Rio will occur only after six months of water consumption and rate comparison information has been provided to the individual water customers, and
WHEREAS, on May 12, 2003, the City Council Economic Development Committee approved staff’s recommendation, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves City staff’s recommendation for a phased program of meter installation and metered water billing of single-family dwellings in the City’s outlying water systems, beginning with the Grayson and Del Rio systems.

BE IT FURTHER RESOLVED that the metered billing of single-family dwellings in the City’s outlying water systems of Grayson and Del Rio will occur only after six months of water consumption and rate comparison information has been provided to the individual water customers.

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 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: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPOINTING MEMBER TO THE BOARD OF BUILDING APPEALS

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Economic Development Committee met on July 10, 2003, and recommended its approval to appoint DON MIRALLE to the Board of Building Appeals.

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

SECTION 1. DON MIRALLE is hereby appointed to the Board of Building Appeals, with a term expiration of January 1, 2007.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 2003, by Councilmember Frohman, 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

APPROVED AS TO FORM: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-389

A RESOLUTION APPOINTING MEMBERS TO THE COMMUNITY QUALITIES FORUM

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Economic Development Committee met on July 10, 2003, and recommended its approval to appoint PATRICIA A. AUSTIN and LLOYD FARRIS, to the Community Qualities Forum.

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

SECTION 1. PATRICIA A. AUSTIN, with a term expiration of January 1, 2004, and LLOYD FARRIS, with a term expiration of January 1, 2005 are hereby appointed to the Community Qualities Forum.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 2003, by Councilmember Frohman, 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

APPROVED AS TO FORM:

Michael D. Milich, City Attorney

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 2003-390

A RESOLUTION APPOINTING MEMBERS TO THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Economic Development Committee met on July 10, 2003, and recommended its approval to appoint TAMMY SPILLERS and ROBERT TRACHE to the Citizens Housing & Community Development Committee.

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

SECTION 1. TAMMY SPILLERS and ROBERT TRACHE are hereby appointed to the Citizens Housing and Community Development Department with term expirations of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 2003, by Councilmember Frohman, 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: JEAZ AH

APPROVED AS TO FORM: 

Michael D. Milich, City Attorney
A RESOLUTION APPOINTING MEMBERS TO THE LANDMARK PRESERVATION COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Economic Development Committee met on July 10, 2003, and recommended its approval to appoint WILLIAM R. MITCHELL and DENNIS WISTER to the Landmark Preservation Commission.

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

SECTION 1. WILLIAM R. MITCHELL, with a term expiration of January 1, 2005, and DENNIS WISTER, with a term expiration of January 1, 2007, are hereby appointed to the Landmark Preservation Commission.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 2003, by Councilmember Frohman, 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

APPROVED AS TO FORM:

Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-392

A RESOLUTION APPOINTING MEMBER TO THE HOUSING REHABILITATION LOAN COMMITTEE

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and
WHEREAS, on November 6, 2002, Council appointed PHILIP TOMLIN to the Economic Development Loan Committee which was dissolved by Council on May 13, 2003, and
WHEREAS, staff recommends that PHILIP TOMLIN be appointed to the Housing Rehabilitation Loan Committee,

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

SECTION 1. PHILIP TOMLIN is hereby appointed to the Housing Rehabilitation Loan Committee, with a term expiration of January 1, 2007.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 2003, by Councilmember Frohman, 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

APPROVED AS TO FORM:

Michael D. Milich, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2003-393

A RESOLUTION APPROVING AN AGREEMENT FOR $14,700.00 BETWEEN THE CITY OF MODESTO AND JIM D. AND MARIANA SANFORD AND RICHARD WAYNE FRITZ AND RYAN ALEXANDER FRITZ (APN 085-01-47) FOR A TEMPORARY CONSTRUCTION EASEMENT ACQUISITION FOR CONSTRUCTION OF A 60" STORM DRAIN PIPE WITH THE HILLGLEN STORM DRAIN PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ALL RELATED PROPERTY DOCUMENTS AS GRANTEE ON BEHALF OF THE CITY OF MODESTO

WHEREAS, a 60 inch diameter storm drain pipeline is needed to connect the easterly portion of Village One to the existing West Basin, and

WHEREAS, prior to construction of a 60 inch diameter storm drain pipeline a temporary construction easement needs to be acquired in the future Hillglen Avenue, and

WHEREAS, the property needed for said easements for the project is identified as a portion of Assessor’s Parcel No: 085-01-47, and is owned by Jim D. and Mariana Sanford and Richard Wayne Fritz and Ryan Alexander Fritz, and

WHEREAS, an Agreement is needed for the acquisition of the temporary construction easement, and

WHEREAS, the City of Modesto desires to acquire a temporary construction easement from Jim D. and Mariana Sanford and Richard Wayne Fritz and Ryan Alexander Fritz for Assessors Parcel No. 085-01-47,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement for the amount of $14,700.00 between the City of Modesto and Jim D. and Mariana Sanford and Richard Wayne Fritz and Ryan Alexander Fritz, for the Hillglen Avenue Storm Drain project is hereby approved.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all related property documents as Grantee on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

JEAN ZAHN, City Clerk

Approved as to Form:

MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF PROPERTY OWNED BY JIM D. AND MARIANA SANFORD AND RICHARD WAYNE FRITZ AND RYAN ALEXANDER FRITZ, FOR ASSESSORS PARCEL NO: 085-01-47, FOR THE HILLGLEN STORM DRAIN PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire real property from Jim D. and Mariana Sanford and Richard Wayne Fritz and Ryan Alexander Fritz, for a portion of Assessors Parcel No: 085-01-47, for the Hillglen Storm Drain Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign a Certificate of Acceptance on behalf of the City of Modesto for the Grant Deed for the acquisition of property for the Hillglen Storm Drain Project.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O’Bryant,
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, CITY CLERK

APPROVED AS TO FORM:

MICHAEL D. MILICH, CITY ATTORNEY
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-395

A RESOLUTION FINDING THAT THE HILLGLEN AVENUE STORM DRAIN
PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM EIR
(SCH NO. 90020181) AS AMENDED BY THE ADDENDUM FOR THE VILLAGE
ONE STORM DRAINAGE MASTER PLAN UPDATE

WHEREAS, in 1990, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One final Program Environmental Impact Report (Village One EIR) (SCH # 90020181) was complete and adequate pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15090, and

WHEREAS, in 1994, the Modesto City Council adopted Resolution No. 94-297, certifying that the Final Supplemental Environmental Impact Report ("Supplemental EIR") for the Village One EIR (SCH# 90020181) was complete and adequate, which superseded and amended the original Village One final Program EIR, and

WHEREAS, CEQA Guidelines Section 15164 permits the preparation of an addendum to a previously certified EIR if only minor technical changes or additions are necessary and none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred, and

WHEREAS, on May 6, 2003, the Modesto City Council adopted Resolution No. 2003-223 certifying the Village One Storm Drainage Master Plan Update as an Addendum to the Village One EIR, as amended by the Supplemental EIR, and

WHEREAS, the Village One Storm Drainage Master Plan Update includes the installation of a 60" diameter storm drain pipeline on Hillglen Avenue, and

WHEREAS, the City plans to install the 60" diameter storm drain pipeline as a part of the Hillglen Avenue Storm Drain project, and

WHEREAS, public utility easements and temporary construction easements are required prior to the 60" diameter storm drain pipeline installation.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council finds as follows:

1. The project is within the scope of the Village One Program EIR as amended by the Addendum for the Village One Storm Drainage Master Plan Update.

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council certifies that the Hillglen Avenue Storm Drain project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Storm Drainage Master Plan Update.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, 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
A RESOLUTION APPROVING AN AGREEMENT FOR $17,300.00 BETWEEN THE CITY OF MODESTO AND WILLIS F. SANDERS (APN 085-01-21) FOR A PUBLIC UTILITY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT ACQUISITION FOR CONSTRUCTION OF A 60" STORM DRAIN PIPE WITH THE HILLGLEN STORM DRAIN PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ALL RELATED PROPERTY DOCUMENTS AS GRANTEE ON BEHALF OF THE CITY OF MODESTO

WHEREAS, a 60 inch diameter storm drain pipeline is needed to connect the easterly portion of Village One to the existing West Basin, and

WHEREAS, prior to construction of a 60 inch diameter storm drain pipeline a permanent public utility easement and temporary construction easement needs to be acquired in the future Hillglen Avenue, and

WHEREAS, the property needed for said easements for the project is identified as a portion of Assessor’s Parcel No: 085-01-21, and is owned by Willis F. Sanders, and

WHEREAS, an Agreement is needed for the acquisition of the permanent public utility easement and temporary construction easement, and

WHEREAS, the City of Modesto desires to acquire a public utility easement and/or temporary construction easement from Willis F. Sanders for Assessors Parcel No. 085-01-21,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement for the amount of $17,300.00 between the City of Modesto and Willis F. Sanders, for the Hillglen Avenue Storm Drain project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all related property documents as Grantee on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

Approved as to Form:

MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF PROPERTY OWNED BY WILLIS F. SANDERS, FOR ASSESSORS PARCEL NO: 085-01-21, FOR THE HILLGLEN STORM DRAIN PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire real property from Willis F. Sanders, for a portion of Assessors Parcel No: 085-01-21, for the Hillglen Storm Drain Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign a Certificate of Acceptance on behalf of the City of Modesto for the Grant Deed for the acquisition of property for the Hillglen Storm Drain Project.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O'Bryant,
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, CITY CLERK

APPROVED AS TO FORM:

MICHAEL D. MILICH, CITY ATTORNEY
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-398

A RESOLUTION FINDING THAT THE HILLGLEN AVENUE STORM DRAIN PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM EIR (SCH NO. 90020181) AS AMENDED BY THE ADDENDUM FOR THE VILLAGE ONE STORM DRAINAGE MASTER PLAN UPDATE

WHEREAS, in 1990, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One final Program Environmental Impact Report (Village One EIR) (SCH # 90020181) was complete and adequate pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15090, and

WHEREAS, in 1994, the Modesto City Council adopted Resolution No. 94-297, certifying that the Final Supplemental Environmental Impact Report ("Supplemental EIR") for the Village One EIR (SCH# 90020181) was complete and adequate, which superseded and amended the original Village One final Program EIR, and

WHEREAS, CEQA Guidelines Section 15164 permits the preparation of an addendum to a previously certified EIR if only minor technical changes or additions are necessary and none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred, and

WHEREAS, on May 6, 2003, the Modesto City Council adopted Resolution No. 2003-223 certifying the Village One Storm Drainage Master Plan Update as an Addendum to the Village One EIR, as amended by the Supplemental EIR, and

WHEREAS, the Village One Storm Drainage Master Plan Update includes the installation of a 60” diameter storm drain pipeline on Hillglen Avenue, and

WHEREAS, the City plans to install the 60” diameter storm drain pipeline as a part of the Hillglen Avenue Storm Drain project, and

WHEREAS, public utility easements and temporary construction easements are required prior to the 60” diameter storm drain pipeline installation.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council finds as follows:

1. The project is within the scope of the Village One Program EIR as amended by the Addendum for the Village One Storm Drainage Master Plan Update.

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council certifies that the Hillglen Avenue Storm Drain project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Storm Drainage Master Plan Update.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: \underline{Jean Zahr} City Clerk

(SEAL)

APPROVED AS TO FORM:

By: \underline{Michael D. Milich}, City Attorney
A RESOLUTION APPROVING AN AGREEMENT FOR $2,000.00 BETWEEN THE CITY OF MODESTO AND JOHN S. RUSH (APN 085-01-10) FOR A TEMPORARY CONSTRUCTION EASEMENT ACQUISITION FOR CONSTRUCTION OF A 60" STORM DRAIN PIPE WITH THE HILLGLEN STORM DRAIN PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ALL RELATED PROPERTY DOCUMENTS AS GRANTEE ON BEHALF OF THE CITY OF MODESTO

WHEREAS, a 60 inch diameter storm drain pipeline is needed to connect the easterly portion of Village One to the existing West Basin, and

WHEREAS, prior to construction of a 60 inch diameter storm drain pipeline a temporary construction easement needs to be acquired in the future Hillglen Avenue, and

WHEREAS, the property needed for said easement for the project is identified as a portion of Assessor’s Parcel No: 085-01-10, and is owned by John S. Rush, and

WHEREAS, an Agreement is needed for the acquisition of the temporary construction easement, and

WHEREAS, the City of Modesto desires to acquire a temporary construction easement from John S. Rush for Assessors Parcel No. 085-01-10,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement for the amount of $2,000.00 between the City of Modesto and John S. Rush, for the Hillglen Avenue Storm Drain project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all related property documents as Grantee on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __

JEAN ZAHR, City Clerk

Approved as to Form:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-400

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN
ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF
PROPERTY OWNED BY JOHN S. RUSH, FOR ASSESSORS PARCEL NO: 085-
01-10, FOR THE HILLGLEN STORM DRAIN PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to
accept real property prior to the recordation of a deed or adopt a resolution accepting real
property, and

WHEREAS, the City of Modesto desires to acquire real property from John S.
Rush, for a portion of Assessors Parcel No: 085-01-10, for the Hillglen Storm Drain
Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the City Manager, or his designee, is hereby authorized to sign a Certificate of
Acceptance on behalf of the City of Modesto for the Grant Deed for the acquisition of
property for the Hillglen Storm Drain Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: \underline{Jean Zahr} CITY CLERK

APPROVED AS TO FORM:

\underline{Michael D. Milich, City Attorney}
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-401

A RESOLUTION FINDING THAT THE HILLGLEN AVENUE STORM DRAIN PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM EIR (SCH NO. 90020181) AS AMENDED BY THE ADDENDUM FOR THE VILLAGE ONE STORM DRAINAGE MASTER PLAN UPDATE

WHEREAS, in 1990, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One final Program Environmental Impact Report (Village One EIR) (SCH # 90020181) was complete and adequate pursuant to California Environmental Quality Act (“CEQA”) Guidelines Section 15090, and

WHEREAS, in 1994, the Modesto City Council adopted Resolution No. 94-297, certifying that the Final Supplemental Environmental Impact Report (“Supplemental EIR”) for the Village One EIR (SCH# 90020181) was complete and adequate, which superseded and amended the original Village One final Program EIR, and

WHEREAS, CEQA Guidelines Section 15164 permits the preparation of an addendum to a previously certified EIR if only minor technical changes or additions are necessary and none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred, and

WHEREAS, on May 6, 2003, the Modesto City Council adopted Resolution No. 2003-223 certifying the Village One Storm Drainage Master Plan Update as an Addendum to the Village One EIR, as amended by the Supplemental EIR, and

WHEREAS, the Village One Storm Drainage Master Plan Update includes the installation of a 60” diameter storm drain pipeline on Hillglen Avenue, and

WHEREAS, the City plans to install the 60” diameter storm drain pipeline as a part of the Hillglen Avenue Storm Drain project, and

WHEREAS, public utility easements and temporary construction easements are required prior to the 60” diameter storm drain pipeline installation.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council finds as follows:

1. The project is within the scope of the Village One Program EIR as amended by the Addendum for the Village One Storm Drainage Master Plan Update.

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council certifies that the Hillglen Avenue Storm Drain project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Storm Drainage Master Plan Update.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, 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
A RESOLUTION APPROVING AN AGREEMENT FOR $2,700.00 BETWEEN THE CITY OF MODESTO AND FRED A. RUELAS AND JANICE L. RUELAS (APN 085-01-67) FOR A TEMPORARY CONSTRUCTION EASEMENT ACQUISITION FOR CONSTRUCTION OF A 60" STORM DRAIN PIPE WITH THE HILLGLEN STORM DRAIN PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ALL RELATED PROPERTY DOCUMENTS AS GRANTEE ON BEHALF OF THE CITY OF MODESTO

WHEREAS, a 60 inch diameter storm drain pipeline is needed to connect the easterly portion of Village One to the existing West Basin, and

WHEREAS, prior to construction of a 60 inch diameter storm drain pipeline a temporary construction easement needs to be acquired in the future Hillglen Avenue, and

WHEREAS, the property needed for said easement for the project is identified as a portion of Assessor’s Parcel No: 085-01-67, and is owned by Fred A. and Janice L. Ruelas, and

WHEREAS, an Agreement is needed for the acquisition of the temporary construction easement, and

WHEREAS, the City of Modesto desires to acquire a temporary construction easement from Fred A. and Janice L. Ruelas for Assessors Parcel No. 085-01-67,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement for the amount of $2,700.00 between the City of Modesto and Fred A. and Janice L. Ruelas, for the Hillglen Avenue Storm Drain project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all related property documents as Grantee on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

Approved as to Form:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2003-403  

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN  
ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF  
PROPERTY OWNED BY FRED A. RUELAS AND JANICE L. RUELAS, FOR  
ASSESSORS PARCEL NO: 085-01-67, FOR THE HILLGLEN STORM DRAIN  
PROJECT  

WHEREAS, Section 27281 of the Government Code requires a public agency to  
accept real property prior to the recordation of a deed or adopt a resolution accepting real  
property, and  

WHEREAS, the City of Modesto desires to acquire real property from Fred A.  
Ruelas and Janice L. Ruelas, for a portion of Assessors Parcel No: 085-01-67, for the  
Hillglen Storm Drain Project,  

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the City Manager, or his designee, is hereby authorized to sign a Certificate of  
Acceptance on behalf of the City of Modesto for the Grant Deed for the acquisition of  
property for the Hillglen Storm Drain Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR/CITY CLERK

APPROVED AS TO FORM:

MICHAEL D. MILICH, CITY ATTORNEY
A RESOLUTION FINDING THAT THE HILLGLEN AVENUE STORM DRAIN PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM EIR (SCH NO. 90020181) AS AMENDED BY THE ADDENDUM FOR THE VILLAGE ONE STORM DRAINAGE MASTER PLAN UPDATE

WHEREAS, in 1990, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One final Program Environmental Impact Report (Village One EIR) (SCH # 90020181) was complete and adequate pursuant to California Environmental Quality Act (“CEQA”) Guidelines Section 15090, and

WHEREAS, in 1994, the Modesto City Council adopted Resolution No. 94-297, certifying that the Final Supplemental Environmental Impact Report (“Supplemental EIR”) for the Village One EIR (SCH# 90020181) was complete and adequate, which superseded and amended the original Village One final Program EIR, and

WHEREAS, CEQA Guidelines Section 15164 permits the preparation of an addendum to a previously certified EIR if only minor technical changes or additions are necessary and none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred, and

WHEREAS, on May 6, 2003, the Modesto City Council adopted Resolution No. 2003-223 certifying the Village One Storm Drainage Master Plan Update as an Addendum to the Village One EIR, as amended by the Supplemental EIR, and

WHEREAS, the Village One Storm Drainage Master Plan Update includes the installation of a 60” diameter storm drain pipeline on Hillglen Avenue, and

WHEREAS, the City plans to install the 60” diameter storm drain pipeline as a part of the Hillglen Avenue Storm Drain project, and

WHEREAS, public utility easements and temporary construction easements are required prior to the 60” diameter storm drain pipeline installation.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council finds as follows:

1. The project is within the scope of the Village One Program EIR as amended by the Addendum for the Village One Storm Drainage Master Plan Update.

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council certifies that the Hillglen Avenue Storm Drain project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Storm Drainage Master Plan Update.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, 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

07/22/03/E&T/Dean Phillips/Item 9 -2- 2003-404
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-405

A RESOLUTION APPROVING AN AGREEMENT FOR $18,819.00 BETWEEN THE CITY OF MODESTO AND CHIA CHING & LI-LI HSIA (APN 085-01-60) FOR A PUBLIC UTILITY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT ACQUISITION OF PROPERTY FOR CONSTRUCTION OF A 60" STORM DRAIN PIPE WITH THE HILLGLEN STORM DRAIN PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ALL RELATED PROPERTY DOCUMENTS AS GRANTEE ON BEHALF OF THE CITY OF MODESTO

WHEREAS, a 60 inch diameter storm drain pipeline is needed to connect the easterly portion of Village One to the existing West Basin, and

WHEREAS, prior to construction of a 60 inch diameter storm drain pipeline a permanent public utility easement and temporary construction easement needs to be acquired in the future Hillglen Avenue, and

WHEREAS, the property needed for said easements for the project is identified as a portion of Assessor's Parcel No: 085-01-60, and is owned by Chia Ching & Li-Li Hsia, and

WHEREAS, an Agreement is needed for the acquisition of the permanent public utility easement and temporary construction easement, and

WHEREAS, the City of Modesto desires to acquire a public utility easement and/or temporary construction easement from Chia Ching & Li-Li Hsia for Assessors Parcel No. 085-01-60,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement for the amount of $18,819.00 between the City of Modesto and Chia Ching & Li-Li Hsia, for the Hillglen Avenue Storm Drain project is hereby approved.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all related property documents as Grantee on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Approved as to Form:

MICHAEL D. MILICH, City Attorney

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN
ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF
PROPERTY OWNED BY CHIA CHING & LI-LI HSIA, FOR ASSESSORS
PARCEL NO: 085-01-60, FOR THE HILLGLEN STORM DRAIN PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to
accept real property prior to the recordation of a deed or adopt a resolution accepting real
property, and

WHEREAS, the City of Modesto desires to acquire real property from Chia
Ching & Li-Li Hsia, for a portion of Assessors Parcel No: 085-01-60, for the Hillglen
Storm Drain Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the City Manager, or his designee, is hereby authorized to sign a Certificate of
Acceptance on behalf of the City of Modesto for the Grant Deed for the acquisition of
property for the Hillglen Storm Drain Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHAR, CITY CLERK

APPROVED AS TO FORM:

MICHAEL D. MILICH, CITY ATTORNEY
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-407

A RESOLUTION FINDING THAT THE HILLGLEN AVENUE STORM DRAIN PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM EIR (SCH NO. 90020181) AS AMENDED BY THE ADDENDUM FOR THE VILLAGE ONE STORM DRAINAGE MASTER PLAN UPDATE

WHEREAS, in 1990, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One final Program Environmental Impact Report (Village One EIRconstituting the Village One Program EIR) (SCH # 90020181) was complete and adequate pursuant to California Environmental Quality Act (“CEQA”) Guidelines Section 15090, and

WHEREAS, in 1994, the Modesto City Council adopted Resolution No. 94-297, certifying that the Final Supplemental Environmental Impact Report (“Supplemental EIR”) for the Village One EIR (SCH# 90020181) was complete and adequate, which superseded and amended the original Village One final Program EIR, and

WHEREAS, CEQA Guidelines Section 15164 permits the preparation of an addendum to a previously certified EIR if only minor technical changes or additions are necessary and none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred, and

WHEREAS, on May 6, 2003, the Modesto City Council adopted Resolution No. 2003-223 certifying the Village One Storm Drainage Master Plan Update as an Addendum to the Village One EIR, as amended by the Supplemental EIR, and

WHEREAS, the Village One Storm Drainage Master Plan Update includes the installation of a 60” diameter storm drain pipeline on Hillglen Avenue, and

WHEREAS, the City plans to install the 60” diameter storm drain pipeline as a part of the Hillglen Avenue Storm Drain project, and

WHEREAS, public utility easements and temporary construction easements are required prior to the 60” diameter storm drain pipeline installation.

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

1. The project is within the scope of the Village One Program EIR as amended by the Addendum for the Village One Storm Drainage Master Plan Update.
2. There are no substantial changes proposed in the project which will require major revisions of the Village One Program EIR.

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council certifies that the Hillglen Avenue Storm Drain project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Storm Drainage Master Plan Update.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, 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. 2003-408

A RESOLUTION ACCEPTING THE PROJECT TITLED “OUTFALL REHABILITATION – PHASE 2” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled “Outfall Rehabilitation – Phase 2”, has been completed by Ebert/Stacy and Witbeck, a joint venture, in accordance with the contract agreement dated December 10, 2002,

NOW, THEREFORE, BE IT RESOLVED that the “Outfall Rehabilitation – Phase 2” project be accepted from said contractor, Ebert/Stacy and Witbeck, a joint venture, that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $1,031,272.33 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

(Seal)

APPROVED AS TO FORM:
By Michael D. Milich, City Attorney
A RESOLUTION ACCEPTING THE PROJECT TITLED “2003 HANDICAP RAMP CONSTRUCTION” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled “2003 Handicap Ramp Construction”, has been completed by BDS Construction, Inc., in accordance with the contract agreement dated January 7, 2003,

NOW, THEREFORE, BE IT RESOLVED that the “2003 Handicap Ramp Construction” project be accepted from said contractor, BDS Construction, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $287,284 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahra
JEAN ZAHR, City Clerk
(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-410

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO
FORMALLY SOLICIT REQUEST FOR BIDS FOR THE FURNISHING OF
BUSINESS CARDS, LETTERHEAD AND PRINTED ENVELOPES ON A “CITY
WIDE” BASIS, FOR A THREE (3) YEAR AGREEMENT WITH TWO (2) ONE-
YEAR EXTENSION OPTIONS.

WHEREAS, in order to provide a more efficient, cost effective means for the City
to order business cards, letterhead and printed envelopes, the Purchasing Division
submitted a Request for Information (RFI) to prospective vendors for electronic ordering
of these printed documents, and

WHEREAS, the RFI was submitted to twenty-two (22) companies, and

WHEREAS, eight (8) companies responded with having the capabilities of
providing services outlined in the RFI, and

WHEREAS, these eight (8) companies shall become the core list of vendors for
the Request for Bid (RFB), and

WHEREAS, City departments and divisions will be able to place orders on-line
by means of an electronic account accessed by an electronic pass code, and

WHEREAS, the account will be specific to that department or division and will
include the billing address, delivery address and authorized personnel able to place
orders, and

WHEREAS, the Purchasing Division shall maintain the “City Wide” list of
accounts and pass codes, and

WHEREAS, when placing an order a color template of the requested document
will appear on-line, and
WHEREAS, the template will consist of the City’s logo and name set in a pre-determined location on the document, and

WHEREAS, the requestor will then input all of the specific information pertaining to the order onto the template, and

WHEREAS, once the information is entered the template becomes the proof, and

WHEREAS, the proof is confirmed when the requestor executes the order, and

WHEREAS, two (2) delivery schedules will be available to the City, and

WHEREAS, for critical needs departments can place orders for a two (2) business day turnaround, and

WHEREAS, for non-critical needs a seven (7) business day turnaround will be available at a reduced cost, and

WHEREAS, seven (7) business days allows the vendor to accumulate orders for gang-runs, thus providing a cost reduction to the City, and

WHEREAS, a pricing schedule will be provided at order entry, and

WHEREAS, on-line ordering will expedite the order process, and

WHEREAS, at the time of order entry the requestor shall have the ability to review and confirm a color proof, and

WHEREAS, once the requestor executes the order, the order can then be scheduled into production, and

WHEREAS, this process reduces staff time by eliminating the need to fax or mail proofs and reduces paper consumption, and

WHEREAS, on-line ordering is the tool of the future, and

WHEREAS, these stationery items are the perfect medium for this process, and
WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed $50,000.00 for material, equipment or contractual services to be formally bid, and

WHEREAS, by soliciting competitive bids for business cards, letterhead, and printed envelopes the Finance Department Purchasing Division will comply with MMC Section 8-3.203 regarding formal bid procedures,

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the purchase of business cards, letterhead and printed envelopes on a “City Wide” basis, for a three (3) year agreement with two (2) one-year extension options, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the sealed bids are opened, they shall be tabulated and analyzed and a report submitted to Council.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-411

A RESOLUTION AUTHORIZING THE AWARD OF REQUEST FOR PROPOSAL NO. 0203-28 FOR FUEL CARDLOCK SERVICES TO BOYETT PETROLEUM OF MODESTO, CA, FOR AN ESTIMATED ANNUAL AMOUNT OF $1.5 MILLION DOLLARS FOR AN INITIAL PERIOD OF THREE (3) YEARS, WITH TWO (2) ONE YEAR EXTENSION OPTIONS AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BOYETT PETROLEUM TO PROVIDE FUEL CARDLOCK SERVICES TO THE CITY

WHEREAS, the Fleet Services Division of the Operations and Maintenance Department – Water Division has requested the purchase of fuel card lock services, and

WHEREAS, the existing fuel card lock services contract had expired, and

WHEREAS, Request for Proposals were issued in April of 2002 for Fuel Cardlock services, and

WHEREAS, two (2) responsive proposals were received and one of the proposers alleged that the RFP process was flawed, and

WHEREAS, based on allegations of a flawed process, Council authorized rejecting all responses in Resolution No. 2002-589, and authorized the Purchasing Supervisor to re-issue the RFP, and

WHEREAS, in December of 2002, the re-issuance of the RFP went before the Finance Committee for specific changes to specifications and evaluation criteria, and

WHEREAS, some of the suggested changes are as follows:

- Award language based on total evaluation criteria
- Hold a proposer’s conference
- Allow for protests during the RFP process
- Award criteria and weighting to be disclosed in bid.
- Pricing to be weighted more heavily.
- Try and achieve objectivity vs subjectivity
- Councilmember to observe evaluation process
Evaluation Committee should have impartial subject matter experts, and
WHEREAS, on April 21, 2003, RFP No. 0203-28 was mailed to twenty-four (24) prospective proposers, was advertised in the Modesto Bee and was posted on the Purchasing web page, and
WHEREAS, the RFP incorporated all of the above suggested changes, and
WHEREAS, two (2) responses were received and opened on May 27, 2003 and both were considered to be responsive based on the new requirements, and
WHEREAS, the two (2) responses were then moved to an evaluation committee for evaluation based on total evaluation criteria, and
WHEREAS, the evaluation was comprised of representatives from the Purchasing and Fleet Divisions, as well as subject matter experts from the cities of Fresno and Livermore, and
WHEREAS, the committee toured three sites from each proposer to evaluate the fueling functionality of each site with heavy and light City vehicles, and
WHEREAS, at each site the committee took notes and digital pictures to document fueling site functionality, and
WHEREAS, the committee then met to evaluate each proposer based on site visits and historical fueling data, and
WHEREAS, the committee’s weightings per evaluation criteria are listed below.

<table>
<thead>
<tr>
<th>Evaluation Criteria and Weighting as approved by Council</th>
<th>Possible Points</th>
<th>W.H.Breshears</th>
<th>Boyett</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Experience</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Company Background</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Fuel Sites and Hours of Operations</td>
<td>30</td>
<td>27</td>
<td>30</td>
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<tr>
<td>Auditing, QA Programs, Reporting Systems</td>
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<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Pricing</td>
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<td>28</td>
<td>35</td>
</tr>
<tr>
<td>Total Points</td>
<td>100</td>
<td>90</td>
<td>100</td>
</tr>
</tbody>
</table>

and

WHEREAS, the weightings for pricing are based on combined mark-ups that factors both base and surcharge markups, and

WHEREAS, MMC 8-3.203 allows for consideration to be given to factors other than price alone in determining the “lowest responsive and responsible proposer”, and

WHEREAS, based on total evaluation criteria, as determined by the evaluation committee, staff hereby recommends awarding the contract for Fuel Cardlock Services to Boyett Petroleum, of Modesto, CA, for an estimated annual amount of $1.5 million dollars. and

WHEREAS, the initial term of the agreement shall be for a period of three (3) years, with two (2) one-year extension options,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the Request for Proposal (RFP) No. 0203-28, for Fuel Cardlock Services to Boyett Petroleum of Modesto, CA, for an initial period of three (3) years, with two (2) one-year extension options.
BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute a contract with Boyett Petroleum, of Modesto, CA to provide said Fuel Cardlock Services to the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-412

A RESOLUTION AWARDING A BID TO AMERICAN AVK COMPANY OF FRESNO CA. FOR FIRE HYDRANTS AND CAPS IN THE AMOUNT OF $85,386.75, AND TO FERGUSON ENTERPRISES OF ROSEVILLE, CA. FOR WATER VALVES IN THE AMOUNT OF $135,655.28. THE TOTAL ESTIMATED ANNUAL AMOUNT FOR WATER VALVES AND FIRE HYDRANTS IS $221,042.03.

WHEREAS, the Finance Department-Central Stores Division has request the purchase of water valves and fire hydrants, and

WHEREAS, Resolution 2003-185 authorized the Purchasing Supervisor to solicit Request for Bids (RFB) for water valves and fire hydrants, and

WHEREAS, the term of the contracts(s) shall be from August 1, 2003, through July 31, 2004, with the City reserving the right to extend the contract for two one-year contract extensions, up to and including July 31, 2006, contingent upon availability of continuous funding for said purpose, and

WHEREAS, the City’s fire hydrants are being replaced at a rate of 30 per week, and

WHEREAS, water valves are used to replace existing valves with may be non-operable, to extend existing water lines, and for new service to new business, and

WHEREAS, bids were opened and recorded in the City Clerk’s office on June 17, 2003, and

WHEREAS, out of twenty (22) vendors solicited, five (5) responded to the RFB, and

WHEREAS, two of the five bids received, were deemed to be noncompliant because bidder did not provide two signed original bid documents per RFB 0203-29, and
WHEREAS, to obtain the best value for dollars spent, the items on the Request for Bid are being awarded by line item to American AVK Company and Ferguson Enterprises, and

WHEREAS, American AVK Company of Fresno, Ca. is the lowest responsive and responsible bidder for fire hydrants, with a total estimated annual cost of $85,386.75, and

WHEREAS, Ferguson Enterprise of Roseville, Ca. is the lowest responsive and responsible bidder for water valves with a total estimated annual cost of $135,655.28, and

WHEREAS, the total estimated annual cost for water valves and fire hydrants is $221,042.03, and

WHEREAS, by soliciting formal bids for water valves and fire hydrants, the Finance Department, Purchasing Division will comply with the Modesto Municipal Code, Section 8-3.204, regarding formal bid procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as that it hereby awards the bid for fire hydrants and caps to American AVK Company of Fresno, Ca. for $85,386.75, and awards the bid for water valves to Ferguson Enterprises of Roseville, Ca. for an estimated annual cost of $135,655.28.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION ACCEPTING $48,370.89 IN GRANT FUNDING FROM THE STATE DEPARTMENT OF FORESTRY AND FIRE PROTECTION, URBAN AND COMMUNITY FORESTRY PROGRAM (PROPOSITION 12) FOR THE TREES FOR TOTS COMMUNITY TREE PLANTING PROJECT

WHEREAS, California voters passed Proposition 12, Watershed, Wildlife and Parks Improvement Bond Act of 2000, which fund can be used for tree planting programs, and

WHEREAS, on May 28, 2002, the City Council authorized staff to submit an application for funding under the Urban and Community Forestry Program (Proposition 12) for funding 74% of the Trees for Tots Community Tree Planting Project, with the balance of matching funds to be provided from local Community Forestry operating budget funds, and

WHEREAS, on October 3, 2002, staff received grant approval and executed a contract with the Department of Forestry and Fire Protection for the above project with a grant award in the amount of $48,370.89, and

WHEREAS, staff has General Fund as a source for the required $16,971.14 match,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts $48,370.89 in funding under the Urban and Community Forestry Program (Proposition 12) for the Trees for Tots Community Tree Planting Project.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O’Bryant,
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: ________________________________
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: ________________________________
MICHAEL D. MILICH, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 2003-2004 BUDGET TO ESTIMATE $48,370.89 IN REVENUE FROM THE STATE DEPARTMENT OF FORESTRY AND FIRE PROTECTION, URBAN COMMUNITY FORESTRY PROGRAM (PROPOSITION 12), TO DIVERT A MATCH OF $16,971.14 FROM THE GENERAL FUND TRANSFER TO GAS TAX STREETS FUND, AND APPROPRIATE $65,342.03 TO GRANT PROJECT 0410-480-4805 FOR THE TREES FOR TOTS COMMUNITY TREE PLANTING PROGRAM

WHEREAS, on May 28, 2002, by Resolution Number 2002-262, the Council authorized staff to submit an application for funding under the State Department of Forestry and Fire Protection, Urban Community Forestry Program (Proposition 12) for funding for the Trees for Tots Community Tree Planting Program, with matching funds to be provided from the local Community Forestry operating budget, and

WHEREAS, on October 3, 2002, staff received a grant contract for $48,370.89 for the above project, and

WHEREAS, staff has identified a portion of the diverted General Fund transfer to Gas Tax Streets Fund as a source for the required $16,971.14 match,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the fiscal year 2003-2004 budget to estimate $48,370.89 in revenue from the California Department of Forestry and Fire Protection Urban and Community Forestry Program (Proposition 12), to transfer $16,971.14 from the diverted General Fund transfer to Gas Tax Streets Fund, and to appropriate $65,342.01 to grant fund 0410-480-4805, Trees for Tots.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-415

A RESOLUTION APPOINTING THE MEMBERS OF THE PUBLIC EVENTS COMMITTEE AS THE BOARD OF DIRECTORS OF THE MODESTO CONVENTION AND VISITORS BUREAU

WHEREAS, the Modesto Convention and Visitors Bureau has provided Convention and Visitors Bureau services as a City organization in fiscal year 2002/2003, and

WHEREAS, on February 25, 2003, the City Council established the Modesto Convention and Visitors Bureau as an independent, non-profit corporation and adopted the bylaws and articles of incorporation for the Modesto Convention and Visitors Bureau as an independent, non-profit corporation, and

WHEREAS, on June 24, 2003, the City Council approved an agreement between the Modesto Convention and Visitors Bureau (CVB) and the City of Modesto which outlines the business relationship between the parties, and

WHEREAS, the Modesto Convention and Visitors Bureau will operate as an independent, non-profit corporation as of July 30, 2003, and

WHEREAS, a Board of Directors is needed for the CVB, and

WHEREAS, the Public Events Committee has been serving in a similar capacity, the names of whom are shown in Exhibit "A", attached hereto and incorporated herein by reference, and

WHEREAS, the bylaws also call for a member of the City Council to serve as an ex-officio member of the Board, and

WHEREAS, Mayor Sabatino has appointed himself as the ex-officio member,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints the members of the Public Events Committee, as set forth in Exhibit "A", as the Board of Directors of the Modesto Convention and Visitor Bureau,

BE IT FURTHER RESOLVED that Mayor Sabatino is hereby appointed as the ex-officio member representing the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

ADAM U. LINDGREN, City Attorney
Exhibit “A”

Modesto Convention and Visitors Bureau
Board of Directors

Cindy Powers
Chris Murphy
Dana Plummer
Susan Azevedo
Ernie Foot
Derik Dami
Neal Khatri
MODESTO CITY COUNCIL
RESOLUTION NUMBER 2003-416

A RESOLUTION AMENDING THE FISCAL YEAR 2003/04 BUDGET TO TRANSFER FUNDS FROM THE TRAFFIC SAFETY FUND TO THE GENERAL FUND - POLICE OPERATIONS FOR THE PURCHASE OF TRAFFIC-RELATED EQUIPMENT

WHEREAS, the City of Modesto Police Department Traffic Unit has several unmet equipment needs and acquisition of this equipment will enable the Unit to provide the most effective traffic enforcement possible, and

WHEREAS, costs for said equipment are $112,784, and

WHEREAS, the Traffic Safety Fund has monies available for these purchases, and

WHEREAS, the Safety and Communities Committee unanimously recommended purchase of this equipment at its meeting of May 5, 2003,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2003/04 Annual Budget is hereby amended as indicated below:

Appropriate:
To: 0600-190-1906-Various Objects Traffic Safety Equipment

Appropriate:
From: 0600-800-8000-8003 Reserves

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O’Bryant,
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING THE FOLLOWING REPORTS PRODUCED FROM THE COUNTY-WIDE ESI ECONOMIC DEVELOPMENT STRATEGIC PLAN STUDY: (1) "SETTING THE STAGE – CHOICES FOR THE FUTURE" – EXECUTIVE SUMMARY; (2) "CITY OF MODESTO ECONOMIC DEVELOPMENT PLAN"; (3) "ECONOMIC DEVELOPMENT MARKETING STRATEGY IMPLEMENTATION WORKBOOK"

WHEREAS, as a continuation of the regional, County-wide efforts for the expansion of economic development, the City of Modesto joined with Stanislaus County, the Stanislaus County Economic and Workforce Alliance (the “Alliance”), the Workforce Investment Board (the “WIB”) and six other county cities to embark on an economic development project, and

WHEREAS, the purpose of said project was to create a series of County-wide economic development plans incorporated into sound marketing strategies, and

WHEREAS, the "Stanislaus County Economic Development Strategy and Marketing Plan" was produced by a professional team of economic development firms including ESI Corporation (coordination and general economic development), Paragon Decision Resources (site location specialists) and Chabin Concepts (marketing), and

WHEREAS, as an integral part of said project an Economic Development Committee was formed in Modesto to provide input from both the public and private sectors, and

WHEREAS, in order for Stanislaus County and each of its cities to accelerate job creation, the County and each of its cities must implement coordinated economic development activities in accordance with adopted plans which, when used together, will
become the blueprint for determining roles and responsibilities for economic development and allocation of resources for the entire region.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that the following reports produced from the county-wide ESI economic development Strategic Plan study are hereby approved, a copy of said reports are on permanent file in the Office of the City Clerk:

1. "Setting the Stage – Choices for the Future" – Executive Summary
2. "City of Modesto Economic Development Plan"

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd 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, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2003-418

A RESOLUTION AUTHORIZING REIMBURSEMENT IN THE AMOUNT OF $207,092 FROM COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE) AND THE YET TO BE FORMED VILLAGE ONE CFD #2 TO THE CITY OF MODESTO’S CAPITAL FACILITIES FEES PROGRAM FOR FUNDS ADVANCED FOR THE CONSTRUCTION OF USTACH NEIGHBORHOOD PARK

WHEREAS, the City of Modesto (“City”) proposes to build a project entitled “Ustach Neighborhood Park” (“Project”) which will be funded through Community Facilities District No. 1996-1, the yet to be formed Village One CFD #2 (“Village One CFD”) and the City of Modesto’s Capital Facilities Fees program (“CFF”),

WHEREAS, the Project is an authorized facility of the Village One CFD, and

WHEREAS, the Village One CFD has programmed $395,000 for the Project as a Priority 1 item and $225,000 for the Project as a Priority 2 item, and

WHEREAS, in April 2003 the City Council appropriated the Priority 1 funds for Phases 1 & 2 of the Project but could not appropriate the Priority 2 monies for Phases 3, 4, & 5 of the Project because funds were not yet available, and

WHEREAS, on or about April 23, 2003, the City solicited bids for the Project and included the work to be funded with Priority 2 funds as a bid alternate, and

WHEREAS, due to the favorable construction bids received, a Project savings of $40,320 will be realized (Village One CFD = $17,908 and CFF = $22,412) if the City proceeds with the Priority 2 work in conjunction with all other work on the Project, and

WHEREAS, on June 24, 2003 the City Council awarded a contract to Goodland Landscape Construction Inc. for construction of the Project and appropriated the remainder of the funds for the Project from CFF into CIP account number Q200, and

WHEREAS, Government Code Section 53314.5 provides that the City may appropriate available moneys to a revolving fund a community facilities district facility so long as the City establishes a mechanism for the community facilities district to reimburse the fund, with interest, within five years, at the current rate per annum received on similar types of investments by the City, and
WHEREAS, the City of Modesto is currently receiving a 2.537% rate of return on its investments.

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

1. The project entitled “Ustach Neighborhood Park” (“Project”) will be funded through Community Facilities District No. 1996-1, the yet to be formed Village One CFD #2 (“Village One CFD”) and the City of Modesto’s Capital Facilities Fees program (“CFF”).

2. The Project is an authorized facility of the Village One CFD.

3. Approximately $620,000 of the Project which is programmed to be funded through Village One CFD, $395,000 of which is identified as a Priority 1 project and has already been appropriated for this project.

4. The remaining $225,000 which is programmed to be funded through the Village One CFD is designated as a Priority 2 project for which CFD funds are not yet available.

5. On or about April 23, 2003, the City solicited bids for the Project and included the work to be funded with Priority 2 funds as a bid alternate.

6. Due to the favorable construction bids received, a Project savings of $40,320 will be realized with the Village One CFD realizing a savings of $17,908 and CFF realizing a savings of $22,412 if the City proceeds with the Priority 2 work in conjunction with all other work on the Project.

7. The CFF program has been authorized to advance funds for work that is funded through the CFD and designated as Priority 2 work.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Village One CFD shall reimburse the CFF program in the amount of $207,092 ($225,000 programmed amount minus $17,908 savings) with interest at the rate of 2.537% per annum. Interest shall accrue from the date the first disbursement is made from CIP account Q200 until paid in full.

BE IT FURTHER RESOLVED that the CFD shall reimburse the CFF program from tax monies within sixty (60) days after Priority 2 funds are available for the Ustach Neighborhood Park project, or within five (5) years, whichever occurs first. City hereby
recognizes and acknowledges that should tax moneys not be available for Priority 2 projects within five (5) years after disbursement is made from the fund, then it shall be required to review and redesignate the priority status for the Priority 2 work to ensure that the reimbursement will occur within the period required by law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 2003, 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: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-419

A RESOLUTION WAIVING FORMAL BIDDING REQUIREMENTS BY FIVE AFFIRMATIVE VOTES AND AWARDING A CONTRACT FOR THE PROCUREMENT OF UPGRADED FARE COLLECTION EQUIPMENT AND DATA COLLECTION SYSTEM FOR MODESTO AREA EXPRESS BUSES TO GFI GENFARE IN THE AMOUNT OF $186,717.50

WHEREAS, tracking ridership and fare revenues is an important component of operating an efficient public transit operation, and

WHEREAS, the City of Modesto has successfully used the GFI Genfare fare and data collection systems to collect fares and rider data for over 12 years, and

WHEREAS, that farebox and data system is in need of an upgrade, and

WHEREAS, an upgrade of the existing system can only be procured from the manufacturer of the current system, and

WHEREAS, the City of Modesto Transit Division has budgeted and planned for the upgrade to the fareboxes and data system during the 2003-2004 fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby waives the formal bidding requirements by five affirmative votes and awards a contract for the sole source procurement of farebox upgrades and a new data collection system for Modesto Area Express buses to GFI Genfare for a total cost of $186,717.50.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 2003, 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: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO.2003-420

A RESOLUTION APPROVING A VEHICLE PROCUREMENT AND LEASE AGREEMENT WITH THE CITY OF CERES TO PURCHASE A VAN WITH CERES’ FUNDS FOR THE CERES FIXED-ROUTE BUS SERVICE AND LEASE IT AT NO COST TO THE CITY OF CERES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City of Ceres received Congestion Mitigation and Air Quality (CMAQ) funds for the purchase of a van for its transit service, and

WHEREAS, the City of Ceres is not certified by the Federal Transit Administration (FTA) to make purchases with FTA funds, and

WHEREAS, the City of Modesto is certified by the FTA to make purchases with FTA funds, and

WHEREAS, the City of Modesto wishes to assist the City of Ceres with its fixed route transit service to ensure its success, and

WHEREAS, the Economic Development Committee met on July 7, 2003, and supported the recommendation of City staff, and

WHEREAS, by an agenda report to the City Council dated July 24, 2003, from the Engineering and Transportation Director, City staff recommended that the Council enter into an agreement with the City of Ceres for the purchase of a van with Ceres’ funds by the City of Modesto to be leased to the City of Ceres at no cost for use in its transit service,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Vehicle Procurement and Lease Agreement with the City of Ceres for the purchase of a van by the City of Modesto with Ceres’ funds to be leased to the City of Ceres at no cost for use in its fixed route bus service.
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 6th day of August, 2003, 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: 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 - 421

A RESOLUTION AMENDING THE FISCAL YEAR
2003-2004 ANNUAL BUDGET

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

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

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to
take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the
City of Modesto held on the 6th day of August, 2003, 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: 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: MIKE MILICH, City Attorney
### Budget Adjustments for the Month of July 2003

#### Engineering & Transportation

<table>
<thead>
<tr>
<th>Type of Account</th>
<th>Description</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriations</td>
<td>Airport Reserves</td>
<td>6310-400-8000-8003</td>
<td>6310R</td>
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<tr>
<td>Appropriations</td>
<td>Non-Capital Other</td>
<td>6310-440-5412-5906</td>
<td>5412C</td>
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**Justification**

Appropriate funds from the Airport Reserves to purchase an airport sign not purchased in FY 02-03.

#### Community Facilities District - Village One

<table>
<thead>
<tr>
<th>Type of Account</th>
<th>Description</th>
<th>FROM</th>
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<td>Appropriations</td>
<td>Construction Cost</td>
<td>2600-020-Q302-6040</td>
<td>Q302</td>
</tr>
<tr>
<td>Appropriations</td>
<td>Engineering/Design</td>
<td>2600-020-Q302-6010</td>
<td>Q302</td>
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<tr>
<td>Appropriations</td>
<td>Construction Contingency</td>
<td>2600-020-Q302-6050</td>
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<tr>
<td>Appropriations</td>
<td>Construction Admin</td>
<td>2600-020-Q302-6060</td>
<td>Q302</td>
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**Justification**

Move V1 Project SD-206 (Priority 1) from CIP Q302 to Q309.

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file: Budget2003\monthly_adjustments_template
A RESOLUTION ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN IMPROVEMENT DISTRICT #28 – SEWER IMPROVEMENTS

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form the Improvement District #28 – Sewer Improvements (herein after “District”); issue bonds; and levy assessments; and approved the Engineer’s Report that describes the formation, bond issuance and the assessments against parcels of land within the District, pursuant to the provisions of the Municipal Improvement Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 10000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer’s Report, and these charges are for the purpose of paying for the sewer improvements, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which was passed by the voters in November 1996, and

WHEREAS, the City Council has further determined the charges are in compliance with all laws pertaining to the levy of such charges,
NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of assessments within the District for the 2003-04 fiscal year as shown in Attachment A, and that a certified copy of this resolution together with attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 2003-04 County tax roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 2003, 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: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
## Levy Components

### 2002/03 vs. 2003/04

<table>
<thead>
<tr>
<th>Component</th>
<th>2002/03</th>
<th>2003/04</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Principal and Interest</strong></td>
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<tr>
<td>Principal</td>
<td>$68,119.95</td>
<td>$71,613.62</td>
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<td>Interest</td>
<td>10,362.15</td>
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<td>TOTAL</td>
<td>$78,482.10</td>
<td>$76,913.69</td>
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<tr>
<td><strong>Administration Costs</strong></td>
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<td></td>
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<tr>
<td>Agency Administration</td>
<td>$1,558.78</td>
<td>$1,559.00</td>
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<tr>
<td>Agency Auditor Fees</td>
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<tr>
<td>County Auditor and Assessor Fees</td>
<td>68.00</td>
<td>92.00</td>
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<td>Registrar/Transfer/Paying Agent Fees</td>
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<td>932.00</td>
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<tr>
<td>Consulting Services</td>
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<tr>
<td>Total Fixed Admin Charge</td>
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<td>0.00</td>
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<tr>
<td>Miscellaneous/Other Fees</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Remaining Statutory Collection Fee</td>
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<td>0.00</td>
</tr>
<tr>
<td>Admin Sub Total</td>
<td>6,554.71</td>
<td>6,656.27</td>
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<tr>
<td>Delinquency Management Allowance</td>
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<td>0.00</td>
</tr>
<tr>
<td>Escaped Levies</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>TOTAL ADMIN</td>
<td>$6,554.71</td>
<td>$6,656.27</td>
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<tr>
<td><strong>Total Principal, Interest and Admin Costs</strong></td>
<td>$85,036.81</td>
<td>$83,569.96</td>
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<tr>
<td>Fixed Admin Charge per Parcel</td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td><strong>Credits Applied to Levy</strong></td>
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<td></td>
</tr>
<tr>
<td>Construction Fund Credit</td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td>Reserve Fund Credit</td>
<td>0.00</td>
<td>45,454.00</td>
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<tr>
<td>Redemption Fund Credit</td>
<td>0.00</td>
<td>20,000.00</td>
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<tr>
<td>Miscellaneous/Adjustment Credit</td>
<td>11,000.00</td>
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<tr>
<td>TOTAL</td>
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<td>$65,454.00</td>
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<tr>
<td><strong>Total Charge</strong></td>
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<td>Applied Charge</td>
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<td>$18,114.92</td>
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<tr>
<td>Difference (due to rounding)</td>
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<td>-$1.04</td>
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<tr>
<td><strong>Additional Information</strong></td>
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<td>Number of Parcels Charged</td>
<td>210</td>
<td>209</td>
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<tr>
<td>Statutory Collection Fee</td>
<td>$3,212.94</td>
<td>$3,157.43</td>
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<tr>
<td>Admin Costs as a percent of Annual Levy</td>
<td>8.35%</td>
<td>8.65%</td>
</tr>
</tbody>
</table>

**Notes:**
1. Consulting services include, but are not limited to: District Rebate Calculation Fees and Municipal Disclosure Fees.
2. The Difference is used to ensure that each parcel's levy amount is required by the County Auditor-Controller.
3. The Statutory Collection Fee is a maximum of 5 percent of the levy $16 per parcel, per year and is used to cover Administrative Fees Agency as allowed by Section 8682 of the California Streets.
4. Remaining Statutory Collection Fee is the difference between the Administrative Fees to be recovered and the Statutory Collection Fee.

**LEVY APPROVED BY:**

[Signature]
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-423

A RESOLUTION ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN IMPROVEMENT DISTRICT #29 – STREET AND WATER SYSTEM IMPROVEMENTS

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form the Improvement District #29 – Street and Water System Improvements (herein after "District"); issue bonds; and levy assessments; and approved the Engineer's Report that describes the formation, bond issuance and the assessments against parcels of land within the District, pursuant to the provisions of the Municipal Improvement Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 10000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer's Report, and these charges are for the purpose of paying for the street and water system improvements; and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which was passed by the voters in November 1996, and

WHEREAS, the City Council has further determined the charges are in compliance with all laws pertaining to the levy of such charges,
NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of assessments within the District for the 2003-04 fiscal year as shown in Attachment A, and that a certified copy of this resolution together with attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 2003-04 County tax roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 2003, 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: 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

08/06/03/Finance/B Duerksen/Item 9
## City of Modesto

### 2003/04 Budget Worksheet
Local Improvement District No. 29

Fund Number M0

### Levy Components

<table>
<thead>
<tr>
<th></th>
<th>2002/03</th>
<th>2003/04</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Principal and Interest</strong></td>
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<tr>
<td>Principal</td>
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<td><strong>TOTAL</strong></td>
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<td>$108,546.34</td>
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### Administration Costs

<table>
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<tr>
<th></th>
<th>2002/03</th>
<th>2003/04</th>
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<tbody>
<tr>
<td>Agency Administration</td>
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<tr>
<td>Agency Auditor Fees</td>
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<tr>
<td>County Auditor and Assessor Fees</td>
<td>117.00</td>
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<tr>
<td>Registrar/Transfer/Paying Agent Fees</td>
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<td>Consulting Services</td>
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<td>Total Fixed Admin Charge</td>
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<tr>
<td>Miscellaneous/Other Fees</td>
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<tr>
<td>Remaining Statutory Collection Fee</td>
<td>0.00</td>
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<tr>
<td><strong>Admin Sub Total</strong></td>
<td>$6,460.67</td>
<td>$6,534.80</td>
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<tr>
<td>Delinquency Management Allowance</td>
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</tr>
<tr>
<td>Escaped Levies</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>TOTAL ADMIN</strong></td>
<td>$6,460.67</td>
<td>$6,534.80</td>
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</table>

**Total Principal, Interest and Admin Costs** | $115,994.23 | $115,081.14 |

### Credits Applied to Levy

<table>
<thead>
<tr>
<th></th>
<th>2002/03</th>
<th>2003/04</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Fund Credit</td>
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<tr>
<td>Reserve Fund Credit</td>
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<td>Redemption Fund Credit</td>
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<tr>
<td>Miscellaneous/Adjustment Credit</td>
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<td><strong>TOTAL</strong></td>
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### Total Charge

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<td>Applied Charge</td>
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<td>Difference (due to rounding)</td>
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### ADDITIONAL INFORMATION

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<tr>
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<th>2002/03</th>
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<tr>
<td>Number of Parcels Charged</td>
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<td>Statutory Collection Fee</td>
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<tr>
<td>Admin Costs as a percent of Annual Levy</td>
<td>5.91%</td>
<td>6.02%</td>
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</tbody>
</table>

**Notes:**
(1) Consulting services include, but are not limited to: District Rebate Calculation Fees and Municipal Disclosure Fees.
(2) The Difference is used to ensure that each parcel’s levy amount is required by the County Auditor-Controller.
(3) The Statutory Collection Fee is a maximum of 5 percent of the levy. $16 per parcel, per year and is used to cover Administrative Fees Agency as allowed by Section 8682 of the California Streets and
(4) Remaining Statutory Collection Fee is the difference between the Administrative Fees to be recovered and the Statutory Collection Fee.

**LEVY APPROVED BY:** [Signature]
MODESTO CITY COUNCIL
RESOLUTION NO. 2003 - 424

A RESOLUTION ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN PUBLIC FACILITIES DISTRICT #6 – STREET AND WATER SYSTEM IMPROVEMENTS

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form the Public Facilities District #6 – Street and Water Improvements (herein after “District”); issue bonds; and levy assessments; and approved the Engineer’s Report that describes the formation, bond issuance and the assessments against parcels of land within the District, pursuant to the provisions of the Municipal Improvement Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 10000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer’s Report, and these charges are for the purpose of paying for the street and water system improvements, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which was passed by the voters in November 1996, and

WHEREAS, the City Council has further determined the charges are in compliance with all laws pertaining to the levy of such charges,
NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of assessments within the District for the 2003-04 fiscal year as shown in Attachment A, and that a certified copy of this resolution together with attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 2003-04 County tax roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 2003, 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: 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
# City of Modesto

## 2003/04 Budget Worksheet

Public Facilities District No. 6

Fund Number M7

### Levy Components

<table>
<thead>
<tr>
<th></th>
<th>2002/03</th>
<th>2003/04</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal</td>
<td>$23,081.38</td>
<td>$27,697.66</td>
</tr>
<tr>
<td>Interest</td>
<td>5,571.84</td>
<td>3,933.07</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$28,653.22</td>
<td>$31,630.73</td>
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### PRINCIPAL AND INTEREST

<table>
<thead>
<tr>
<th>Agency Administration</th>
<th>$481.97</th>
<th>$482.00</th>
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</thead>
<tbody>
<tr>
<td>Agency Auditor Fees</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>County Auditor and Assessor Fees</td>
<td>27.00</td>
<td>52.20</td>
</tr>
<tr>
<td>Registrar/Transfer/Paying Agent Fees</td>
<td>1,625.00</td>
<td>1,628.00</td>
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<tr>
<td>Consulting Services</td>
<td>241.20</td>
<td>273.58</td>
</tr>
<tr>
<td>Total Fixed Admin Charge</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Miscellaneous/Other Fees</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Remaining Statutory Collection Fee</td>
<td>0.00</td>
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</tr>
<tr>
<td><strong>Admin Sub Total</strong></td>
<td>$2,375.17</td>
<td>$2,435.78</td>
</tr>
<tr>
<td>Delinquency Management Allowance</td>
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</tr>
<tr>
<td>Escaped Levies</td>
<td>0.00</td>
<td>0.00</td>
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<tr>
<td><strong>TOTAL ADMIN</strong></td>
<td>$2,375.17</td>
<td>$2,435.78</td>
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</table>

Total Principal, Interest and Admin Costs

```
<table>
<thead>
<tr>
<th></th>
<th>2002/03</th>
<th>2003/04</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed Admin Charge per Parcel</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>
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### CREDITS APPLIED TO LEVY

<table>
<thead>
<tr>
<th>Credit Type</th>
<th>2002/03</th>
<th>2003/04</th>
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</thead>
<tbody>
<tr>
<td>Construction Fund Credit</td>
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</tr>
<tr>
<td>Reserve Fund Credit</td>
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</tr>
<tr>
<td>Redemption Fund Credit</td>
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</tr>
<tr>
<td>Miscellaneous/Adjustment Credit</td>
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</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

### TOTAL CHARGE

<table>
<thead>
<tr>
<th>Charge Type</th>
<th>2002/03</th>
<th>2003/04</th>
</tr>
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<tbody>
<tr>
<td>Total Charge</td>
<td>$31,028.39</td>
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<tr>
<td>Applied Charge</td>
<td>$31,028.36</td>
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</tr>
<tr>
<td>Difference (due to rounding)</td>
<td>-$0.03</td>
<td>$0.01</td>
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</table>

### ADDITIONAL INFORMATION

<table>
<thead>
<tr>
<th></th>
<th>2002/03</th>
<th>2003/04</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Parcels Charged</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>Statutory Collection Fee</td>
<td>$168.46</td>
<td>$167.13</td>
</tr>
<tr>
<td>Admin Costs as a percent of Annual Levy</td>
<td>8.29%</td>
<td>7.70%</td>
</tr>
</tbody>
</table>

**Notes:**

1. Consulting services include, but are not limited to: District Rebate Calculation Fees and Municipal Disclosure Fees.
2. The Difference is used to ensure that each parcel's levy amount is required by the County Auditor-Controller.
3. The Statutory Collection Fee is a maximum of 5 percent of the levy $16 per parcel, per year and is used to cover Administrative Fees Agency as allowed by Section 8682 of the California Streets and
4. Remaining Statutory Collection Fee is the difference between the Administrative Fees to be recovered and the Statutory Collection Fee.

**LEVI APPROVED BY:** [Signature]
A RESOLUTION APPROVING THE DEVELOPMENT, IMPLEMENTATION AND GRANT APPLICATION FOR RECOGNITION OF THE WEED & SEED PROJECT

WHEREAS, on September 10, 2002, Council Adopted Resolution No. 2002-445, authorizing staff to develop a Neighborhood Restoration project, in southwest Modesto, titled the Roselawn Project, and

WHEREAS, the Roselawn Project has proven successful in addressing the blight and housing issues of the selected Roselawn area, and

WHEREAS, law enforcement and economic development issues were not addressed by the Roselawn Project, and

WHEREAS, the area of southwest Modesto is overly saturated with illegal activities, especially the sale and use of illegal drugs, and

WHEREAS, there is a need to further develop the area resident’s workforce skills, and

WHEREAS, there is a U.S. Department of Justice grant program, titled Weed & Seed, that addresses the criminal, blight, and housing issues of a neighborhood via a grassroots effort that limits the impact of those negative elements on a community by improving the residents’ quality of life by providing social services, workforce skill training, and a safer and cleaner neighborhood, and

WHEREAS, on February 27, 2003, the City Manager’s Office, in coordination with the Modesto Police Department, Fire Department, and Parks, Recreation &
Neighborhoods Department, conducted the first Steering Committee meeting for the Weed & Seed project, and

WHEREAS, the Weed & Seed Steering Committee membership is made up of representatives from City Staff, Stanislaus County Staff, Modesto City Schools, area Social Service providers, religious leaders, local businesses, and area residents, and

WHEREAS, the Steering Committee has developed the necessary foundation to apply for the Weed & Seed grant, including the selection of a designated area which is the area south of H Street/Paradise Road, east of Carpenter Road, north of the Tuolumne River, and west of State Route 99, and

WHEREAS, the Weed & Seed grant requires that the sponsoring agency sign the Letter of Intent and the Grant Application, and

WHEREAS, the City of Modesto has operated as the sponsoring agency, and

WHEREAS, the City Manager will be signing the Letter of Intent and Grant Application on behalf of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the development and implementation of the Weed & Seed Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the Letter of Intent and Grant Application for Recognition on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 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: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [signature]

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By [signature]

MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING THE SALVATION ARMY, MODESTO CORPS, AS THE NON-PROFIT AGENCY TO IMPLEMENT A DAY FACILITY FOR HOMELESS INDIVIDUALS IN MODESTO, AND AUTHORIZING STAFF TO WORK WITH THE SALVATION ARMY TO DEVELOP A $40,000 PAY FOR PERFORMANCE CONTRACT TO BEGIN OPERATION OF THE HOMELESS DAY FACILITY.

WHEREAS, in December 1999, business owners along Yosemite Boulevard and residents of La Loma neighborhood presented their concerns to the City Council about the high rate of anti-social behavior in public and residential areas in the La Loma neighborhood, and

WHEREAS, this issue was referred to the Parks, Recreation and Neighborhoods Department to develop a plan that would answer the concerns of the residents and business owners, and an interdepartmental action team was established to implement strategy reports, and

WHEREAS, in April 2001, the Human Services Committee (HSC) reviewed the first stage of the Implementation, and recommended that the City Council establish and appoint a Homeless Day Facility Site Development Committee, and

WHEREAS, on June 26, 2001, by Resolution No. 2001-313, the City Council approved the designation of the Stanislaus Housing and Support Services Collaborative (SHSSC) composed of public and private entities concerned with providing safe, affordable housing access and supportive services for the people who are homeless, or at risk for homelessness, as the planning and coordinating body for homeless issues in Stanislaus County, and
WHEREAS, the Collaborative’s Homeless Day Facility Committee at its April 18, 2002, meeting, made a recommendation to the Collaborative to authorize the preparation and the distribution for a Request for Qualifications (RFQ), and

WHEREAS, on June 10, 2002, the Homeless Day Facility Committee reviewed the first draft of the RFQ, and the County of Stanislaus also confirmed their contribution of $26,000 toward the Day Facility, and

WHEREAS, on September 5, 2002, the Safety and Communities Committee approved the recommendation to solicit Requests for Qualifications (RFQ) for the acquisition and implementation of a Day Facility for homeless individuals in Modesto, and,

WHEREAS, On October 1, 2002, by Resolution No. 2002-487, the City Council authorized staff to solicit Requests for Qualifications for the acquisition and implementation of a Day Facility for homeless individuals in Modesto, and

WHEREAS, On October 4, 2002, the RFQ was released and The Salvation Army was the only organization that submitted a proposal, and

WHEREAS, on December 20, 2002, the Homeless Day Center Review Committee, consisting of a member of the Stanislaus Housing and Support Services Collaborative, County staff, a member from the CH&CDC and City staff, met and reviewed the application submitted by The Salvation Army, and agreed that The Salvation Army is a well-qualified and capable organization to complete the Homeless Day Facility project, and
WHEREAS, staff has also reviewed The Salvation Army’s fiscal and intake records to insure that The Salvation Army has the capacity to begin the Homeless Day Facility, and

WHEREAS, the first year the City of Modesto will fund up to $40,000 through a pay for performance agreement which will include start up funds, with the remaining of the project for the first year to be funded in four phases,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council accepts The Salvation Army, Modesto Corps, as the non-profit agency to implement a day facility for homeless individuals in Modesto.

BE IT FURTHER RESOLVED that City staff is hereby authorized to work with The Salvation Army to develop a $40,000 pay for performance contract to begin operation of the Homeless Day Facility.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 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: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

Attest: JEAN ZAHR, City Clerk
A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

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

WHEREAS, the 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. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

   Maintenance Mechanic Pumps

   The job specification for this classification is being amended as a result of updating the job specification in preparation of opening a recruitment. The specification for the classification of Maintenance Mechanic Pumps, as shown on the attached Exhibit “A”, which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

   Identification Technician II
The job specification for this classification is being amended as a result of a change in the experience requirement from 24 months to 18 months. The specification for the classification of Identification Technician I/II, as shown on the attached 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 2. EFFECTIVE DATE. This resolution shall become effective on and after August 6, 2003.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 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: 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
MAINTENANCE MECHANIC – PUMPS

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

DEFINITION

To perform a variety of skilled and semiskilled tasks in the maintenance, repair and service of water, sewer and storm drain lift stations.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher-level supervisory staff. May exercise technical supervision over lower level maintenance staff.

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

Essential Functions:

Inspect, maintain, troubleshoot, repair and service facilities, machinery and equipment including pumps, valves, motors, engines, compressors and computerized pneumatic and odor control systems.

Rebuild and overhaul pumps, pneumatic control systems, and ventilation blower units.

Read and interpret blueprints; provide input on design blueprints and recommend changes before finalization.

Operate and maintain a variety of equipment and tools in the performance of maintenance tasks.

Operate steam cleaner.

Fabricate parts and equipment including mounts, brackets and shields; operate welding and cutting equipment.
Essential Functions, Continued:

Perform preventive maintenance checks and servicing on equipment; develop maintenance schedules.

Inspect and calibrate gauges and meters; inspect and test air quality analyzers.

Spray pesticides, herbicides and insecticides as required.

Coordinate activities with other departments and divisions; recommend improvements to design, installation, and maintenance of lift stations.

Train maintenance staff in confined space entry procedures and lift station maintenance safety procedures.

Maintain inventory of supplies, parts and equipment used in pump station maintenance.

Respond to public concerns regarding water quality problems.

Collect state-mandated water and/or stormwater samples.

Perform plumbing, electrical, and carpentry duties as required.

Keep detailed maintenance records.

Additional duties when assigned to Water:

Operate portable sample pump.

Pack, lubricate, clean and paint pumping equipment and motors.

Flush distribution system to maintain water quality.

Initiate well and water distribution system disinfection procedures.

Install, maintain, and calibrate hypochlorinators.

Monitor and maintain Granular Activated Carbon (GAC) filters; assist in removal and replacement of carbon, backwashes as required.

Perform concrete repair including sawing, pouring, finishing and jack hammering.
Essential Functions, Continued:

Additional duties when assigned to Collections:

Maintain mechanical seals, lubricate, clean and paint pumping equipment and motors.

Practice the CAL-OSHA required confined space safety rules and regulations when working in confined spaces.

Monitor and maintain wastewater lift station odor control soil filter beds.

Monitor and maintain wastewater lift station chemical injection – odor/corrosion control systems.

Coordinate activities with the Environmental Services Division to inspect, monitor and assess hazardous material spills and illegal discharges into the wastewater and stormwater collection systems.

MARGINAL FUNCTION STATEMENTS:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, methods, materials, and tools employed in the repair and maintenance of pumps, motors, and related equipment.

Safety procedures for confined space entry.

Basic plumbing and electrical principles.

Principles and practices of hydraulics related to pumps.

Practices and techniques of metal cutting and welding.

Preventive maintenance and inspection methods.

Appropriate safety practices and regulations.
Knowledge of continued:

Supervisory Control and Data Acquisition (SCADA) computerized pump control system.

Water and/or stormwater sampling methods.

Additional "Knowledge of" when assigned to Water Division:

Water disinfection procedures.

Safety procedures in handling chlorine.

Additional "Knowledge of" when assigned to Collections:

Confined Space Safety-Entry Procedures.

Safety procedures in handling of chemicals used in odor and corrosion control.

Ability to:

Independently perform a variety of skilled and complex repair, maintenance, servicing, and cleaning tasks involving pumps, motors, and computerized and pneumatic controls.

Read and interpret blueprints.

Perform medium-heavy manual labor, including but not limited to lifting up to 75 pounds, climbing, bending, and stooping.

Troubleshoot and diagnose malfunctions with pumping capacities, pneumatic controls, computerized controls and determine effective course of action for correcting them.

Work in confined work spaces.

Understand and carry out oral and written directions.

Establish and maintain effective working relationships with those contacted in the course of work.
EXPERIENCE AND TRAINING GUIDELINES:

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

Experience:

One year of experience comparable to a Water Distribution System Operator or a Wastewater Collection System Operator.

Training:

Equivalent to high school diploma or G.E.D. supplemented by specialized training in the areas of mechanical maintenance and repair.

License or Certificate:

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

When assigned to Collections:

Possession of a C.W.E.A. Plant Maintenance-Grade I Certification is desirable.

Possession of a C.W.E.A. Mechanical Technologist-Grade II is desirable.

Possession of a C.W.E.A. Collections Systems Maintenance Technologist Grade I or II Certification is desirable.

When assigned to Water:

Possession of a Water Distribution Operator Grade III Certification issued by the State of California Department of Health Services is required within two years of appointment. Failure to obtain this certificated may result in demotion to the previously held position (promoted employee) or release from employment (person hired from the outside into a position).

Possession of a Water Sampling Certificate is desirable.
When assigned to Water continued:

Possession of a Grade I, Water Treatment Plant Operator Certificate is desirable.

WORKING CONDITIONS

Environmental Conditions:

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

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for medium to heavy lifting up to 75 lbs., walking, standing, bending, stooping and crawling for prolonged periods of time; operating motorized equipment and vehicles.
EXHIBIT “B”

August 2003

IDENTIFICATION TECHNICIAN I
IDENTIFICATION TECHNICIAN 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 general supervision, perform criminal identification duties of a technical nature including collection, identification, preservation, examination and processing of crime scene evidence; preparation of appropriate reports; assisting in criminal investigations; and serving as an expert witness in court proceedings.

DISTINGUISHING CHARACTERISTICS

These are non-sworn field positions in the Police Department.

IDENTIFICATION TECHNICIAN I: This is the entry-level class in the Identification Technician series. This class is distinguished from the Identification Technician II by the level of training in department policies, procedures and systems as they relate to this field. As experience is acquired, the employee performs with increasing independence. Positions assigned to the classification of Identification Technician II that become vacant would normally be filled at Identification Technician I.

IDENTIFICATION TECHNICIAN II - This is the full journey level class within the Identification Technician series. Positions in this class are flexibly staffed and are normally filled by advancement from the I level class after a minimum of 18 months and a proficiency standards rating. If filled from the outside, prior police related experience in performing technical phases of identification work including latent print identification is required. Employees within this class are distinguished from the Identification Technician I by the performance of specialized lead duties of the class, by the independence with which an incumbent is expected to operate and make decisions with established rules and procedures, and the ability to plan and organize the operation of the Police Department’s Crime Lab.
SUPervision received and exercised

Identification Technician I: Receives immediate supervision from sworn and non-sworn police supervisory staff.

Identification Technician II: Receives general supervision from sworn and non-sworn police supervisory staff. May provide direction to other non-sworn crime scene support staff.

essential and marginal function statements - Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Respond to major crime scenes and provide technical services such as collection and supervision of evidence such as searching for and lifting fingerprints by various methods, collecting body fluids and clothing and making plaster impressions; performs forensic laboratory analysis, CAL-ID/AFIS processing, WIN (Western Identification Network) processing, digital photo and video imaging enhancement, biological evidence examination, collection of gunshot residue, number restoration and identification of narcotics and drugs.

Testify in court as expert witness regarding collection and preservation of evidence and fingerprints.

Maintain laboratory equipment; maintains evidence-drying cabinets.

Attend autopsies to collect physical evidence that may assist in determining a cause of death.

Prepare and maintain appropriate records, logs, reports and diagrams of crime scenes and evidence collected.

Provide training to other law enforcement personnel in crime scene evidence and fingerprint collection, preparation and analysis and in preparing for court testimony in such matters.
Essential and Marginal Function Statements continued:

In Addition, for Identification Technician II:

Draft supply and equipment bids.

Draft work schedules for the unit.

Prepare monthly unit reports.

Perform equipment inventory and audits.

QUALIFICATIONS:

Knowledge of:

Basic principles of photography and darkroom procedures.

Practices, methods and techniques to perform forensic services in major crime scene processing and analysis.

Sequential processing methods used in recovery, collection and preservation of physical evidence.

Manual and automated finger/palm print identification systems.

OSHA requirements regarding chemical storage, usage, destruction and environmental hazards; and biological safety in the workplace.

Personal computers and relevant computer applications.

In Addition for Identification Technician II:

Those sections of the California Evidence Code pertaining to crimes.

Advanced principles of photography and darkroom procedures.

Advanced, state-of-the-art practices, methods and techniques to perform forensic services in major crime scene processing and analysis.
Ability to:

Operate forensic light sources.

Use fluorescent, digital and traditional photography.

Classify, search and file fingerprints cards utilizing the Henry System.

Follow oral and written instructions.

Train others in crime scene evidence collection, preparation and analysis and in preparing for court testimony in such matters.

Maintain cooperative and effective working relationships with those contacted in the course of work.

Exercise independent judgment with a minimum of supervision.

In Addition for Identification Technician II:

Organize and plan the operation of a Police crime lab.

Prepare court displays.

Perform equipment inventory and audits.

Prepare monthly unit and other reports.

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:

Identification Technician I:

Experience:

Two years of progressively responsible experience with a law enforcement agency in fingerprint collection and development, latent fingerprint analysis, and processing/analyzing major crime scenes.
Training:
Equivalent to the completion of the twelfth grade.

Completion of a minimum of 100 hours of specialized training in basic fingerprint identification and crime scene examination that is POST-recognized or the equivalent and at least one course covering basic English composition skills. These hours of training must have been taken within five (5) years of the final filing date.

License or Certificate
Possession of a valid California driver's license at the time of appointment.

Experience and Training Guidelines continued:
Identification Technician II:

Experience:
Four years of progressively responsible experience with a law enforcement agency in fingerprint collection and development, latent fingerprint analysis, and processing/analyzing major crime scenes.

OR

Eighteen months of relevant experience performing duties as an Identification Technician I.

Training:
Equivalent to an Associate of Arts Degree from an accredited college or university with coursework in criminology, forensic science, life sciences or a related field.

Completion of a minimum of 300 hours of specialized training relating to the detection, collection and preservation of crime scene evidence that is POST-recognized or the equivalent. Courses must include, but are not limited to, advanced training in fingerprint collection and identification, photography, collection of physical evidence at crime scenes and courtroom presentation of evidence.
License or Certificate:

Possession of a valid California driver's license at the time of appointment.

WORKING CONDITIONS

Environmental Conditions:

Work both inside or outside. May include exposure to variable, adverse weather and exposure to chemicals obtained as evidence.

Physical Conditions:

Essential and marginal functions may require lifting/carrying objects of up to 75 pounds of weight, maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles. May include exposure to physical confrontation and verbal abuse. Ability to safely handle firearms, controlled substances and biologically contaminated substances.

Work Assignment:

Wear a City-approved uniform and related equipment. Subject to irregular work shifts including working any shift in a 24-hour day, weekends and holidays; be available on call; maintain status as expert witness.
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-428

A RESOLUTION APPROVING A SECOND AMENDMENT TO THE CRIME PREVENTION ACT 2000 AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS, FOR ONE MODESTO POLICE OFFICER TO WORK ON THE HIGH-RISK OFFENDER/JUVENILE WARRANT ENFORCEMENT PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT TO THE AGREEMENT

WHEREAS, on July 1, 2001, by Resolution Number 2001-351, the City Council approved an agreement between the Stanislaus County Probation Department and the City of Modesto Police Department for a Modesto Police Officer to partner with a Stanislaus Probation Officer to monitor high-risk juvenile offenders and to enforce Juvenile Court warrants, and

WHEREAS, on August 8, 2002, by Resolution Number 2003-377 the City Council approved an amendment to that agreement between the Stanislaus County Probation Department and the City of Modesto Police Department for a Modesto Police Officer to partner with a Stanislaus Probation Officer to monitor high-risk juvenile offenders and to enforce Juvenile Court warrants, and

WHEREAS, the County of Stanislaus Probation Department and the Modesto Police Department desire to continue to provide intensive supervision and monitoring to high-risk juvenile wards, enforce Juvenile Court warrants and conduct police/probation activities to curtail delinquent behavior for the purpose of reducing juvenile crime and gang involvement and increasing offender accountability, and

WHEREAS, the Modesto Police Department can provide an experienced and competent Police Officer for these purposes and the City wishes to enter into an amendment to the agreement with the Probation Department to provide such services, and

WHEREAS, the entire cost of one Modesto Police Officer, his or her benefits and
personal equipment, will be paid by the County of Stanislaus by a federal grant obtained for the High Risk Offender/Juvenile Warrant Enforcement Program, and

WHEREAS, said amendment extends the term of the agreement from July 1, 2003 to June 30, 2004, and provides total compensation of $79,700,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the second Amendment to the Crime Prevention 2000 Agreement between the City of Modesto and the Stanislaus County Probation Department for one Modesto Police Officer to work in the High-Risk Offender/Juvenile Warrant Enforcement Program for fiscal year 2003/04 is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 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: 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 - 429

A RESOLUTION ACCEPTING A GRANT ENTITLED THE MODESTO ABC PROJECT FROM THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL FOR THE REDUCTION OF CRIME AND EXCESSIVE CALLS FOR SERVICE IN AND AROUND MODESTO'S DISORDERLY AND DISRUPTIVE ABC LICENSED ESTABLISHMENTS AND TO REDUCE SALES OF ALCOHOL TO MINORS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY GRANT DOCUMENTS

WHEREAS, the City of Modesto Police Department desires to undertake a certain project designated as the Modesto ABC Project to be funded in part from funds made available through the Grant Assistance to Local Law Enforcement Agencies Project administered by the Department of Alcoholic Beverage Control (hereafter referred to as ABC), and

NOW, THEREFORE, BE IT RESOLVED that the City Manager or his authorized designee of the Council of the City of Modesto is authorized, on its behalf, to submit the attached proposal to ABC and is authorized to execute on behalf of the Council of the City of Modesto the attached contract, including any extensions or amendments thereof and any subsequent contract with the State in relation thereto.

IT IS AGREED that any liability arising out of the performance of this contract, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and ABC disclaim responsibility for any such liability.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

IT IS ALSO AGREED that this award is not subject to local hiring freezes.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 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: 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
A RESOLUTION AMENDING THE FISCAL YEAR 2003/2004 ANNUAL BUDGET ESTIMATING REVENUE AND APPROPRIATING FUNDS

WHEREAS, the Police Department acquired a grant award in the sum of $84,000 from the State Department of Alcoholic Beverage Control for a project to reduce crime and excessive calls for service in and around Modesto’s disorderly and disruptive ABC licensed establishments and to reduce sales of alcohol to minors, and

WHEREAS, there is no local match required for this program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that to initiate this grant project the 2003/2004 Annual Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Expense:</th>
<th>Amount:</th>
<th>Description:</th>
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<tr>
<td>0410-190-2992-0130</td>
<td>$76,500</td>
<td>Officers’ Overtime Hours</td>
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<tr>
<td>0410-190-2992-0262</td>
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<td>Officers’ Operating Expenses</td>
</tr>
<tr>
<td>0410-190-2992-0356</td>
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<td>0410-190-2992-0207</td>
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<td>Required Conferences</td>
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<tr>
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Revenue:

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<th>To:</th>
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<tbody>
<tr>
<td>0410-190-2992-3190</td>
<td>$84,000</td>
<td>ABC Grant Funds</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 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: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-431

A RESOLUTION AMENDING RESOLUTION NO. 97-537 ENTITLED “GRANTING APPROVAL TO THE MODESTO CERTIFIED FARMERS' MARKET TO CONDUCT A FARMERS' MARKET ON 16TH STREET, BETWEEN H AND I STREETS, IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS AND RESCINDING RESOLUTION NO. 88-402.”

WHEREAS, the Modesto City Council desires to amend Resolution No. 97-537 to require that space be set aside on 16th Street for First Amendment activities during the time it is used for the Farmers’ Market,

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the use by the Market of 16th Street, between H and I Streets, in the City of Modesto, for a farmers' market, subject to the following conditions and Resolution No. 97-539 which previously granted such approval is hereby amended to read as follows:

1. The Market may use the street area known as 16th Street, between H and I Streets, in the City of Modesto, each Thursday and Saturday until this resolution is rescinded, as hereinafter provided, between the hours of 5:00 a.m. and 2:00 p.m., to conduct a farmers' market to sell to the general public those category of products specifically defined in this resolution.

2. Products sold at said farmers' market shall be sold only between the hours of 6:00 a.m. and 1:00 p.m. on each Thursday and Saturday that the Market is held. The hours between 5:00 a.m. and 6:00 a.m. on each Thursday and Saturday that the Market is held may be used for the purpose of setting up the farmers' market area. The hours between 1:00 p.m. and 2:00 p.m. on each Thursday and Saturday that the Market is held may be used for the purpose of dismantling stands and cleaning the area within the farmers' market.
3. The street area known as 16th Street, between H and I Streets, shall be closed to all traffic except emergency vehicles on each Thursday and Saturday that the Market is held, between the hours of 5:00 a.m. and 2:00 p.m., subject to the approval of the Police Chief of the City of Modesto. In addition, the Police Chief, after consulting with “Market” representatives, shall designate not less than 100 square feet on said portion of 16th Street for the purpose of allowing interested persons to conduct activities protected by the First Amendment of the United States Constitution. The Market shall furnish its own street barricades for the closing of the area referred to herein above.

4. There are three (3) categories of products that may be sold to the public. Each product category shall only be sold in those areas as designated below. These product categories are as follows:

   a. **Certified agricultural products** are defined as raw fruits, nuts, vegetables, honey and eggs in the shell, all in the unprocessed state, grown and sold by a certified farmer with proper documentation.

   b. **Non-certified agricultural products** are defined as processed food sold by the farmer who grew them.

   c. **Non-agricultural products** are defined as foods that are not certified or non-certified such as baked goods.

5. Certified agricultural products and/or non-certified agricultural products shall be sold within the Certified Farmers' Market Area, which is defined as that area on 16th Street beginning at a point 20 (twenty) feet south of the south property line of I Street to the north property line of H Street including the paved area and the sidewalk area within the public right of way of 16th Street.

6. Non-agricultural products shall be sold outside the Certified Farmers Market Area, which is defined as that area on 16th Street, beginning at the south property line of H Street to a point twenty (20) feet south of the south property line of I Street including the paved area and the sidewalk area within the public right of way of 16th Street. The designated area for the Certified Farmers’ Market shall be delineated by signage which clearly defines the Certified Farmers’ Market.
7. Each farmers’ market may feature, for promotional purposes only, a Merchant at the Market. The merchant so featured shall not conduct any sales during those hours the Farmers’ Market is in operation.

8. The featured Merchant at the Market may be either a merchant who is a member of the Downtown Improvement District and is a food merchant, or a merchant who is a member of the Downtown Improvement District and is a non-food merchant. Two merchants shall be featured at each farmers’ market session one food and one non-food. A rotating schedule for the Merchant at the Market shall be approved and monitored by the Market. All merchants in some way will match the theme of the farmers market and/or season.

9. The Market shall publish a set of market rules and regulations which specify procedural criteria pertaining to:

   (a) Admission of any producer to the market;
   (b) Admission of any agricultural products to the market; and
   (c) Removal of any producer from the market.

The Market has authority to establish specific rules and regulations for the:

   (a) Type and number of producers and certified producers admitted;
   (b) Type and number of certified and noncertifiable products admitted; and
   (c) Methods of selling certified and noncertifiable agricultural products.

The Market’s rules and regulations shall contain a clause, which states that the Market shall implement and enforce all rules and regulations pertaining to the operation of a certified farmers’ market in a fair and equitable manner.

   A current copy of the certified farmers’ market’s rules and regulations shall be sent to the Department of Food and Agriculture, Fruit and Vegetable Quality Control Standardization and to the agricultural commissioner of Stanislaus County.

   The Market’s rules and regulations setting forth the criteria for acceptance of membership into the Market shall be in writing and shall be made available to anyone who requests a copy from the Modesto Certified Farmers’ Market.
10. The Market shall obtain a Certified Farmer's Market Certificate in accordance with the provisions of Section 1392.2(a) of the Food and Agriculture Code of the State of California.

11. The Market, as sponsor of the market, shall obtain a business license in accordance with the provisions of Article 1 of Chapter 1 of Title VI of the Modesto Municipal Code. The business license so issued is applicable to all of the Market’s certified agricultural and non-certified agricultural product vendors. The Market shall be exempt from the payment of business license tax as provided for in Section 6-1.106 of said Municipal Code.

12. Each non-agricultural product vendor must obtain a business license from the City of Modesto in accordance with the provisions of Article 1 of Chapter 1 of Title VI of the Modesto Municipal Code.

13. The Market shall remove from 16th Street, between H and I Streets, in the City of Modesto, and all areas adjacent thereto, all trash and debris generated as a result of the farmers’ market. The removal of said trash and debris shall be completed by 2:00 p.m. on each Thursday and Saturday that the farmers’ market is conducted.

14. The Market shall indemnify, defend and hold the City of Modesto, its officers, agents, employees, and volunteers free and harmless from and against all liabilities, judgments, claims, demands, actions, losses, damages, or costs, including litigation costs and attorney fees from every cause arising directly or indirectly out of, or in any way related to, the Market’s use of the area known as 16th Street, between H and I Streets, in the City of Modesto, and all areas adjacent thereto. Upon demand, the Market shall at its own expense defend the City of Modesto, its officers, agents, employees, and volunteers against all such liabilities, claims, judgments, demands, actions, losses, damages or costs.

15. The Market shall furnish to the City Clerk a current and valid certificate of insurance evidencing public liability and property damage insurance as shall protect the Market and its agents and employees from claims for damages for bodily injury and property damage which may arise out of the Market’s use of the area known as
16th Street, between H and I Streets, in the City of Modesto, and the areas adjacent thereto as a farmers’ market.

The amount of public liability insurance shall be as follows: Public liability insurance with combined single limits of liability, including products liability coverage, in the amount of one million ($1,000,000.00) dollars.

The Market’s liability policy and the valid certificate of insurance which is to be furnished to the City Clerk shall contain contractual liability provisions stating that the policy is extended to cover the liability assumed by the Market under the terms of this resolution. The liability policy and the certificate of insurance furnished to City shall not permit cancellation of said insurance unless ten (10) days prior written notice is furnished to the City Clerk.

16. One portable identification sign not to exceed 25 square feet in area nor 6 feet in height may be placed by the Market at each entrance to the farmers’ market during actual market operation but only if permitted by the provisions of Article 21 of Chapter 2 of Title X of the Modesto Municipal Code.

17. Markings may be placed by the Market on the pavement and/or curbs of 16th Street, between H and I Streets, for the purpose of identifying selling areas. Such markings shall be located and installed in accordance with a marking plan prepared by the Market and approved by the City’s Public Works and Transportation Director. Such markings shall be unobstructive and shall in no way obscure or interfere with curb and/or pavement markings placed by the City of Modesto.

BE IT FURTHER RESOLVED that this resolution shall remain in full force and effect until such time as it is rescinded by the City Council.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the Modesto Certified Farmers’ Market with a copy of this resolution. The Market shall file a written acceptance of this resolution and the conditions set forth herein with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 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: Conrad, Fisher, Frohman, Jackman, Keating, Mayor Sabatino

NOES: Councilmembers: O'Byrant

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney