MODESTO CITY COUNCIL
RESOLUTION NO. 2002-422

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 9-4-9 OF THE ZONING MAP TO REZONE FROM NEIGHBORHOOD COMMERCIAL ZONE, C-1, TO PLANNED DEVELOPMENT ZONE, P-D(554), PROPERTY LOCATED ON THE EAST SIDE OF CROWS LANDING ROAD, SOUTH OF WINMOORE WAY (GARY MACK/OWENS DESIGN CONSULTANTS).

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

WHEREAS, Gary Mack/Owens Design Consultants has proposed that the zoning designation for property located on the east side of Crows Landing Road, south of Winmoore Way be amended to rezone from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(554), in the City of Modesto ("the project"), to allow for an 18,860-square-foot two story tire and wheel sales and service shop and a 19,296 square-foot retail building, and

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

WHEREAS, the City’s Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED No. 2002-29 reviewed the proposed
amendment to the Zoning Map and rezone to P-D(554) project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR, and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on August 27, 2002, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(554) project, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.

2. That the project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.

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

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

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
EXHIBIT A

Initial Study

EA/C&ED 2002-29
I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

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

II. PROJECT DESCRIPTION

A. Project title:
   Los Amigos Plaza Planned Development Zone Rezoning

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

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

A. Project Location:
   Southeast Corner of Crows Landing Road and Winmoore Way

E. Project Sponsor:

F. General Plan Designation:
   Commercial

G. Current Zoning:
   Highway Commercial (C-1)

H. Description of Proposed Project:
   This is an application to rezone 2.816 acres on two adjoining parcels, which front onto Crows Landing Road on the southeast corner of Crows Landing Road and Winmoore Way, from C-1 to a Planned Development Zone to allow for the development of an 18,860 square foot, two story "Los Amigos Tire and Wheel" sales and service shop and a 19,296 square foot retail building and parking to serve both.
I. Surrounding land uses:
The project is surrounded by a gas station to the north, industrial to the east, an empty parcel to the south and Crows Landing Road to the west.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. Traffic and Circulation

The General Plan designates the project site as commercial. The project is consistent with this designation in land use and intensity and will therefore not generate traffic greater than projected by the MEIR. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are still valid.

B. Degradation of Air Quality

The air quality impacts for this abandonment are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this development will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are therefore still valid.

C. Generation of Noise

Noise is of little concern with this project, being that it is completely surrounded by other commercial and industrial uses. Beyond this, the General Plan MEIR assumed that there would be commercial development and thus, noise generation within the Baseline Developed Area. Therefore, the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are still valid.

D. Loss of Productive Agricultural Land

This area is located in an urbanized portion of Modesto, and there are no agricultural lands affected by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. Increased Demand for Water Supplies

The General Plan MEIR assumed that there would be further development and thus, increased demand for Water Supplies within the Baseline Developed Area. Beyond this, the proposed expansion will not generate a significant increased demand for water supplies, in that tire and wheel sales and service shops do not generally use much water.
and the necessary water supply infrastructure already exists. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are therefore still valid.

**F. Increased Demand for Sanitary Sewer Services**

The General Plan MEIR assumed that there would be further development and thus, increased demand for Sanitary Sewer Services within the Baseline Developed Area. Beyond this, the proposed expansion will not generate a significant increased demand for sanitary sewer services, in that tire and wheel sales and service shops generally do not require much sewer services, and the necessary infrastructure already exists. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are still valid.

**G. Loss of Sensitive Wildlife and Plant Habitat**

The project is located in a built-up urban area and is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. Therefore, the Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

**H. Disturbance of Archaeological and Historic Sites**

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid.

**I. Drainage, Flooding and Water Quality**

The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the Baseline Developed Area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

**J. Increased Demand for Storm Drainage**

The proposed project will be required to provide for on-site treatment of storm drainage in accordance with City standards. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are still valid.
K. Increased Demand for Parks and Open Space

The MEIR concluded that demand for parks and open space would be mitigated through the payment of Capital Facilities Fees (CFF) for new development, which would be used for the development of new parks. Since the City's CFF program applies to this project, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are still valid.

L. Increased Demand for Schools

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

M. Increased Demand for Police Services

The General Plan MEIR assumed that there would be further development and thus, increased demand for police services within the Baseline Developed Area. The proposed project is consistent with the General Plan in terms of land use and intensity. Beyond this, the Modesto Police Department has not indicated any problems with the proposed expansion. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are still valid.

N. Increased Demand for Fire Services

The General Plan MEIR assumed that there would be further development and thus, increased demand for fire services within the Baseline Developed Area. The proposed project is consistent with the General Plan in terms of land use and intensity and will be required to meet all relevant fire codes. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are still valid.

O. Generation of Solid Waste

The General Plan MEIR assumed that there would be further development and thus, increased generation of solid waste within the Baseline Developed Area. Beyond this, the proposed expansion will not generate a significant amount of solid waste, as tire and wheel sales and service shops generally do not. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are still valid.

P. Generation of Hazardous Materials

The General Plan MEIR assumed that there would be further development and thus, increased generation of hazardous materials within the Baseline Developed Area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are still valid.
Q. Landslides and Seismic Activity

This project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-11-11) are therefore still valid.

R. Energy

The proposed tire and wheel sales and service shops will generate some additional demand for energy. However, the General Plan MEIR assumed that there would be further development and thus, increased demand for energy within the Baseline Developed Area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed project is within the scope of the General Plan Master EIR (SCH No. 92052017).

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

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

D. There are not specific features unique to this project that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project as appropriate.

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

Signature:  

[Signature]

Josh Bridegroom,  
Assistant Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-423

A RESOLUTION APPROVING THE FILING OF AN APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION IN THE AMOUNT OF $4,132,416 FOR PUBLIC TRANSIT OPERATING AND CAPITAL PURPOSES AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY GRANT APPLICATIONS AND GRANT AGREEMENT DOCUMENTS

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority to award federal financial assistance for transportation related projects, and

WHEREAS, the City of Modesto has provided all annual certifications and assurances to the Federal Transit Administration required for the project, and

WHEREAS, each year the City of Modesto submits a grant application for funds from the formula apportionment made available to the Modesto Urbanized area by the FTA, and

WHEREAS, the City of Modesto has received authority from the Designated Recipient, StanCOG, to apply for Urban Area Formula Program Assistance funds in the amount of $3,483,491 for FY 2001-2002, and

WHEREAS, the City of Modesto has received authority from the Designated Recipient, StanCOG, to apply for Congestion Mitigation and Air Quality funds in the amount of $648,925 for projects in both the City of Modesto and City of Ceres, and

WHEREAS, the grant for Federal assistance will impose certain obligations on the City of Modesto, and may require the City to provide the local share of the project costs, and
WHEREAS, the City Council held a Public Hearing on April 25, 2002, at 5:15 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, and by Resolution No. 2002-210 approved submittal of a grant application in the amount of $4,225,371, in accordance with FTA regulations, and

WHEREAS, the City Council now desires to revise the list of projects for which federal funds are being requested, and to reduce the grant application by $92,955, and

WHEREAS, the matter was considered by the Council at a duly noticed Public Hearing held on August 27, 2002, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, in accordance with FTA regulations for the purpose of revising the list of projects for which federal funds are being requested, and

WHEREAS, by an agenda report to the Council dated August 13, 2002, from the Engineering and Transportation Department, City staff recommended submitting a grant application for $3,483,491 in formula funds and $648,925 in Congestion Mitigation and Air Quality funds to partially offset the capital costs of the City’s public transit program, a copy of said report is attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the filing and submission of an application for Federal assistance in the amount of $4,132,416, on behalf of the City of Modesto with the Federal Transit Administration (FTA) for Federal assistance authorized by 49 U.S.C. chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and file the annual certifications and assurances and other documents the Federal Transit Administration requires for awarding a federal assistance grant.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant applications and agreements with the Federal Transit Administration 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 27th day of August, 2002, 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

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-424

A RESOLUTION GRANTING GENERAL PUBLIC AND SERVICE TRUCK AND VEHICLE ACCESS TO THE O'BRIEN'S CENTER AND APPROVING A HOLD-HARMLESS AND CLOSURE PROVISION AGREEMENT (PELANDALE ACCESS AGREEMENT) BETWEEN THE CITY OF MODESTO AND O'BRIEN'S DEVELOPMENT FOR “RIGHT-IN-ONLY”, FAR SIDE OFF-RAMP TO PELANDALE AVENUE, 600 FEET EAST OF DALE ROAD.

WHEREAS, City Council Resolution No. 2001-476 approved a proposed amendment to the Modesto General Plan to amend the Community Service and Facilities Circulation and Transportation section to allow access to Class B and C Expressways to non-residential uses on a case-by-case basis subject to certain design standards, and

WHEREAS, City Council Resolution No. 2001-477 approved Standard Specifications for access to Class B or C Expressways in conformance with design criteria and standards set forth by the American Association of State Highway Transportation Officials (AASHTO), and

WHEREAS, City Council Resolution No. 2001-478 approved a design exception to the City of Modesto Standard Specification for far side off-ramp access to Class B Expressway, with the condition that Council review future exception requests, and

WHEREAS, City Council Resolution No. 2001-479 made a finding that an amendment to the Community Services and Facilities Circulation and Transportation Section of the Modesto Urban Area General Plan add policies allowing for access to Class B and C Expressways to non-residential uses on a case-by-case basis subject to certain design criteria is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report, and
WHEREAS, O'Brien's Development submitted engineering plans requesting a
design exception to the City of Modesto Standard Specification for access to a Class B
Expressway, and

WHEREAS, City Council, by motion, directed staff to prepare a resolution
granting both the general public and service trucks and vehicles access to O'Brien's
Center and to negotiate a hold-harmless and closure provision agreement, and

WHEREAS, the Director of Engineering and Transportation is recommending
that this design exception be approved with conditions as set forth in an access agreement
binding O'Brien's Development to certain performance criteria and studies to determine
volume of traffic using the access, accident history at the access ramp, traffic volumes on
Pelandale Avenue, O'Brien's Traffic Engineer's analysis as to impediments to traffic
flow on Pelandale Avenue as a result of the access and any other factors O'Brien's
Traffic Engineer or the City's Traffic Engineer deem relevant, and

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

1. O'Brien's Development is hereby authorized to install a far side off-ramp
   on Pelandale Avenue, 600 feet east of Dale Road.

2. The City Manager is authorized to execute a Pelandale Access Agreement
   with O'Brien's Development for this access.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 27th day of August, 2002, by Councilmember Fisher,
who moved its adoption, which motion being duly seconded by Councilmember
O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, 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. 2002-424

A RESOLUTION GRANTING GENERAL PUBLIC AND SERVICE TRUCK AND VEHICLE ACCESS TO THE O'BRIEN'S CENTER AND APPROVING A HOLD-HARMLESS AND CLOSURE PROVISION AGREEMENT (PELANDALE ACCESS AGREEMENT) BETWEEN THE CITY OF MODESTO AND O'BRIEN'S DEVELOPMENT FOR "RIGHT-IN-ONLY", FAR SIDE OFF-RAMP TO PELANDALE AVENUE, 600 FEET EAST OF DALE ROAD.

WHEREAS, City Council Resolution No. 2001-476 approved a proposed amendment to the Modesto General Plan to amend the Community Service and Facilities Circulation and Transportation section to allow access to Class B and C Expressways to non-residential uses on a case-by-case basis subject to certain design standards, and

WHEREAS, City Council Resolution No. 2001-477 approved Standard Specifications for access to Class B or C Expressways in conformance with design criteria and standards set forth by the American Association of State Highway Transportation Officials (AASHTO), and

WHEREAS, City Council Resolution No. 2001-478 approved a design exception to the City of Modesto Standard Specification for far side off-ramp access to Class B Expressway, with the condition that Council review future exception requests, and

WHEREAS, City Council Resolution No. 2001-479 made a finding that an amendment to the Community Services and Facilities Circulation and Transportation Section of the Modesto Urban Area General Plan add policies allowing for access to Class B and C Expressways to non-residential uses on a case-by-case basis subject to certain design criteria is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report, and
WHEREAS, O’Brien’s Development submitted engineering plans requesting a design exception to the City of Modesto Standard Specification for access to a Class B Expressway, and

WHEREAS, City Council, by motion, directed staff to prepare a resolution granting both the general public and service trucks and vehicles access to O’Brien’s Center and to negotiate a hold-harmless and closure provision agreement, and

WHEREAS, the Director of Engineering and Transportation is recommending that this design exception be approved with conditions as set forth in an access agreement binding O’Brien’s Development to certain performance criteria and studies to determine volume of traffic using the access, accident history at the access ramp, traffic volumes on Pelandale Avenue, O’Brien’s Traffic Engineer’s analysis as to impediments to traffic flow on Pelandale Avenue as a result of the access and any other factors O’Brien’s Traffic Engineer or the City’s Traffic Engineer deem relevant, and

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

1. O’Brien’s Development is hereby authorized to install a far side off-ramp on Pelandale Avenue, 600 feet east of Dale Road.

2. The City Manager is authorized to execute a Pelandale Access Agreement with O’Brien’s Development for this access.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:
AYES: Councilmembers: Conrad, 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
A RESOLUTION APPROVING A HOUSING MAINTENANCE PROGRAM LOAN FOR MANUEL H. CORTEZ AND MARIA HERNANDEZ P., SECURED BY THE HOME AT 423 PINE STREET, IN THE AMOUNT OF $49,143.58 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Modesto has a Housing Maintenance Loan program funded through federal Community Development Block Grant funds and proceeds from previous loans, and

WHEREAS, the City Council must approve all loans under this program for over $25,000, and

WHEREAS, the Cortez property is located in Target Area #4 and requires mandatory repairs, and

WHEREAS, staff is recommending approving a loan to Manuel H. Cortez and Maria Hernandez P. for a 3%, 15 year amortized loan with minimum monthly payments of $339.37, and

WHEREAS, the Housing Rehabilitation Loan Committee met on August 15, 2002, and supported the recommended loan amount and terms,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a Housing Maintenance Program loan for Manuel H. Cortez and Maria Hernandez P., secured by the home at 423 Pine Street, in the amount of $49,143.58.

BE IT FURTHER RESOLVED that the City Manager 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 3rd day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryan, 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. 2002-426

A RESOLUTION APPROVING AN AGREEMENT WITH STANCO TO PROVIDE $657,000 IN HOME FUNDS AND $175,000 IN HOME FUNDS SET ASIDE FOR COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS (CHDO) FOR THE DEVELOPMENT OF 3333 CARVER ROAD AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE HOME AGREEMENT.

WHEREAS, the Citizens Housing and Community Development Committee met on February 22, 2002, and supported allocating $832,000 to STANCO for the 3333 Carver Road Project,

WHEREAS, on April 9, 2002, the City Council approved Resolution No. 2002-168 allocating $1,082,000 in fiscal year 2001-2002 HOME funds for Affordable Housing, $175,000 of which was set aside for designated Community Housing Development Organizations (CHDOs), and

WHEREAS, on January 14, 1997, the City Council adopted Resolution No. 97-42 designating STANCO as a Community Development Housing Organization, and

WHEREAS, of the approved $1,082,000, $657,000 in HOME funds and $175,000 in CHDO-designated funds were allocated to STANCO for the development of affordable housing at 3333 Carver Road, and

WHEREAS, on November 27, 2001, the City Council adopted Resolution No 2001-610A finding that the project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 92052017); and

WHEREAS, on November 27, 2001, the City Council reviewed and approved an amendment to section 7-3-9 of the Zoning Map to rezone from Planned Development
Zone P-D(510) to Planned Development Zone P-D(549), property located on the west side of Carver Road north of Montclair Drive at 3333 Carver Road, an 18-unit multi-family residential project located at 3333 Carver Road, Modesto California ("Project"), and

WHEREAS, the HOME funds will be used by STANCO to develop an 18 unit multi-family residential project, targeting low income working families, and

WHEREAS, the terms of the agreement include a 25-year deferral of principal and interest, amortized over a 30-year period, and

WHEREAS, in the 26th year, the loan begins accruing interest at a fixed rate of 3%, and

WHEREAS, STANCO is also required to have the 3333 Carver Road project certified through the Crime Free Multi Housing Program, which is administered by the Modesto Police Department and funded with CDBG funds, and

WHEREAS, on June 7, 2002, an Environmental Review Record was prepared, which indicates that, for the purposes of the National Environmental Protection Act (NEPA), the project will have no significant impact on the human environment and therefore, an Environmental Impact Statement under NEPA is not required, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an agreement with STANCO to provide $657,000 in HOME funds and $175,000 in HOME CHDO-designated funds for the development of 3333 Carver Road.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the HOME Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2002, 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, Frohman, Jackman, Keating, O'Bryan, Mayor Sabatino  

**NOES:** Councilmembers: None  

**ABSENT:** Councilmembers: Fisher  

Attest: [Signature]  
JEAN ZAHR, City Clerk

**APPROVED AS TO FORM:**  
By: [Signature]  
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING A COMPREHENSIVE TRAFFIC SAFETY PROGRAM – "MSTOP" – MODESTO'S SAFE TRAFFIC OPERATIONS PROGRAM – AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH THE STATE OFFICE OF TRAFFIC SAFETY FOR THE GRANT

WHEREAS, the Modesto Police Department has proposed a project to the State Office of Traffic Safety for a comprehensive traffic safety program to reduce fatal and injury collisions by 25 percent that includes speed, DUI, seat belt usage, public information and education and special enforcement operations, with the addition of two new Police Traffic Motor Officers to enhance the overall current operations of the Modesto Traffic Unit, and

WHEREAS, the objectives of this program include traffic safety presentations, contact with the media, membership in a local community traffic coalition, traffic and specific speed enforcement operations, DUI checkpoints, seat belt and child restraint surveys and child safety seat check-ups, and

WHEREAS, the expected outcome of the project is a substantial (25 percent) decrease in fatal and injury collisions, and

WHEREAS, the project cost is $356,018 for the 24 months of the project's duration from October 1, 2002 to September 30, 2004, and

WHEREAS, the State Office of Traffic Safety will fund $276,678 for the 24 month project, and the City of Modesto must match $79,340 (fifty percent of the salaries, benefits and budgeted overtime of the two grant Traffic Officers in the second year of the grant project), and
WHEREAS, the Safety and Communities Committee unanimously approved this action at its August 5, 2002, meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that this comprehensive traffic safety program - "MSTOP" – Modesto’s Safe Traffic Operations Program is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to execute the project agreement for the State Funding in the amount of $276,678 with the State Office of Traffic Safety for “MSTOP” – MODESTO’S SAFE TRAFFIC OPERATION PROGRAM.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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. 2002 - 428


WHEREAS, the Modesto Police Department has proposed a project to the State Office of Traffic Safety for a comprehensive traffic safety program to reduce fatal and injury collisions by 25 percent that includes speed, DUI, seat belt usage, public information and education and special enforcement operations, with the addition of two new Police Traffic Motor Officers to enhance the overall current operations of the Modesto Traffic Unit, and

WHEREAS, the objectives of this program include traffic safety presentations, contact with the media, membership in a local community traffic coalition, traffic and specific speed enforcement operations, DUI checkpoints, seat belt and child restraint surveys and child safety seat check-ups, and

WHEREAS, the expected outcome of the project is a substantial (25 percent) decrease in fatal and injury collisions, and

WHEREAS, the project cost is $356,018 for the 24 months of the project’s duration from October 1, 2002 to September 30, 2004 and,

WHEREAS, the State Office of Traffic Safety will fund $276,678 for the 24 month project and the City of Modesto must match $79,340 (fifty percent of the salaries, benefits and budgeted overtime of the two grant Traffic Officers in the second year of the grant project), and

WHEREAS, fiscal year 2002/2003 revenue and costs for the project will be $155,418,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2002/2003 Annual Budget is hereby amended to recognize additional revenue of $155,418 to State Grant Revenue, 0410-190-2966-3178 and that budget accounts be amended as follows:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>0410-190-2966-0110</td>
<td>Salaries</td>
<td>$85,177</td>
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<tr>
<td>0410-190-2966-188</td>
<td>Benefits</td>
<td>31,581</td>
</tr>
<tr>
<td>Code</td>
<td>Item</td>
<td>Amount</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-----------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>0410-190-2966-0207</td>
<td>Conference</td>
<td>2,000</td>
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<tr>
<td>0410-190-2966-0301</td>
<td>Office Supplies</td>
<td>1,000</td>
</tr>
<tr>
<td>0410-190-2966-0356</td>
<td>Police Equipment</td>
<td>8,660</td>
</tr>
<tr>
<td>0410-190-2966-5700</td>
<td>Vehicles (Motorcycles)</td>
<td>27,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>Total</strong></td>
<td><strong>$155,418</strong></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 3rd day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002 - 429

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $250,000 FROM THE GENERAL FUND CONTINGENCY RESERVES AND APPROPRIATING IT TO THE CONSTRUCTION CIP - POLICE HEADQUARTERS CONSTRUCTION - FOR NECESSARY EQUIPMENT AND SERVICES IN PREPARATION FOR STAFF OCCUPANCY OF THE REMODELED FIELD OPERATIONS BUILDING

WHEREAS, in order for the staff of the Police Field Operations Division to occupy the remodeled police building, certain tenant occupancy equipment and/or services are necessary and not currently budgeted, and

WHEREAS, the cost of the equipment and these services is $250,000, and

WHEREAS, purchase of this equipment and payment for these services is not budgeted and therefore requires the transfer of funds, and

WHEREAS, the Safety and Communities Committee unanimously approved this appropriation transfer at its August 5, 2002 meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

From: Contingency Reserves 0100-800-8000-8003 - $250,000
To: Construction CIP 1300-190-J299-6040 - $250,000

BE IF FURTHER RESOLVED that City staff is hereby authorized to acquire the equipment and procure the services necessary for tenant occupancy of the remodeled Field Operations Building.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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 Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-430

A RESOLUTION APPROVING AN AGREEMENT BETWEEN
THE CITY OF MODESTO AND COTTON/BRIDGES/ASSOCIATES TO ASSIST
IN THE PREPARATION OF AN UPDATE TO THE CITY OF MODESTO
HOUSING ELEMENT OF THE URBAN AREA GENERAL PLAN, AND
AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT
AND ANY AMENDMENTS TO THE AGREEMENT, IF NEEDED IN THE
FUTURE IN AN AMOUNT NOT TO EXCEED $6,060.00

WHEREAS, the City of Modesto adopted the Urban Area General Plan on
August 15, 1995, by Resolution No. 95-409, in accordance with State of California
Government Code Section 65302, and

WHEREAS, the State of California Government Code Section 65302 requires the
inclusion of a Housing Element (as provided in Government Code Section 65580 et seq.)
as part of the City’s General Plan, and

WHEREAS, the State of California Government Code Section 65588 (e) (6)
requires the City of Modesto to revise and update its Housing Element by December 31,
2003, and

WHEREAS, the revision to and update of the Housing Element will address many
issues, including identifying existing and projected housing needs, identifying
appropriate resources to address housing needs, identifying existing and proposed
housing programs, identifying appropriate economic and job development goals and
strategies, and

WHEREAS, the Housing Element will be revised and updated to address these
issues with an additional focus on job and economic development strategies, and said
update effort requires the services of a Housing Policy Analyst Service Provider, and

WHEREAS, by Resolution 2002-222, adopted on May 7, 2002, the City Council
authorized the City Manager to distribute a Formal Request for Proposal to potential
housing analyst service providers, to assist the City with the revision and update of the
City of Modesto Housing Element of the Urban Area General Plan, and
WHEREAS, seven firms specializing in housing element updates were sent a copy of the Request For Proposal, of which two firms responded by submitting Proposals to complete the proposed scope of work, and

WHEREAS, a staff oral board interviewed the two firms (Parsons and Cotton/Bridges/Associates) and recommended Cotton/Bridges/Associates to assist the City in updating the City of Modesto Housing Element in conformance with the advertised scope of work,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Cotton/Bridges/Associates to assist in the update of the Modesto Housing Element of the Urban Area General Plan be, and it 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 is authorized to approve and execute amendments to the Agreement, if needed in the future, in an amount not to exceed $6,060.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST

(SEAL)

(Seal)

APPROVED AS TO FORM:
BY: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-430A

A RESOLUTION CREATING AN AD HOC HOUSING ELEMENT
ADVISORY COMMITTEE INCLUDING THE CHARGE AND GUIDELINES
FOR THE COMMITTEE

WHEREAS, the City of Modesto adopted the Urban Area General Plan on
August 15, 1995, by Resolution No. 95-409, in accordance with State of California
Government Code Section 65302, and

WHEREAS, the State of California Government Code Section 65302 requires the
inclusion of a Housing Element (as provided in Government Code Section 65580 et seq.)
as part of the City’s General Plan, and

WHEREAS, the State of California Government Code Section 65588 (c) (6)
requires the City of Modesto to revise and update its Housing Element by December 31,
2003, and

WHEREAS, the revision to and update of the Housing Element will address many
issues, including identifying existing and projected housing needs, identifying
appropriate resources to address housing needs, identifying existing and proposed
housing programs, identifying appropriate economic and job development goals and
strategies, and

WHEREAS, many interested parties in the community are interested and
concerned in addressing the housing challenges and opportunities in the City, and

WHEREAS, the State of California requires that the City provide opportunities
for public participation during the housing element update process, and
WHEREAS, the Planning Commission, the Citizens Housing and Community Development Committee, and the Citizens Redevelopment Advisory Committee each are involved in carrying-out housing policy for the City of Modesto, and

WHEREAS, a joint advisory body consisting of representatives from diverse housing policy advisory committees can provide a recommendation for a comprehensive housing policy, and

WHEREAS, the proposed Housing Element Advisory Committee will be established to facilitate the update of the Housing Element of the Urban Area General Plan and serve only during this process,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Housing Element Advisory Committee is formed as an Ad Hoc advisory committee with the purpose of providing input to staff, so staff can formulate a recommendation to the Planning Commission and City Council on the update of the Modesto Housing Element of the Urban Area General Plan.

BE IT FURTHER RESOLVED that the charge, formation and composition of the Ad Hoc Housing Element Advisory Committee (HEAC) shall be as follows:

1. The Housing Element Advisory Committee shall be composed of a representative from the each of following advisory groups:
   - The Planning Commission
   - The Citizens Housing and Community Development Committee
   - The Citizens Redevelopment Advisory Commission.

2. Two Councilmembers shall serve on the Committee, one as Chairperson and the other as Vice Chairperson. One Councilmember will be appointed from the Economic Development Committee.

3. The Community and Economic Development Department shall provide staff services to the Committee.
4. The Committee shall be charged with the responsibility of providing input to staff, so it can formulate a recommendation to the City Council and the Planning Commission the draft housing element.

5. The Committee is directed to meet as set forth in Exhibit A.

6. Local non profit housing service providers, the building industry association, and interested parties should be included as resources for feedback information and housing program and policy development.

BE IT FURTHER RESOLVED, that the creation of the Housing Element Advisory Committee is consistent with the Urban Area General Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

BY:

Michael D. Milich, City Attorney
### Housing Element Update
#### Meeting Schedule

<table>
<thead>
<tr>
<th>Month/Year</th>
<th>Meeting with City Staff</th>
<th>Other City Committee Meeting Dates</th>
<th>Housing Element Advisory Committee Workshop</th>
<th>Formal Public Hearing</th>
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<tbody>
<tr>
<td>Sep-02</td>
<td>25-Sep</td>
<td></td>
<td>25, 26, 30 - Sept. nghd. Wkshps.</td>
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<tr>
<td>Oct-02</td>
<td></td>
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<td>16-Oct Intro/req/comments</td>
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<tr>
<td>Nov-02</td>
<td>13-Nov</td>
<td>13-Nov Past goals and accomplishments</td>
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<tr>
<td>Dec-02</td>
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<td>11-Dec Housing Needs</td>
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<tr>
<td>Jan-03</td>
<td>8-Jan</td>
<td>23-Jan CH&amp;CDC Mtg.</td>
<td>8-Jan Resource Inventory and constraints</td>
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<td>Feb-03</td>
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<td>5-Feb / 10-Feb CRAC / EDC Mtg.</td>
<td>12-Feb Housing programs</td>
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<td>Mar-03</td>
<td>12 &amp; 13 - Mar Recap after HEAC and public comments</td>
<td>12-Mar Goals, Policies and Programs</td>
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<tr>
<td>Apr-03</td>
<td></td>
<td></td>
<td>16-Apr Distribute draft H.E. for review and comments.</td>
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<td>May-03</td>
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<td>14-May Joint PC/CC study session</td>
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<td>Jun-03</td>
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<td>Jul-03</td>
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<tr>
<td>Aug-03</td>
<td>TBA- Aug Meet w/HCD and city staff</td>
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<tr>
<td>Sep-03</td>
<td>24-Sep</td>
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<td>Oct-03</td>
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<td>20-Oct Planning Commission</td>
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<td>Nov-03</td>
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<td>25-Nov City Council</td>
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<tr>
<td>Dec-03</td>
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</table>
A RESOLUTION DETERMINING THAT THE PROPOSED ROUNDBOUT POLICY IS EXEMPT FROM CEQA AND MAKING THE FINDING THAT THE PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH 92052017).

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

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

WHEREAS, the City's Engineering and Transportation Department by Environmental Assessment Initial Study EA/ET No. 2002-08 reviewed the proposed Roundabout Policy, project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and
WHEREAS, The City of Modesto Planning Commission has reviewed the Initial Study EA/ET No. 2002-8 and recommends that Council find that the proposed project is within the scope of the Master Environmental Impact Report, and,

WHEREAS, on September 3, 2002, the City Council considered approving and adopting a proposed Roundabout Policy (the “Project”), concurrently with this resolution,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study EA/ET No. 2002-08 for the Proposed Roundabout Policy, and based on the substantial evidence included in said Initial Study, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, the Council makes the following findings:

1. That the proposed Roundabout Policy project is within the scope of the General Plan and the Master EIR (State Clearing House No. 92052017).

2. That the project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.

3. That pursuant to Section 21157.1 of the Public Resources Code, no new environmental document in addition to the Environmental Assessment and the accompanying Statement of Exemption or findings are required by the California Environmental Quality Act (CEQA).

4. There are no special features which are unique to the proposed project that require project specific mitigation measures different from those contained in the Master EIR document. All certified mitigation measures identified in the Master EIR will apply citywide.
5. That all feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.

6. That the Initial Study provides substantial evidence to support all of the above findings.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Conrad, Keating

ABSENT: Councilmembers: None

Attest: [Signature]
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
INITIAL STUDY EA/ET NO. 2002-08

EXHIBIT “A”
City of Modesto

Initial Study

Roundabout Policy For the City of Modesto

Environmental Assessment Number ET 2002-08

I. PURPOSE:

California Environmental Quality Act (CEQA) Section 15378 (a) describes activities that are considered to be a project. The proposed Modesto Roundabout Policy (attached) is a project under this CEQA Section. The proposed Roundabout Policy considers roundabouts as an alternative for vehicular traffic control measures at street intersections. The Modesto Roundabout Policy proposes the general framework and development policy for street intersections that can be accommodated with roundabouts. The proposed Roundabout Policy focuses on the requirement of roundabouts in both newly developing areas and in retrofit areas the in the City.

The purpose of this Initial Study is to provide information that will document whether the proposed policy is encompassed in the adopted Master Environmental Impact Report and whether any new impacts or mitigation measures are appropriate for this project.

The Master Environmental Impact Report for the Modesto Urban Area General Plan includes mitigation measures that would result in the improvement of traffic flow and prevent the degradation of air quality. These are listed below:

Chapter IV Environmental Analysis, Section 1 Traffic and Circulation Needs, sub-section III Mitigation Measures, C.3 encompassed the strategy that the City would consider implementing policy-oriented and operational measures to improve roadway circulation conditions.

Chapter IV Environmental Analysis, Section 2 Degradation of Air Quality, III Mitigation Measures, 2 and Table 2-2 (1)(a) encompassed the strategy for the City to consider measures to increase the capacity of the existing road network prior to constructing more capacity.

The Final Master EIR (SCH # 92052017) was certified by the Modesto City Council on August 15, 1995.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the Modesto Urban Area General Plan. This Initial Study also provides documentation that the project is considered in the Master EIR as being within the scope of the General Plan analyzed by the Master EIR.
II. PROJECT DESCRIPTION:

A. Project Title:
Modesto Roundabout Policy

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

C. Contact Person, Address and Phone Number:
Firoz Vohra, Traffic Engineer, 1010 Tenth Street Street, Suite 4100, Modesto, CA (209) 577-5429

D. Project Location:
The Modesto Urban Area

E. Project Sponsor, Address and Phone Number:
City of Modesto, P.O. Box 624, Modesto, CA 95353

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

G. Zoning:
City of Modesto Zoning Map

H. Description of Proposed Project:
The project is adoption of a Roundabout Policy for the City of Modesto’s transportation and circulation system (see attached Modesto Roundabout Policy dated March 2002).

This document is a policy document that describes the criteria for using a roundabout design standard at various street intersections.

I. Surrounding Land Uses:
Unincorporated County.

J. Other Public Agencies whose Approval is required.
None.

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR:

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

A. Traffic and Circulation
Implementation of the proposed Modesto Roundabout Policy will result in the development of roundabout design standards at existing, but mostly at planned street intersections. These planned improvements would not adversely effect the existing or planned roadway and intersection capacity of the City’s circulation system. In fact, the Roundabout Policy will lend itself to improve the traffic flow through intersections. The
improvement in traffic flow, and therefore level of service, will reduce traffic congestion and serves to increase road capacity and the efficiency of the overall circulation system. The Modesto Roundabout Policy would not result in significant increase in demand for circulation facilities that are not anticipated by the traffic model that are analyzed in the General Plan. Thus, the proposed adoption of the Modesto Roundabout Policy is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, therefore, still valid.

B. Degradation of Air Quality
Adoption of the proposed Modesto Roundabout Policy for the City of Modesto would not degrade the level of service of roadways or intersections, but rather increase traffic circulation efficiencies. In fact, the resulting roundabouts will contribute to improved air quality by reducing the amount of vehicles idling at stops signs at formerly congested street intersections. Thus, adoption of the proposed Modesto Roundabout Policy will not cause additional traffic-related impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, therefore, still valid.

C. Generation of Noise
Adoption of the proposed Roundabout Policy for the City of Modesto would not adversely effect the level of service of roadways or intersections, but rather implementation of the roundabout policy would increase circulation efficiencies. Because there would not be a significant increase in traffic impacts, and roadway level of service would remain consistent with the General Plan, the change will not affect an increase in the projected generation of traffic-related noise for this area. Therefore, the project will not create additional significant effects, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are still valid.

D. Loss of Productive Agricultural Land
The proposed roundabout designs in the Modesto Roundabout Policy are generically called for within the existing General Plan Area and do not require development on productive agricultural lands. Therefore, implementation of the design standards in the Modesto Roundabout Policy would not result in the conversion of productive farmland beyond that analyzed by the General Plan Master EIR. Therefore, the Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. Increased Demand for Water Supplies
Implementation of the Modesto Roundabout Policy would not result in a substantial increase in demand for water supplies. Implementation of the roundabout designs would require no additional water supplies beyond that identified in the Increased Demand for Water Supplies Section of the MEIR. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are, therefore, still valid.
F. **Increased Demand for Sanitary Sewer Services**

Implementation of the Modesto Roundabout Policy does not require any significant increase in sewer services, but rather is focused on increasing the capacity for traffic circulation. Therefore, the project would not create a significant increase in demand for sewer capacity not already identified in the MEIR. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are, therefore, still valid.

G. **Loss of Sensitive Wildlife and Plant Habitat**

Implementation of the Modesto Roundabout Policy will be focused almost exclusively on existing or planned roadways and right-of-ways contained in the adopted General Plan. Therefore, there is clearly no impact to sensitive wildlife or any plant habitat beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat Section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. **Disturbance of Archaeological and Historic Sites**

The design standards enacted by the Modesto Roundabout Policy will be required and implemented entirely within the context of the adopted General Plan analyzed by the Master EIR. Therefore, its implementation would not disturb any new archaeological or historic sites not already analyzed in the General Plan MEIR, Figure 8-1. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. **Drainage, Flooding and Water Quality**

Implementation of the design standards enacted by the Modesto Roundabout Policy would be focused exclusively on existing or planned roadways and right-of-ways contained in the adopted General Plan. Therefore, the project will not create any new significant drainage, flooding or water quality impacts that were not addressed in the MEIR. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are, therefore, still valid.

J. **Increased Demand for Storm Drainage**

Implementation of the design standards enacted by the Modesto Roundabout Policy would be focused almost exclusively on existing or planned roadways and right-of-ways contained in the adopted General Plan. Therefore, the project will not create any new significant drainage, flooding or water quality impacts that were not addressed in the MEIR. All projects implementing the Transit Plan will be required to meet local standards for storm drainage. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are, therefore, still valid.
K. Increased Demand for Parks and Open Space

Implementation of the design standards enacted by the Modesto Roundabout Policy would be focused almost exclusively on existing or planned roadways and right-of-ways contained in the adopted General Plan. The design standards enacted by the Modesto Roundabout Policy would not generate any new population that would use parks or open space facilities. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are, therefore still valid.

L. Increased Demand for Schools

Implementation of the design standards enacted by the Modesto Roundabout Policy would be focused almost exclusively on existing or planned roadways and right-of-ways contained in the adopted General Plan. Since there will be no students generated as a result of the project, the Modesto Roundabout Policy will not impact the capacity of Modesto school system. Thus, Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are, therefore, still valid.

M. Increased Demand for Police Services

Implementation of the design standards enacted by the Modesto Roundabout Policy will not result in a significant increase in service demand for the City of Modesto Police Department. The proposed roundabouts will be in the area studied by the General Plan Master EIR and is anticipated to have a less than significant impact on the need for additional police services. The roundabouts are anticipated to reduce the number of calls for services due to fewer vehicular accidents at street intersections. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are, therefore, still valid.

N. Increased Demand for Fire Services

Implementation of the roundabout design standards enacted by the Modesto Roundabout Policy will not result in a significant increase in service demand for the City of Modesto Fire Department. The proposed roundabouts are located in the area studied by the General Plan Master EIR and are anticipated to have a less than significant impact on the need for additional fire services. Therefore, the Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore, still valid.

O. Generation of Solid Waste

Implementation of the design standards enacted by the Modesto Roundabout Policy would be focused almost exclusively on existing or planned roadways and right-of-ways contained in the adopted General Plan. The proposed roundabouts would not generate any new population that would generate additional solid waste. Therefore, the Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are, therefore, still valid.
P. Generation of Hazardous Materials
Because the proposed design standards enacted by the Modesto Roundabout Policy will not result in additional industrial development not already identified in the adopted General Plan, there will be no additional hazardous material generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-15) are, therefore, still valid.

Q. Landslides and Seismic Activity
Because the design standards enacted by the Modesto Roundabout Policy may effect existing and planned roads, it will have no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Landslide and Seismic Activity (pages IV-17-1 through IV-17-11) are, therefore, still valid.

R. Energy
Because the design standards enacted by the Modesto Roundabout Policy, when implemented, would be located essentially within the planned Modesto Urban Area General Plan there will not be a significant increase in demand for energy beyond that analyzed in the MEIR. Utility companies serving the Modesto Urban Area indicated, during MEIR preparation, that development of the urban area would result in a less than significant impact on demands for energy. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are, therefore, still valid. Mitigation Measures for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS
A. The proposed Modesto Roundabout Policy for the City of Modesto is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017).

B. The proposed roundabout design standards in the Modesto Roundabout Policy will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

C. No new environmental document, or findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per section 21157.1).

D. There are no specific features unique to this proposed Modesto Roundabout Policy that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.
E. This Initial Study provides substantial evidence to support findings “A, B, C, and D” above.

Signature: 

Title: Traffic Engineer

Traffic/City Council/2002/Jul-Dec/Roundabouts/Initial Study

MODESTO CITY COUNCIL
RESOLUTION NO. 2002-432

A RESOLUTION ESTABLISHING A ROUNDBOUT POLICY TO CREATE CONSISTENT GUIDELINES FOR INSTALLATION AND USE OF ROUNDBOUNDS IN THE CITY OF MODESTO

WHEREAS, staff has been implementing roundabout installations in both newly developing areas and in retrofit areas in Modesto, and

WHEREAS, there is no currently accepted City policy regarding guidelines for use and installation of roundabouts, and

WHEREAS, staff developed a draft Roundabout Policy to create consistent guidelines for installation and use of roundabouts, and

WHEREAS, staff conducted public workshops and meetings in February and March 2002 with various groups to receive public input on the draft Roundabout Policy, and

WHEREAS, on March 21, 2002, the Transportation Policy Committee recommended approval of the draft Roundabout Policy and authorized staff to seek approval of the Roundabout Policy from the City Council, and

WHEREAS, following a public hearing on June 3, 2002, regarding the draft Roundabout Policy, the Planning Commission recommended adoption of the draft Roundabout Policy, and

WHEREAS, the City Council reviewed and considered the draft Roundabout Policy on September 3, 2002,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the Modesto Roundabout Policy for installation and use of
roundabouts in the City of Modesto, a copy of which is attached hereto as Exhibit “A”, and incorporated by reference as though fully set forth herein. However, the Council hereby directs Staff to develop an amendment to the Policy setting forth an appeal process and more fully describing the approval process of retrofitting existing intersections.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on 3rd of September, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Conrad, Keating

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney
Modesto Roundabout Policy
Roundabout Policy

I. Introduction

II. Modern Roundabouts – What Are They?

III. The Benefits of Roundabouts

IV. The Use of Roundabouts – Where They Are Applicable and Where They Are Not.

V. Roundabout Justification

VI. Implementation Strategy

VII. Design Criteria

VIII. Roundabout Installation in Newly Developing Areas

IX. Roundabout Installation at Retrofit Locations

X. Operation & Maintenance
I. Introduction

Each year the City receives numerous requests to reduce the traffic congestion on streets throughout the City. Citizens also express concerns about the safety of the streets on which they live. In an effort to find appropriate ways to deal with these concerns, reduce traffic congestion and improve safety, the City has recently considered the use of roundabouts.

The purpose of this Roundabout Policy is to establish guidance on where roundabouts are to be used in the City, to describe the performance and operation of roundabouts, and to give general guidance on design standards for roundabouts, so that high standard and uniform design can be implemented. It is recognized that the use and design of roundabouts in the United States is an emerging technology and that as the technology improves, changes in design and application will be modified so that the best available practices can be implemented.

II. Modern Roundabouts – What Are They?

In essence, a roundabout is a traffic circle that has been refined in its design principles and characteristics. These improved principles and design standards have made roundabouts a safe and efficient form of intersection control.

Traffic circles have many forms, but their common feature is that they are designed around a central island that prevents vehicles from passing through them on a linear path. Until recently, roundabouts have been slow to gain support in this country. The lack of acceptance can generally be attributed to the negative experience with traffic circles built in the earlier half of the twentieth century. Severe safety and operational problems caused these traffic circles to fall out of favor by the 1950's. However, substantial progress has been achieved in the subsequent design of circular intersections, and a modern roundabout should not be confused with the traffic circles of the past.

The modern roundabout is defined by four basic principles that distinguish it from a nonconforming traffic circle.

1. Roundabouts follow the “yield-at-entry” rule, in which approaching vehicles must wait for a gap in the circulating flow before entering the circle, whereas traffic circles require circulating vehicles to grant the right of way to entering vehicles.
2. Roundabouts involve low speeds for entering and circulating traffic, as governed by small diameters and deflected entrances. In contrast, traffic circles emphasize high-speed merging and weaving, made possible by larger diameters and tangential entrances.
3. Compared to most traffic circles, roundabouts are small. Usually, a roundabout can be retrofitted within the space used by an existing traffic signal or stop-controlled intersection, with little or no additional right-of-way required.
4. At the entrance of each roundabout, triangular ‘splitter islands’ prevent drivers from going around the circle the wrong way, and simultaneously provide a safe refuge for crossing pedestrians. These islands are not used in traffic circles.

In giving priority to entering vehicles, a traffic circle tends to lock up at higher volumes. The operation of a traffic circle is further compromised by the high speed environment in which large gaps are required for proper merging. These deficiencies have been corrected with the modern roundabout.

Figure 1-1 following shows the layout and design of a basic modern roundabout.
Ill. The Benefits of Roundabouts

In the interest of safety, the conflict between two competing traffic movements must be resolved by a traffic control device that gives one movement priority over the other. When both movements are heavy, the priority must be alternated or distributed in some manner or else one of the movements will fail. For high volume roadways, traffic signals provide the most common traffic control discipline in the U.S. because of the positive way in which the priority is alternated. Low volume roads are normally controlled by stop signs. A growing number of studies show that in many situations, modern roundabouts are both safer and more efficient than either traffic signals or stop signs.

For the past two decades, thousands of modern roundabouts have been replacing traffic signals and stop signs all across Europe. This trend is well documented by several papers presented at the conference "Giratoires '92" (Roundabouts '92). France, for instance, has been building about 1,000 roundabouts per year. In the Netherlands, more than 400 were built between 1986 and 1992. In Norway, the number swelled from just 15 in 1980 to 500 in 1992; in Switzerland, from 19 to 220 during the same period. And, with the construction of some 50 to 100 modern roundabouts in the last five to eight years, roundabouts have finally gained a foothold in the U.S.

Modern roundabouts are now found in a number of U.S. states, including California, Nevada, Florida, South Carolina, Massachusetts, Vermont, Tennessee, Texas, Washington, Kansas, Wisconsin and Maryland. They are being used in a wide range of applications: to control speeds on residential streets; to improve capacity at congested freeway interchanges; to beautify gateway entrances to towns and shopping centers; and, most importantly, to reduce the number and severity of crashes at both major and minor intersections. In many communities, the roundabouts have been so successful that residents have quickly demanded more to fix other problem intersections.

Sources such as Public Roads Magazine, Tech Transfer from the University of California Institute of Transportation Studies, and Transportation Departments from the states of Maryland and Florida indicate that the following benefits are gained through the use of roundabouts:

1. Safety - Roundabouts have been shown to reduce fatal and injury accidents as much as 75% in Australia and 86% in Great Britain. The reduction in accidents is attributed to slower speeds and reduced number of conflict points.
2. Low Maintenance - Eliminates maintenance costs associated with traffic signals. In addition, electricity costs are reduced.
3. Reduced Delay - By yielding at the entry rather than stopping and waiting for a green light, delay is significantly reduced. A reduction in delay corresponds to a decrease in fuel consumption and air pollution.
4. Capacity - Intersections with a high volume of left turns are better handled by a roundabout than a multi-phased traffic signal.
5. Aesthetics - The central island affords an opportunity to provide landscaping, or some other forms of beautification.

The reduction in crashes occurs for several reasons:

- The number of possible conflict points between vehicles decreases from 32 at a four-way intersection, to 8 at a roundabout. (See the figures below.) By reducing the number of conflict points, roundabouts also reduce the number of collisions.
- Vehicle speeds at roundabouts are much lower, generally less than 20mph. Lower speeds mean shorter braking distances and longer decision-making time. Therefore, even if someone makes a mistake a collision is easier to avoid.
Decision-making is simplified. A driver about to enter has one decision: "Is there a vehicle circulating in the roundabout blocking my path?" If not, the driver enters. Otherwise, the driver waits for a gap.

If a collision does occur at a roundabout, the force of impact is much lower due to the lower speed and the low angle of impact. No one can "run the red" and cause a right angle collision. Nor can a left-turning driver make a mistake in selecting a gap in the approaching through traffic, with the resulting head-on or right angle crash.

IV. The Use of Roundabouts – Where They Are Applicable and Where They Are Not.

Roundabouts perform better at intersections with roughly similar traffic flows and a high proportion of left turning traffic. This does not mean that all movements must be of the same magnitude. Rather, that the predominant movements are "broken up" by circulating traffic, so that gaps are provided to allow vehicles waiting on adjacent legs to enter the roundabout without major delays.

Engineering judgement and traffic analysis must be factored into the decision making process when roundabouts are being considered. Roundabouts are not the solution to all traffic problems at all locations. Careful study is required to identify the most appropriate control mode at any given location. The studies required to justify the installation of traffic signal control and all-way stop control are based on the warrants and requirements set forth in the Caltrans Traffic Manual. No such warrants or requirements exist for roundabouts.

Three general questions must be answered to justify a roundabout as the most appropriate form of control at any intersection.

- Will a roundabout be expected to perform better than other alternative control modes? In other words, will it reduce delay, improve safety or solve some other operational problem?
- Are there factors present to suggest that a roundabout would be a more appropriate control, even if delays with a roundabout are slightly higher?
- If any factors exist that makes installation of a roundabout inadvisable, can they be resolved satisfactorily?

If these questions may be answered favorably, then a roundabout should be considered as a logical candidate control mode.

Generally speaking, roundabouts are particularly suited in the following situations:

- Heavy delay on minor road.
- Traffic signals result in greater delay.
- Intersection with heavy left turning traffic.
- Intersection with more than four legs or unusual geometry.
- At rural intersections (including those in high-speed areas) at which there is an accident involving crossing traffic.
- Where major roads intersect at "Y" or "T" junctions.
- At locations where traffic growth is expected to be high and where future traffic patterns are uncertain or changeable.
- At intersections where U-turns are desirable.
- At Freeway Interchange Ramps.
- High accident intersection where right angle accidents are prominent.

March 2002
Generally speaking, roundabouts are unsuitable in the following situations:

- Where a satisfactory geometric design cannot be provided.
- Where a signal interconnect system would provide a better level of service.
- Where it is desirable to be able to modify traffic via signal timings.
- Where peak period reversible lanes may be employed.
- Where the roundabout is close to existing signals and queuing from the signal could be a problem.
- Where there are insufficient gaps in the major flow, so that the minor flow has difficulty entering the roundabout. (Sometimes, however, this problem can be fixed by signalizing one approach to a roundabout to create gaps for another leg. Usually, this signal need only be turned on during the peak hour.)
- Where traffic volumes are very high, say 6,000 vph. (Here a very large signalized intersection is necessary to separate vehicles in time. Alternatively, an overpass is probably more suitable and safer.)

V. Roundabout Justification

Roundabouts have been used successfully in many cities throughout the world, including several in the U.S. They offer a proven form of traffic control that has, up to this point, not been applied extensively in Modesto. There may be several locations in the City that could benefit from the installation of a roundabout as an alternative to the more conventional intersection control methods.

This section sets forth the procedure required to justify a roundabout as the most appropriate form of control for a given situation. The procedure is intended to provide documented support for the decision to install a roundabout.

A. Intersection Control Alternatives

There are three alternatives to roundabouts for intersection control. Each has significant operational limitations in comparison with a roundabout. Each alternative will be discussed separately:

Traffic Signals – Roundabouts can efficiently handle particular intersections with decreased delay and greater efficiency than traffic signals. This is especially true where traffic volumes entering the roundabout are roughly similar and where there are a high number of left turning vehicles.

Two-Way Stop Control (TWSC) can accommodate low traffic volumes with much less delay than traffic signals, but this control mode favors the major street (unstopped) movements at the expense of the minor street (stopped) movement. When the major street traffic volumes are heavy (typically 1400 vph or more) there is little or no opportunity for cross street access. This places a definite limit on the application of TWSC. Even when TWSC capacity is not exceeded, there is often public pressure to install signals at TWSC intersections.

All-Way Stop Control (AWSC) treats the cross street movements more favorably, without the wasted time associated with traffic signals. However, the rate at which vehicles may enter an intersection (i.e. headway) under AWSC is relatively low and, therefore, the total intersection capacity is somewhat limited.

The roundabout on the other hand, overcomes all of these disadvantages. There is no sequential assignment of right-of-way and therefore no wasted time. Left turns are not subordinated to through
traffic. Vehicles enter under yield control instead of stop control and therefore have lower headways and higher capacities. There are no electrical components to malfunction.

B. Roundabout Justification Categories

To provide an organized approach to the justification process, a series of categories has been developed, each of which represents a good reason to install a roundabout. These categories are summarized in the following Table in terms of their anticipated relationships to warrants contained in the Caltrans Traffic Manual. A brief description of the justification categories is provided.

1. Community Enhancement

Projects qualifying for roundabout treatment in this category should demonstrate that a roundabout is an essential part of the community’s development plan for a given area, and not just an arbitrary idea. Roundabouts in this category would typically have one or more of the following characteristics:

- They are often located in commercial and civic districts. Traffic volumes would typically be low, otherwise, one of the more operationally oriented justification categories would normally be more appropriate;
- Aesthetics are an important factor in this category. Particular attention will be required with respect to choice of materials, landscaping requirements, etc.; and
- They will not generally be proposed as a solution to traffic problems. Therefore, any factors that would imply either operational or safety problems should be taken very seriously.

2. Traffic Calming

Projects qualifying for roundabout treatment in this category should demonstrate that there is a need for traffic calming along the intersecting roadways. Although these roundabouts are primarily located in residential areas, there are situations where a roundabout on a higher classification road would be justified under this category. Examples of conditions that might suggest a need for traffic calming include:

- Documented observations of speeding, high traffic volumes and/or careless driving activities; or
- New construction (road opening, traffic signal, new road, etc.) which would potentially increase the volumes of “cut-through” traffic.

3. Safety Improvement

Projects qualifying for roundabout treatment in this category should demonstrate that there is a safety problem at the intersection. In addition, it should be documented how the roundabout treatment will improve safety at the intersection. A special review of accident reports and the type of accidents occurring is usually necessary. Examples of safety problems include:

- High rates of crashes involving conflicts that would be readily resolved by a roundabout (right angle, head-on, left/through, U-turns, etc.);
- High crash severity that should be reduced by the slower speeds associated with roundabouts;
- Site visibility problems that reduce the effectiveness of stop sign control; and
- Inadequate separation of movements, especially on single lane approaches.
4. All Way Stop Control Alternative

Projects qualifying for roundabout treatment in this category should demonstrate that an all-way stop control (AWSC) is warranted and that delay from the roundabout treatment would compare favorable with the AWSC treatment. Traffic volumes in this category will not normally meet the Caltrans warrants for traffic signals.

5. Low Volume Signal Alternative

Projects qualifying for roundabout treatment in this category should demonstrate that warrants for a traffic signal have been met. It should also be demonstrated that delay from the roundabout treatment would compare favorably with the signal treatment. This category will normally be limited to single lanes on the approaches and on the circulating roadway.

6. Medium Volume Signal Alternative

Projects qualifying for roundabout treatment in this category should demonstrate that warrants for a traffic signal have been met. It should also be demonstrated that delay from the roundabout treatment would compare favorably with the signal treatment. This justification category is appropriate for two lane roundabouts, however, designs involving more than one lane should only be considered when an operational analysis indicates a significant advantage compared to a signalized intersection.

The conversion of an existing signalized intersection to a two-lane roundabout would normally be undertaken as a solution to an observed operational or safety problem caused by the signal.

7. Special Conditions

Projects qualifying for roundabout treatment in this category should demonstrate that site specific conditions make a roundabout the appropriate intersection treatment. These conditions include unusual geometrics, high traffic volumes, right-of-way limitations, 5 or more legs in the intersection, etc.

VI. Implementation Strategy:

As stated earlier, roundabouts may be deployed at a variety of locations throughout the City of Modesto’s transportation system. It is the policy of the City of Modesto to implement roundabouts at the following locations and in the following manner:

A. At Minor Collector/Minor Collector Intersections:
   - For newly developing areas, each Minor Collector/Minor Collector intersection shall be evaluated for the installation of a roundabout, and except where there are physical constraints or significant overriding circumstances, roundabouts are proposed for installation.
   - For retrofit locations, Section IX of this policy governs.
B. At Intersections that are classified Minor Arterial/Collector; Minor Arterial/Minor Arterial or Principal Arterial/Minor Arterial, the following shall apply:

**Before Installation:**

A roundabout at intersections with a classification higher than Collector/Collector cannot be justified as the most appropriate form of control without a sense of how it will perform at a specific intersection and how that performance will compare to other intersection control alternatives.

In the City of Modesto, the implementation of roundabouts at intersections classified Minor Arterial/Collector and above will be accomplished using the following approach:

- Step 1. Identify the target location.
- Step 2. Perform computerized capacity analysis of proposed roundabout installation. If favorable, then
- Step 3. Recommend, design and install the roundabout.

A capacity analysis of each proposed roundabout installation shall be conducted to demonstrate its ability to handle anticipated traffic volumes for the subject intersection using a 20-year design period. The capacity analysis shall be accomplished using traffic projections from the most up to date traffic model the City possesses and by using the most up to date simulation software available to simulate roundabout operation as determined by the City’s Traffic Engineer. The capacity of the roundabout must be equal to or better than that provided by the appropriately warranted traditional traffic control devices for the same traffic design volumes being analyzed.

**After Installation:**

The analytical models described above can only estimate the performance of a roundabout. Actual performance can only be obtained through field observation. However, given that the roundabouts are designed and simulated based on a 20-year design period, the roundabouts should perform very well when first opened, and for a good number of years thereafter. Nonetheless, initial field observations of the roundabout operation at its inception is prudent. Observations will be made to verify that the roundabout operates as intended and the travelling public negotiates the roundabout in an appropriate manner. All of the following questions should produce negative answers:

- Do drivers stop unnecessarily at the yield point?
- Do drivers stop unnecessarily within the circulating roadway?
- Do any vehicles pass on the wrong side of the central island?
- Do queues from an external bottleneck back up in the roundabout on an exit road?
- Do the actual number of entry lanes differ from those intended by the design?
- Do smaller vehicles encroach on the truck apron?
- Is there evidence of damage to any of the signs in the roundabout?
- Is there any pedestrian activity on the central island?
- Do pedestrians and cyclists fail to use the roundabout as intended?
- Are there tire marks on any of the curb surfaces to indicate vehicle contract?
- Is there any evidence of minor accidents, such as broken glass, pieces of trim, etc., on the approaches or the circulating roadway?
- Is there any gravel or other debris collected in non-traveled areas that could be a hazard to bicycles or motorcycles?
These questions should all be examined in the days immediately after the roundabout opening. Both daytime and nighttime observations of the operating characteristics should be made. Follow-up strategies to ensure satisfactory operation may be implemented as necessary after initial observation. Periodic checks should also be made to ensure that no serious sight distance obstructions have occurred due to growth of foliage or roadside development. The City’s Traffic Engineering Staff will continue to monitor traffic volumes, accidents and operations at intersections with roundabouts, just as they do at intersections where other alternative traffic control devices are in place.

VII. Design Criteria

Neither Caltrans nor ASSHTO currently maintains standards for the design of roundabouts. Until design standards are adopted by Caltrans, all proposals for roundabouts on the City of Modesto street system shall be in accordance with details provided in the City’s Standard Specifications, or as conceptually approved by the City’s Traffic Engineer.

The conceptual approval will be based on whether the proposal conforms with the general concepts contained in this policy. The purpose of this document is to provide a basis for evaluating roundabout proposals, and it is not intended to contain the comprehensive information needed to complete a design. Proposed roundabouts being designed by City engineering staff and by those other than City staff should be discussed with the City’s Traffic Engineer throughout the conceptual and design stages of the project.

VIII. Roundabout Installation in Newly Developing Areas

Section V of this policy describes in general terms when a roundabout installation may be appropriate for a given situation. It is recognized that roundabout installation is applicable in a variety of geometric configurations, and as such, the design can vary greatly, depending on the situation. As such, it is incumbent upon the designer to work closely with the City’s Traffic Engineer on the detailed design of a roundabout.

Roundabout installation, whether contemplated by the development community or by City staff, shall be coordinated with the City’s Traffic Engineer. The City’s Traffic Engineer shall give approval to the roundabout concept being proposed for a given intersection. Once approval is given, the design of the roundabout shall be in accordance with design standards set forth in the City’s Standard Specifications or as directed by the City’s Traffic Engineer to accommodate non-standard situations.

In newly developing areas, the developer shall be responsible to install roundabouts at Collector/Collector intersections. Roundabouts installed at higher classified intersections will be the responsibility of the developer as conditions of approval may warrant. In some cases, the City of Modesto may be responsible for installation via proceeds from a Community Facilities District.

IX. Roundabout Installation at Retrofit Locations

There will be occasions when existing intersections in the City are scheduled to have new stop signs or traffic signals added to them, due to the need to assign right of way for increased safety purposes. Similarly, existing controlled intersections may be destined for an upgrade in controls (i.e., from a 2-way stop to a 4-way stop, or from a 4-way stop to a traffic signal). Thirdly, there may be occasions where an existing controlled intersection may warrant replacement with a roundabout (i.e., replace a 4-way stop with a roundabout). Lastly, an existing intersection may be destined for a roundabout for either traffic calming or beautification purposes.
In such cases as these, the installation of roundabouts may be considered as an alternative to the traditional forms of traffic control. These are considered "retrofit" situations and special consideration of roundabout installation is required.

If a roundabout is proposed in a retrofit situation, the design and installation must be such that all modes of vehicles using that particular intersection are accommodated, and the "modern roundabout" concept and operational characteristics are preserved. Generally speaking, roundabouts in retrofit situations would not be applicable to anything less than a minor collector/minor collector intersection (i.e., 60' of right of way on each leg of the intersection). Even then, additional right of way may be required to gain proper deflection angles and tapers on all approaches. Each retrofit situation shall be analyzed on a case-by-case basis, and the final design of any proposed roundabouts at a retrofit location shall be approved by the Engineering and Transportation Director.

If it is decided that a roundabout will be deployed in a retrofit situation, and right of way is needed to install a properly designed roundabout, the City shall be responsible to acquire the right of way. If the situation is such that development has not occurred on one or more corners of the target intersection, then the property owner or developer of those non-developed parcels is responsible to dedicate the necessary right of way for proper installation of the roundabout.

X. Operation and Maintenance

Roundabouts generally will become an asset of the City once public improvements are accepted as complete by the City Council. Exceptions would be those roundabouts that are constructed within a private gated community, or on any other non-public thoroughfare. The City of Modesto will assume responsibility for operation and maintenance of those roundabouts that are within the public right of way. Maintenance of landscaping associated with a City-owned roundabout may be the City's responsibility, or may be included in a Capital Facilities District, and therefore, the CFD's responsibility.
RESOLUTION APPROVING THE 2002-2003 LEGISLATIVE PLATFORM

WHEREAS, on August 14, 2001, the Modesto City Council adopted Resolution 2001-86 approving the 2001 Legislative Platform, and

WHEREAS, the City Council annually adopts a Legislative Platform to provide a more proactive approach for influencing policy and other governmental entities, and

WHEREAS, approval of the platform allows the City’s position on bills to be expressed without the need for Council action on individual legislative measures, and

WHEREAS, Council has instructed staff to divide the 2002-2003 Legislative Platform into appropriate sections for consideration by Council Committees, and

WHEREAS, all of the Council Committees with authority over components of the Legislative Platform have reviewed said components and made recommendations to the City Council for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2002-2003 Legislative Platform, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Frohman, Jackman, Keating, Mayor Sabatino

NOES: Councilmembers: Conrad, O'Bryant

ABSENT: Councilmembers: None

ATTEST: __________________________

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

BY: __________________________

MICHAEL D. MILICH, City Attorney
Exhibit "A"

City of Modesto
Legislative Platform

Modesto: A healthy, safe, attractive, economically vibrant, socially diverse and culturally rich city with a strong sense of identity and pride, a community engaged in the practice of citizenship with governance based on the principle of stewardship.
General Goals

The Modesto City Council and employees are committed to our Vision of:

Modesto: A healthy, safe, attractive, economically vibrant, socially diverse and culturally rich city with a strong sense of identity and pride, a community engaged in the practice of citizenship with governance based on the principle of stewardship.

The City’s Legislative Platform reflects the City’s Vision and Council’s goals, as outlined in the Strategic Plan.

In 2002, the City Council will, as a top priority, support legislation that facilitates and encourages attractive economic development, including infrastructure funding. The Council will support measures that retain local control over land use and annexation decisions and oppose measures that limit the annexation and growth potential of the City.

At the same time, Council will continue to support legislation that brings health and safety funding to the City. The Council endorses the continuance of technology and other funding for public safety. Council also supports local authority to determine which ambulance companies operate in our jurisdiction.

As in past years, the Council will continue to oppose measures imposed by the state or federal government that serve as unfunded mandates or which threaten local control. Council will also support measures that bring increased federal and state funding to the City for projects that support the City’s Vision and Strategic Plan.

This platform was prepared by the following City Council Committees: Community Development & Housing, Economic Development & Intergovernmental Relations, Financial Policy, Human Services, Public Safety, Transportation Policy, and Utility Service & Franchises. It forms the cornerstone of Council’s policy direction and provides a proactive approach to influencing policy and other governmental entities.

Table of Contents

<table>
<thead>
<tr>
<th>General Goals</th>
<th>i</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preamble</td>
<td>ii</td>
</tr>
<tr>
<td>1. Housing</td>
<td>1</td>
</tr>
<tr>
<td>2. Land Use and Planning.</td>
<td>3</td>
</tr>
<tr>
<td>3. Finances</td>
<td>5</td>
</tr>
<tr>
<td>4. Fire and Emergency Response</td>
<td>7</td>
</tr>
<tr>
<td>5. Economic Development &amp; Business Attraction</td>
<td>8</td>
</tr>
<tr>
<td>6. Employee Relations / Workers Compensation</td>
<td>12</td>
</tr>
<tr>
<td>7. General Government</td>
<td>13</td>
</tr>
<tr>
<td>8. Transportation &amp; Infrastructure</td>
<td>14</td>
</tr>
<tr>
<td>9. Environment</td>
<td>18</td>
</tr>
<tr>
<td>10. Solid Waste</td>
<td>19</td>
</tr>
<tr>
<td>11. Water Supply / Management</td>
<td>21</td>
</tr>
<tr>
<td>12. Communication / Technology</td>
<td>22</td>
</tr>
<tr>
<td>13. Energy</td>
<td>23</td>
</tr>
<tr>
<td>14. Public Safety</td>
<td>25</td>
</tr>
</tbody>
</table>
Preamble

Whereas, the City of Modesto’s legislative agenda is to promote the general welfare for citizens of California and specifically improve the quality of life for residents of Modesto, it shall be the policy of the Modesto City Council to: Support legislation that protects individual rights and to oppose legislation that infringes, denies, or restricts individual rights established in the Constitution of the United States and its amendments and the Constitution of the State of California.
1. Housing and Neighborhoods

<table>
<thead>
<tr>
<th>City's Strategic Plan Element</th>
<th>Legislative Issue</th>
</tr>
</thead>
</table>
| V.A.3. Create housing opportunities and choices for a range of household types, family sizes and incomes. | **Issue:** 1.1. Community Development Block Grant (CDBG) program funding, Federal Low Income Housing Tax program funding, and HOME Investment Partnership program funding target the affordable housing production needs of the local community, which would be difficult to address without the continued support of focused Federal housing program dollars. Loss of these program funds would eliminate or reduce qualified activities and/or areas qualifying for assistance.  
**Action:** 1.1. Support continued funding of the CDBG program as provided by the U.S. Department of Housing and Urban Development. Support continued funding of the Federal Low Income Housing Tax program. Support continued funding of the HOME Investment Partnership program. Oppose changes to, or defunding of, the CDBG program, Low Income Housing Tax program, or HOME program. |
| H.II.C.1. Increase opportunities for home ownership. | **Issue:** 1.2. As pressures increase on local housing supply and costs, the issue of potential homelessness should be addressed proactively rather than reactively, before significant problems arise locally.  
**Action:** 1.2 Support continued funding for programs such as the Emergency Shelter Grant fund programs and McKinney Homeless Act fund program to address the problem of homelessness. |
| H.IV.A.6. Resolve issues and identify a site for a Day Center for Homeless individuals. | |

City of Modesto
2002-2003 Legislative Platform
# City of Modesto
## 2002-2003 Legislative Platform

## 1. Housing and Neighborhoods

<table>
<thead>
<tr>
<th>City's Strategic Plan Element</th>
<th>Legislative Issue</th>
</tr>
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<tr>
<td>V.A.2. Promote compact building design.</td>
<td><strong>Issue:</strong> 1.3. Affordable housing production for low-income persons is often made more difficult as a result of political interest groups who advance a Not-In-My-Backyard (NIMBY) philosophy.</td>
</tr>
<tr>
<td>V.A.3. Create housing opportunities and choices for a range of household types, family sizes and incomes.</td>
<td><strong>Action:</strong> 1.3. Support development of state programs that would fund tax incentives to neighboring property owners in order to encourage neighborhood development of affordable housing. Support funding to provide incentives to residential developers who elect to include a fixed percentage of affordable housing within each subdivision development permit.</td>
</tr>
<tr>
<td>IX.D. Promote high density housing in the downtown core.</td>
<td><strong>Issue:</strong> 1.4. Bringing high density housing back downtown will diversify housing stock available within the City, will not contribute to urban sprawl and degradation of agricultural lands, and will stimulate the continued revitalization of the downtown area by creating a mixed-use environment with both peak and off-peak hours usage.</td>
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<td><strong>Action:</strong> 1.4. Support development of state and federal funding sources to provide financing for high density housing projects in core downtown areas. Support legislation that would create incentives to developers who create high density housing in core downtown areas.</td>
</tr>
<tr>
<td>V.A.3. Create housing opportunities and choices for a range of household types, family sizes and incomes. V.A.3.b. Increase multi-family residential and affordable housing inventory.</td>
<td><strong>Issue:</strong> 1.5. As the price of housing increases, fewer residents can afford to buy houses and the inventory of available multi-family housing diminishes. An adequate housing inventory to meet the City's varied and diverse housing needs is critical.</td>
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<td></td>
<td><strong>Action:</strong> 1.5. Support development of state and federal funding sources to provide incentives to encourage construction of multi-family housing.</td>
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# 2. Land Use and Planning

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<tr>
<th>City’s Strategic Plan Element</th>
<th>Legislative Issue</th>
</tr>
</thead>
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<tr>
<td>V.A.6. Preserve open space, farmland, natural beauty, historic buildings, and critical environmental areas.</td>
<td><strong>Issue:</strong> 2.1 Sustaining California’s economy and environment in a way that ensures quality-of-life for all residents requires innovative thinking and a balanced, integrated, and inclusive approach. A statewide Growth Management Policy should be considered. <strong>Action:</strong> 2.1 Encourage the State Legislature to adopt a statewide policy for growth management.</td>
</tr>
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<td>V.A.7. Reinvest in and strengthen existing communities and achieve more balanced regional development.</td>
<td><strong>Issue:</strong> 2.2. Unrestrained and/or inadequately planned-for urban growth will stretch current water resources to the limit in the not-too-distant future. Finite water resources will soon play a much larger role in land use planning. It is imperative that local government entities and regional government entities work together to ensure we will have adequate water resources for our future. <strong>Action:</strong> 2.2. Support federal and state funding targeted towards regional and inter-regional water resource planning efforts and related land use planning.</td>
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<tr>
<td>I.B.1.b. Form regional partnerships for water and wastewater development. I.B.1.b.(1) Assemble water and wastewater Task Forces with area agencies and seek funding/buy-in from governing bodies.</td>
<td><strong>Issue:</strong> 2.3. New demographic and economic realities pose challenges and opportunities for more efficiently linked land use and transportation strategies. When planned in concert with other regional strategies, transportation infrastructure can be used to channel growth in a more efficient and environmentally sensitive manner. <strong>Action:</strong> 2.4. Support a statewide study to strengthen the linkages between regional transportation planning and land use planning that seeks recommendations from local governments.</td>
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<tr>
<td>III.A.2. Incorporate Smart Growth principles as part of transportation planning.</td>
<td><strong>Issue:</strong> 2.5. The Central Valley has an imbalance in the ratio of jobs available compared with increasing residential growth. This jobs-housing imbalance exerts pressure on both transportation infrastructure, as local residents must commute outside of the local area to find employment, and upon air quality. <strong>Action:</strong> 2.5. Support federal and state funding targeted towards correcting the imbalance in jobs available compared with residential growth locally and in the Central Valley.</td>
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<td>V.B.1. Achieve an equitable jobs-housing balance and avoid fiscal strains of leapfrog development. X.A.2.c.(2). Attract new industries that are &quot;commuter employers&quot;.</td>
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### 2. Land Use and Planning

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<th>City’s Strategic Plan Element</th>
<th>Legislative Issue</th>
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| III.B.2. Address transportation funding issues. | **Issue:** 2.6. Increasing demands for local residential housing production place a heavy burden on existing transportation infrastructure.  
**Action:** 2.6. Support development of state programs that would provide funding for construction of new transportation infrastructure and upgrades within communities experiencing explosive residential growth. |
| V.A.8. Make development decisions predictable, fair and cost-effective.  
VII.A. Seek external funding sources to improve revenue stream. | **Issue:** 2.7. Local governments often plan and approve land uses that compete with other jurisdictions (1) in order to increase tax revenues to meet growing demands for social and other municipal services, and (2) because of unreliable alternative sources of funding.  
**Action:** 2.7. Support changes in state legislation to provide local government with a stable revenue base in order to reduce the fiscalization of local land use policies. |
| VI.A.1. Develop an equitable distribution of revenues in a mutually beneficial binding agreement. | **Issue:** 2.8. Local jurisdictions are in the best position to judge appropriate land uses within their own spheres of influence (SOI). Development that occurs within a city’s SOI prior to annexation, without approval from the city, often results in a conflict with the city’s General Plan and/or zoning standards upon annexation. The development of commercial and/or industrial uses within a city’s SOI can also result in the inadequate distribution of sales tax revenues.  
**Action:** 2.8. Support legislation which would prohibit the issuance of building permits or land use approval in a city’s sphere of influence without an agreement between the city and the county. |
| V.A.6. Preserve open space, farmland, natural beauty, historic buildings, and critical environmental areas.  
V.A.7. Reinvest in and strengthen existing communities and achieve more balanced regional development.  
V.A.7.a. Upgrade infrastructure and target infill areas for development. | **Issue:** 2.9. To preserve agriculture and reduce urban sprawl, residential growth should be directed to the incorporated areas within each county.  
**Action:** 2.9. Support legislation that would allow a city to control any increase in the intensity of land use within a city’s general plan area. Support legislation that would grant LAFCO the jurisdiction over new development in unincorporated areas of county. |
### 3. Finances

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<th>Legislative Issue</th>
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| VII.A.1. Proactively seek state and federal funding for local projects. | **Issue**: 3.1. Timely and accurate receipt of revenues and grants from the county, state and federal agencies protects the financial stability of and revenue projections for municipalities.  
**Action**: 3.1.a. Support efforts that would provide greater accountability on the part of counties, state and federal agencies for the distribution of funds to municipalities, including but not limited to fines and forfeitures.  
**Action**: 3.1.b. Support legislation to improve collection capabilities for cities and counties. |
|                             | **Issue**: 3.2. State law authorizes counties to charge property tax administration fees. These fees reduce revenues for cities.  
**Action**: 3.2. Support the repeal or reimbursement of property tax administration collection fees. |
|                             | **Issue**: 3.3. In the recession of the early 1990s, the state of California reduced property tax distributions to cities and counties. To make up for part of the shortfall, counties passed along costs to cities. Some counties, including Stanislaus County, charged cities booking fees for prisoners placed in county jail facilities. These additional fees were difficult for cities to afford. In addition, these fees are unfair, as residents of cities are charged for booking services, while residents of unincorporated areas are not.  
**Action**: 3.3. Support legislation to increase reimbursement and funding necessary for the management and booking of prisoners. |
|                             | **Issue**: 3.4. Local governments pay millions of dollars annually to support the Public Employees’ Retirement System (PERS). This fund should not serve as a slush fund for state government and the policies which govern distribution should be determined by the agencies which pay into the fund, not by the state.  
**Action**: 3.4. Oppose legislation or actions by the Public Employees’ Retirement System (PERS) Board which change PERS programs to benefit the state at the financial expense of local agencies. |
### 3. Finances

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<th>City's Strategic Plan Element</th>
<th>Legislative Issue</th>
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| VII.A.2. Reevaluate sales tax agreement with County to increase revenue base. | **Issue:** 3.5. Local agency control over policy and resource decisions is vital so that citizens may have an active voice in local government and local agencies can serve as stewards of public resources.  
**Action:** 3.5.a. Oppose any further shift that would make local agencies more dependent on the state for financial stability and policy direction.  
**Action:** 3.5.b. Oppose the shift of any city taxes or fees to any other jurisdiction. |
| **Issue:** 3.6. Unfunded mandates by the state and federal government add to local costs and can impact our ability to perform essential government services.  
**Action:** 3.6. Oppose state and federal programs [unfunded mandates] unless funding is provided to support these programs. |
| **Issue:** 3.7. Local governments rely upon fees, taxes and other revenue sources for fiscal solvency.  
**Action:** 3.7. Oppose any change in tax allocations or limitations/restrictions on local control which would negatively effect local government, including potential loss of franchise fees due to Federal efforts to deregulate the utility industry. |
| **Issue:** 3.8. Annexations and tax sharing agreements are matters of local interest and authority and are best addressed at the local level.  
**Action:** 3.8. Oppose any requirement that there be a mutual agreement for cities and counties for tax distribution for all annexation proposals. |
| VII.C.1. Consider bonded growth financing to provide funding up front when infrastructure is needed for growth. | **Issue:** 3.9. General Obligation Bonds are a valuable resource, which provide for up-front financing of public transportation and infrastructure needs.  
**Action:** 3.9. Support legislation that would allow for a voter-approved simple majority vote for General Obligation Bonds. |
## 3. Finances

<table>
<thead>
<tr>
<th>City's Strategic Plan Element</th>
<th>Legislative Issue</th>
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<tbody>
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<td><strong>Issue:</strong> 3.10.</td>
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<td>Over the course of the past 25 years, voter initiatives and state and federal government programs and policies have limited the financial ability of local governments to provide city services. Sales tax has replaced property tax as the primary revenue source for most local agencies.</td>
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|                               | **Action:** 3.10. |
|                               | Support comprehensive long-term reform efforts to return to local governments their historical discretionary use of local revenues. Such efforts would include amending or permanently ameliorating the impacts of ERAF, property tax shifts and unfunded mandates. |

## 4. Fire and Emergency Response

<table>
<thead>
<tr>
<th>City's Strategic Plan Element</th>
<th>Legislative Issue</th>
</tr>
</thead>
<tbody>
<tr>
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<td><strong>Issue:</strong> 4.1.</td>
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<td>Many older essential building (police and fire stations, hospitals) in California may not survive serious earthquakes because they do not meet necessary construction standards. Local agencies do not have the funding needed to retrofit these buildings. Modesto Fire Station 1 is an example.</td>
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|                               | **Action:** 4.1. |
|                               | Support legislation providing cities and counties with state funding for retrofitting essential buildings (e.g. hospitals, fire, and police) to current earthquake building standards. |

|                               | **Issue:** 4.2. |
|                               | During the past 30 years cities have assumed a large role in delivering emergency medical services. In many cases citizens and cities could benefit from public/private partnerships or public delivery systems. However, in most cases counties have the authority and responsibility to determine how emergency medical services are provided and which ambulance companies operate in cities. |

|                               | **Action:** 4.2. |
|                               | Support legislation granting cities the right to determine which ambulance companies operate within their jurisdiction. |
### 4. Fire and Emergency Response

<table>
<thead>
<tr>
<th>City’s Strategic Plan Element</th>
<th>Legislative Issue</th>
</tr>
</thead>
<tbody>
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<td><strong>Issue:</strong> 4.3.</td>
<td>Funding enhancements and improvements to public safety systems is difficult for local providers because of the competing demands for the resources that are available. The Federal FIRE act and AB 1022 (Pacheco) are two fire/emergency service examples of pending legislation.</td>
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<td><strong>Action:</strong> 4.3.</td>
<td>Support legislation that will increase funding for public safety including public safety technology improvements.</td>
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<td>H.II.K.1.a. Expand the use of Automatic Fire Sprinklers and other prevention technology.</td>
<td><strong>Issue:</strong> 4.4. Design and construction standards for schools is a responsibility of the State. Many new schools are being built that do not have automatic fire sprinkler systems. Automatic fire sprinklers are an effective way to reduce fire losses and enhance the safety of students. SB 575 (O'Connell) is a current bill that would require sprinklers. This bill is identical to AB 2115 (Lempert, 2000) that was vetoed by the Governor last year.</td>
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<td><strong>Action:</strong> 4.4.</td>
<td>Support legislation that requires automatic fire sprinklers in all new schools.</td>
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### 5. Economic Development & Business Attraction

<table>
<thead>
<tr>
<th>City’s Strategic Plan Element</th>
<th>Legislative Issue</th>
</tr>
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<td><strong>Issue:</strong> 5.1.</td>
<td>An educated, literate and skilled workforce is an economic stimulant that fosters business attraction and economic development.</td>
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<td><strong>Action:</strong> 5.1.a.</td>
<td>Support funding by the California Department of Education for funding for public adult schools and for worker literacy programs at work sites.</td>
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<td><strong>Action:</strong> 5.1.b.</td>
<td>Support legislation to ensure and coordinate continued funding for programs providing training and job preparation.</td>
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<td>I.A.1. Our infrastructure is modern, efficient, effective, attractive and cost competitive.</td>
<td><strong>Issue:</strong> 5.2. Adequate public infrastructure is critical to successful business attraction.</td>
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<td><strong>Action:</strong> 5.2.</td>
<td>Support legislation that provides additional funds for infrastructure or which provides options for financing developer requirements.</td>
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### 5. Economic Development & Business Attraction

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<tr>
<th>City’s Strategic Plan Element</th>
<th>Legislative Issue</th>
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| I.A.2.a. Assure design, installation and maintenance of attractive infrastructure. | **Issue:** 5.3. The state gives a competitive advantage [self help] for state highway funds to jurisdictions which have a sales tax for transportation projects.  
**Action:** 5.3. Support legislation giving cities/counties which have adopted developer fees “Self Help” status. |
| V.B.1. Achieve an equitable jobs-housing balance and avoid fiscal strains of leapfrog development. | **Issue:** 5.4. Additional parking is needed to stimulate economic development in the City’s Downtown Core area.  
**Action:** 5.4. Seek federal funding to assist with the construction of additional parking facilities in the Downtown. |
|                                                                               | **Issue:** 5.5. The City of Modesto has a jobs-housing imbalance, providing more housing than jobs for our residents. In recent years, this imbalance has been aggravated by escalated Bay Area housing prices that have forced residents to the more affordable Central Valley housing market. The Inter-Regional Partnership was established to seek state funding and other avenues to address this issue.  
**Action:** 5.5.a. Support legislation to increase funding and local flexibility to design and develop economic development programs that would increase job opportunities.  
**Action:** 5.5.b. Support legislation to encourage business creation and expansion.  
**Action:** 5.5.c. Support legislation providing tax credit priority for job generating projects in areas with a jobs-housing imbalance.  
**Action:** 5.5.d. Support legislation that will create a “jobs-housing opportunity zone” eligible for infrastructure incentives and tax-exemption incentives. |
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| XII.A. Leverage private and public funds to enhance redevelopment. | **Issue**: 5.6. Use of redevelopment funds outside of the project area are necessary in order to retain local authority over redevelopment expenditures for housing.  
**Action**: 5.6. Support legislation to continue receiving credit for redevelopment outside of the project area. The current law permits crediting two units outside the project as if they were a single unit inside the project area. The two for one credit is due to expire on January 1, 2002, at which time no credit will be given for redevelopment outside the project area. |
| XII.A.5. Evaluate and explore expansion of the Redevelopment Area to include declining/underdeveloped portions of the City (i.e. Yosemite Corridor). | **Issue**: 5.7. Local communities such as the City of Modesto rely on the tax base generated by private development in order to fund provision of services for the community. Enterprise Zone designation is an economic development tool that provides regulatory, tax, and other incentives for private investment and employment.  
**Action**: 5.7. Support legislation designating an enterprise zone within the County of Stanislaus. |
| **Issue**: 5.8. The California Infrastructure and Economic Development Bank promotes economic revitalization and job creation by issuing tax-exempt and taxable revenue bonds providing financing to public agencies for infrastructure projects (e.g., essential infrastructure for business park developments). Current application procedures are cumbersome and difficult; local communities must often hire a consultant just to get through the application process. In addition, the state legislature has proposed cutting funding to this program.  
**Action**: 5.8. Support legislation that would make the application process for CIEDB funds easier. Oppose legislation that would cut funding for the CIEDB program. |
## 5. Economic Development & Business Attraction

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<td>XII.A. Leverage private and public funds to enhance redevelopment.</td>
<td><strong>Issue:</strong> 5.9. Redevelopment activities have proven to be a vital economic development tool in Modesto. Redevelopment Law currently requires redevelopment agencies to use not less than 20% of all tax revenue for low- and moderate-income housing. There have been recent discussions at the State level regarding increasing the affordable housing expenditure requirement to not less than 25% of all tax revenue. A mandatory increase in required deposits to the L&amp;M Housing fund would decrease the amount of funding available for redevelopment purposes by a corresponding amount, thus slowing down the progress that Modesto is making in redevelopment. The L&amp;M Housing Fund grows only when assessed value in the project area increases as the result of revitalization and public investment in infrastructure, and the attraction of new employers, land developers, business tenants, and retail development. In addition, the 20% set-aside is usually a much greater percentage of the “net” amount of tax increment available to an agency after pass-through of a portion of the tax increment to other taxing entities. The housing set-aside is 20% of the “gross” tax increment, but it can be a greater amount of the “net” tax increment after deducting the amount of tax increment shared with pass-through agencies. <strong>Action:</strong> 5.9. Oppose legislation that would amend Redevelopment Law to require any increase in the amount of tax revenue that must be set aside for low- and moderate-income housing.</td>
</tr>
<tr>
<td>XII.A. Leverage private and public funds to enhance redevelopment.</td>
<td><strong>Issue:</strong> 5.10. California Redevelopment Law gives local communities the authority and financing tools to be able to attack problems of urban blight and decay. As such, legislation designed to place unnecessary and burdensome restrictions on local redevelopment efforts should be opposed; and legislation designed to give local redevelopment agencies flexibility and control over how best to utilize tax increment should be supported. <strong>Action:</strong> 5.10. Oppose additional or expanded mandates on redevelopment activities or local authority to allocate redevelopment dollars; Support legislation that provides local redevelopment agencies with flexibility and local control over tax increment allocation.</td>
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### 6. Employee Relations/Workers Compensation

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| **Issue**: 6.1. In order for the City to prudently plan for the future and remain fiscally healthy, local authority over employee benefit and compensation decisions is necessary.  
**Action**: 6.1. Oppose any measure that would grant employee benefits that would be more properly decided at the local bargaining table. |
| **Issue**: 6.2. The City desires to maintain local control over all employee disputes.  
**Action**: 6.2. Oppose any efforts that would reduce local control over public employee disputes and impose regulations of an outside agency. |
| **Issue**: 6.3. Current law provides extensive rights and protections to police officers in the areas of administrative investigations and discipline.  
**Action**: 6.3.a. Oppose efforts to make disciplinary proceedings for police officers similar to criminal proceedings, making it impossible to prove an administrative violation.  
**Action**: 6.3.b. Oppose any expansion to the California Public Safety Officers Procedural Bill of Rights or creation of new Federal “Police Officers Bill of Rights.” Oppose extending these rights to firefighters or to other non-peace officers. |
| **Issue**: 6.4. The City of Modesto does not participate in Social Security. The associated cost savings allows us to offer competitive salaries and attract well-qualified employees to our workforce.  
**Action**: 6.4. Oppose any form of mandatory Social Security Coverage for local government employees, who already enjoy superior retirement benefits. |
| **Issue**: 6.5. Current law only requires local governments to pay for Medicare coverage for employees hired on or after April 1, 1986. The City does not pay coverage for any employee hired prior to this date. Our fiscal planning does not include the added costs of providing this benefit to non-covered employees.  
**Action**: 6.5. Oppose expansion of requirement for local governments to pay Medicare coverage for local employees beyond the current requirement of coverage for employees hired after April 1, 1986. |
## 6. Employee Relations/Workers Compensation

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<td><strong>Issue</strong>: 6.6. Workers compensation benefits can be cost prohibitive if not monitored, defined and appropriately managed.</td>
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<td><strong>Action</strong>: 6.6.b. Oppose legislation that expands or extends any presumptions of occupational injury or illness.</td>
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<td><strong>Issue</strong>: 6.7. The Fair Labor Standards Act was originally enacted as a protection for employees in the private sector. For public agencies, it does not take into consideration the nature of public accountability, the generous leave benefits, nor the disciplinary process for exempt employees (particularly supervisors and managers).</td>
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<td><strong>Action</strong>: 6.7. Support Federal legislation to modify or eliminate FLSA requirements on public agencies.</td>
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## 7. General Government

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<td><strong>Issue</strong>: 7.1. With limited funding for roadway maintenance, cities need to take measures to protect their right of way.</td>
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<td><strong>Action</strong>: 7.1. Support legislation to protect the public right of way.</td>
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<td><strong>Issue</strong>: 7.2. Consumers who purchase items through the Internet and via mail order are not charged local sales taxes on their purchases. This practice gives Internet and mail order companies a competitive advantage and, at the same time, restricts the amount of sales tax revenues for local jurisdictions.</td>
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<td><strong>Action</strong>: 7.2. Support legislation that fairly assesses local sales taxes for all methods of transaction.</td>
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<td><strong>Issue</strong>: 7.3. In today’s litigious environment, it is critical for public agencies to limit their liability exposure.</td>
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<td><strong>Action</strong>: 7.3. Support measures to reform California’s tort system to curtail unreasonable liability exposure for public agencies and restore the ability of public agencies to obtain affordable insurance.</td>
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### 8. Transportation & Infrastructure

<table>
<thead>
<tr>
<th>City’s Strategic Plan Element</th>
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<tbody>
<tr>
<td>VII.A.1. Proactively seek state and federal funding for local projects.</td>
<td><strong>Issue:</strong> 8.1. The City of Modesto has hundreds of miles of underground water, sanitary sewer and storm drain pipelines that require maintenance and replacement. In addition, $20 million a year is needed to maintain the City roadways; approximately $5 million a year is budgeted. Federal and State money is needed to assist in maintaining the existing infrastructure and for its operation.</td>
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<tr>
<td><strong>Action:</strong> 8.1.a. Support legislation that enhances resources for local jurisdiction to maintain and operate their infrastructure.</td>
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<tr>
<td><strong>Action:</strong> 8.1.b. Support legislation that provides that revenue collected from sales taxes on gasoline is used solely for the purpose of operating and maintaining the streets and highways network throughout the state.</td>
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<tr>
<td><strong>Issue:</strong> 8.2. Federal and State funding is allocated to the City, but can only be spent on specific streets with large volumes of traffic, and restricted corridors cannot be widened.</td>
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<tr>
<td><strong>Action:</strong> 8.2. Support legislation that provides increased local control over spending on streets and highways.</td>
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<tr>
<td><strong>Issue:</strong> 8.3. Contractors have the ability to file construction claims on a project due to additional work, time of days, profit loss, etc. Some claims are filed only to negotiate a settlement. If the City wins the claim, the contractor shall pay for legal fees defending the City.</td>
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<tr>
<td><strong>Action:</strong> 8.3. Support State legislation that would make contractors financially responsible for costs incurred by local agencies in response to defending frivolous construction claims.</td>
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<tr>
<td><strong>Issue:</strong> 8.4. When the City secures property in Stanislaus County, the County must approve of the acquisition, and if necessary allow the City the right to proceed with eminent domain.</td>
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<tr>
<td><strong>Action:</strong> 8.4. Support legislation amending Section 1810 of the Streets &amp; Highway Code relating to acquisition of property outside boundaries in unincorporated areas, deleting the requirement that counties must consent to such acquisition, and thereby “leveling the playing field” for cities.</td>
<td></td>
</tr>
<tr>
<td>VII.A.1. Proactively seek state and federal funding for local projects.</td>
<td><strong>Issue:</strong> 8.5. A new and expanded Bus Maintenance Facility is needed to replace the existing one, which is undersized and in very poor condition. Approximately half of the funds needed for the new facility have been earmarked in the federal budget. City staff is planning to begin construction in May 2002. However, construction cannot proceed unless the project is fully funded.</td>
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<tr>
<td><strong>Action:</strong> 8.5. Support measures to finance local transportation facilities including the balance for the Bus Maintenance facility.</td>
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City of Modesto
2002-2003 Legislative Platform

## 8 Transportation and Infrastructure

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| **Issue:** 8.6. | The Modesto/City County Airport is updating the Airport Master Plan to consider the extension of runway RW10L/28R. Wilson and Orville Wright Elementary schools are approximately one-half mile from the airport runways, and Wilson Elementary will be closer if the runway is extended.  
**Action:** 8.6. Oppose legislation that prohibits airport expansion when the existing facility is within close proximity (e.g., two miles) of a proposed or established public school site. |

| **Issue:** 8.7. When property is listed for sale, property owners should be required to include a disclosure on the property deed, when a parcel is within Modesto City/County Airport’s area of influence. The area of influence should not be smaller than suggested in the Caltrans Aeronautics’ Airport Land Use Planning Handbook.  
**Action:** 8.7. Support legislation that requires property owners to provide a Notice of Public Disclosure of the proximity of an airport if the property is next to or near an airport. In addition, support Caltrans’ Airport Land Use Planning Handbook’s latest edition to prevent incompatible property development when the property lies within an airport’s Runway Protection Zones, Inter Safety Zones, Inter Turning Zones, Outer Safety Zones, Sideline Safety Zones, and/or Traffic Pattern Zones. |

| **Issue:** 8.8. Aviation fuel is taxed. These taxes should be used at the airport for airport services and aviation.  
**Action:** 8.8. Oppose legislation that would allow taxes collected from aviation fuel sales to be used for any other purpose than airport and aviation. |

| **Issue:** 8.9. | City growth requires new transportation corridors and utility extensions. An expressway/beltway will provide efficient travel around the perimeter of the City. In addition, existing improvements, such as water, sanitary sewer, storm drains, streets, public transit and lighting, need to be operated and maintained. Improvements to these facilities are needed to continue their required functions.  
**Action:** 8.9. Support legislation that provides additional funding to improve transportation, public transit and the existing infrastructure in the City and region. |

| **Issue:** 8.10. Adequate funds are necessary for the proper development of Modesto City-County Airport. Legislation at both the federal and state level should promote the maximum use of funds available in the aviation trust fund and state funds derived from aviation sources and services.  
**Action:** 8.10. Support a comprehensive national air transportation strategy that includes adequate, predictable and long-term funding necessary to sustain the planning and financing of airport development and provide adequate aviation facilities for an orderly and safe flow of air traffic. |
## 8. Transportation & Infrastructure

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| III.B.2. Address transportation funding issues. | **Issue:** 8.11. The City competes with other jurisdictions for funding that provides traffic signalization, medians, public transit and designated turn lanes.  
**Action:** 8.11. Support legislation to increase transportation funding sources and financial programs to ensure local government receives a reasonable share of competitive funds for congestion relief and transportation systems. |
| VII.A.1. Proactively seek state and federal funding for local projects. | **Issue:** 8.12. Modesto City-County Airport has a low activity tower that is staffed by professional air traffic controllers through the Federal Aviation Administration’s Contract Control Tower Program.  
**Action:** 8.12. Support the Federal Aviation Administration’s contract control tower program in order to insure that the safety of the airport, its users and local community is maximized. |
| III.B.3.a. Provide connections from conveniently located park and ride lots to ACE train. | **Issue:** 8.13. Currently a proposal is being reviewed to bring the ACE train to Modesto. The state budget includes $8 million specifically for an extension of ACE to Stanislaus County. The City of Modesto currently provides shuttle bus service to the Altamont Commuter Express (ACE) train Station in Lathrop/Manteca.  
**Action:** 8.13. Support legislation and funding to extend the Altamont Commuter Express Train to Modesto. |
| VII.A.1. Proactively seek state and federal funding for local projects. | **Issue:** 8.14. The California Air Quality Board has adopted regulations restricting and controlling public transit operations with increasingly rigid air quality standards. These regulations can and will impact the operational costs of providing public transit service.  
**Action:** 8.14. Support legislation that provides additional funding to assist public transit systems in meeting air quality standards. Oppose legislation that will mandate any single operational practice or use of fuel. Support legislation that allows city transit agencies flexibility in meeting air quality standards. |
| VII.A.1. Proactively seek state and federal funding for local projects. | **Issue:** 8.15. The most difficult to predict operational cost for public transit operations is the cost of fuel.  
**Action:** 8.15. Support legislation to provide supplemental funding to transit agencies to cover unexpected increases in fuel prices. |
## 8. Transportation & Infrastructure

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<td>VII.A.1. Proactively seek state and federal funding for local projects.</td>
<td><strong>Issue:</strong> 8.16. The City of Modesto Transit Services is dependent upon federal and state funds for capital and operating expenses. Expansion of service is dependent on federal and state funds. <strong>Action:</strong> 8.16. Support legislation and funding that protects existing transit revenues from both state and federal budget cuts. Support appropriations of additional federal and state funds to public transit systems.</td>
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<tr>
<td>VII.A.1. Proactively seek state and federal funding for local projects.</td>
<td><strong>Issue:</strong> 8.17. Protection of existing and future water sources. <strong>Action:</strong> 8.17. Support legislation, which enhances resources for local jurisdiction to maintain and operate their infrastructure.</td>
</tr>
<tr>
<td><strong>Issue:</strong> 8.18. Local governing bodies are in the best position to understand local circumstances. Decisions regarding land use should be based upon local criteria such as public safety, aesthetics, and economic and community development. <strong>Action:</strong> 8.18. Support legislation that provides increased local control over spending on streets and highways.</td>
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<td><strong>Issue:</strong> 8.19. Every effort should be made to discourage frivolous lawsuits against municipalities. <strong>Action:</strong> 8.19. Support State legislation, which would make contractors financially responsible for costs incurred by local agencies in response to defending frivolous construction claims.</td>
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<tr>
<td><strong>Issue:</strong> 8.20. Section 1810 of the Streets &amp; Highway Code provides that a City may acquire, or purchase or eminent domain, property outside its boundaries, if it is necessary to connect or widen the existing streets of the city and if the county consents to the acquisition. <strong>Action:</strong> 8.20. Support legislation amending Section 1810 of the Streets &amp; Highway Code deleting the requirement that counties must consent to such acquisition and thereby “leveling the playing field” for cities which can be required to accept such streets.</td>
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### 9. Environment

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<td><strong>Issue:</strong> 9.1. Air quality credits impact a region's ability to attract and retain business.</td>
<td><strong>Action:</strong> 9.1. Oppose air quality legislation for the San Joaquin Basin which gives a competitive edge or any particular advantage to any individual county in regards to offset credits.</td>
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| I.C.1.b. Protect water supply from storm drainage contamination. | **Issue:** 9.2. Stormwater pollution prevention efforts such as best management practices and maximum extent practicable are effective water quality protective measures.  
**Action:** 9.2. Support amendments to the 1987 Clean Water Act that would clarify that numerical effluent standards do not apply to NPDES Stormwater Discharge Permits and that “Maximum Extent Practicable” (MEP) is the standard for stormwater discharges. |
| **Issue:** 9.3. Remediation of groundwater contamination should be the financial responsibility of the entity responsible for the upstream-contaminated discharge. | **Action:** 9.3. Support legislation, which amends the Porter Cologne Water Quality Act in such a way that the local governments would not be held accountable to assess and remediate water contamination (such as PCE in the case of Turlock) by the sole virtue of being the discharger of water contaminated by a second party. |
| **Issue:** 9.4. Environmental fees should be based on the service levels provided by the revenue-seeking agency. | **Action:** 9.4. Support legislation, which repeals Fish and Game filing fees, unless these fees are clearly related to the level of service provided by the Department of Fish and Game in promptly reviewing environmental documents. |
| **Issue:** 9.5. Current CEQA rules and regulations are sufficient for adequate protection of the environment. | **Action:** 9.5. Support legislation, which minimizes, or streamlines, project level environmental review (particularly cumulative effects and growth inducing effects), if key issues have already been adequately addressed at the “Master EIR” or “Program EIR” level. |
## 9. Environment

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| II.B.2. Establish a city/county hazardous waste team to coordinate the use and disposal of hazardous materials, particularly in the case of emergencies. | **Issue:** 9.6. State and local governments must have an influence on the designation of hazardous material sites since the local level is most impacted.  
**Action:** 9.6. Support legislation such as HR 3000 to provide a role for state and local government for designation of hazardous waste sites. |

## 10. Solid Waste

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| II.C. Maximize recycling and recovery participation through education and program assessment and development. | **Issue:** 10.1. The Waste-to-Energy Facility generates electricity by diverting garbage that otherwise would be disposed of in the landfill and converting it into power.  
**Action:** 10.1. Oppose legislation, which would limit or reduce recycling credits for Waste-to-Energy projects in California. |
| II.C.3. Develop and implement new programs which will increase resource recovery and diversion. | **Issue:** 10.2. To assist in meeting diversion goals, local recyclers must have end markets for their products.  
**Action:** 10.2. Support legislation, which would enhance or provide market incentives for recycling materials (e.g., plastics, compost). |
## 10. Solid Waste

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| **II.D.** Develop market for co-compost materials to allow for all biosolids to be utilized in the co-compost product. | **Issue:** 10.3. The recycling and composting of greenwaste and bio-solids increases waste diversion from landfills, and its reuse provides an excellent source of viable material for land and beautification use.  
**Action:** 10.3. Oppose legislation limiting reuse of greenwaste, bio-solids, or compost material. |
| **II.D.1.** Continue use of green waste materials in co-composting operation to dispose of biosolids and expand markets for the co-compost. | **Issue:** 10.4. In order to continue to provide quality service and to keep costs as low as possible for the rate payers, local jurisdictions must have flow control authority.  
**Action:** 10.4. Oppose legislation that would limit the local jurisdiction’s authority by the County to regulate or direct municipal solid waste. |
| **II.C.2.** In accordance with AB939 regulations, prepare a resource recovery assessment that includes:  
- reevaluation of recycling program  
- green waste strategies  
- composting | **Issue:** 10.5. The land application of bio-solids and bio-solids compost has been demonstrated to be safe when done in accordance with State and Federal regulations.  
**Action:** 10.5. Support legislation which would prohibit counties from imposing outright bans or overly restrictive ordinance that would impose de-facto bans on the land application of bio-solids or bio-solids composts. |
| | **Issue:** 10.6. Waste diversion, through recycling and source reduction, should be monitored for consistency according to each jurisdiction’s existing programs and demographics.  
**Action:** 10.6. Oppose legislation, which would increase diversion mandates above 50%. |
### 10. Solid Waste

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<tr>
<td><strong>Issue</strong>: 10.7. Hazardous electronic discards are an increasing problem, with over a million computers becoming obsolete in California each year. Cathode ray tubes from computers, televisions, camcorders, and other items contain lead and other materials that can pose hazards to human health and the environment and are prohibited from disposal in Class III landfills.</td>
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<tr>
<td><strong>Action</strong>: 10.7. Support legislation requiring computer and other hazardous electronics producers to operate or fund comprehensive programs whereby products are sustainably designed and labeled, as well as legislation that creates a convenient collection infrastructure that will result in a high rate of recovery and maximizes environmentally sound reuse and recycling of such hazardous electronics products.</td>
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### 11. Water Supply/Management

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<tr>
<td><strong>Issue</strong>: 11.1. The City's ability to protect its groundwater reserves is impacted by the ability to secure rights to surface water and groundwater reserves.</td>
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<td><strong>Action</strong>: 11.1. Support measures, which increase water supply or improve water quality within the city/region.</td>
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<td><strong>Issue</strong>: 11.2. Conservation of resources is a responsibility of all, including local government.</td>
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<tr>
<td><strong>Action</strong>: 11.2. Support legislation that will encourage the use of drought tolerant plant material and water conservation techniques.</td>
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<td><strong>Issue</strong>: 11.3. Support water management strategies that are financially as well as scientifically responsible.</td>
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<tr>
<td><strong>Action</strong>: 11.3. Oppose mandatory groundwater management unless it is reasonable and the management reflects the representative views of all agencies which will be regulated, particularly local government.</td>
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## City's Strategic Plan Element

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| VII.A.1. Proactively seek state and federal funding for local projects. | **Issue:** 11.4. Water providers must comply with drinking water standards established at both the State and Federal level.  
**Action:** 11.4. Support a fiscally and environmentally responsible reauthorization of the Safe Drinking Water Act. |
|                              | **Issue:** 11.5. Support water management strategies that are financially as well as scientifically responsible.  
**Action:** 11.5. Support measures that will fund water management improvements. |

### 12. Communication/Technology

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| IV.B.1. Seek state, federal and private grant funding for technology. | **Issue:** 12.1. Cities must have the authority to zone and plan for the deployment of telecommunications infrastructure and to maintain and manage the public rights-of-way and receive compensation for its use.  
**Action:** 12.1. Support State and Federal legislation to reaffirm home rule in oversight and revaluation of telecommunication entities, using public right-of-ways and affecting conditions addressed by local planning and land use policies. |
| IV.B.2. Identify potential public/private technology partnerships. | **Issue:** 12.2. Technology fuels economic development. That said, it is unlikely that local funding alone will accomplish the level of investment necessary to recognize all the benefits of the “information superhighway.”  
**Action:** 12.2. Support legislation to fund telecommunication planning and implementation. |
| IV.B.1. Seek state, federal and private grant funding for technology. | **Issue:** 12.3. Geographic Information Systems (GIS) is a computerized mapping system that allows for the computerized inventory of infrastructure and other city assets. It provides an easy means for graphically presenting information, enhances the planning process, and promotes the sharing of information between agencies.  
**Action:** 12.3. Support legislation to fund GIS to better manage regional resources, respond to emergencies and plan for growth. |
# 13. Energy

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<tr>
<td>VII.A.1. Proactively seek state and federal funding for local projects.</td>
<td><strong>Issue</strong>: 13.1. Numerous bills have been introduced during the 2001 legislative session to deal with the energy situation facing California consumers. Earlier this year, the League of California Cities adopted policy positions related to this issue. These policy statements will focus the League’s efforts as all of these bills start moving through the process. The Modesto City Council, at their meeting of April 10, 2001, agreed to adopt these policy statements as part of their legislative platform when it is brought forward. The following Actions summarize the aforementioned policy statements.</td>
</tr>
<tr>
<td><strong>Action</strong>: 13.1.b. Support legislation that provides direct funding for conservation and demand reduction projects in city facilities; seek grant or loan funding for essential services (i.e., police/fire, water/wastewater) to purchase new or replace existing back-up generators that are more energy efficient and less polluting.</td>
<td><strong>Action</strong>: 13.1.c. Support incentives that stimulate development and siting of more energy generation facilities.</td>
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<td><strong>Action</strong>: 13.1.d. Support legislation that increases the threshold at which a city is the lead permitting agency for an energy facility from 50 to 100 MW (or above) and oppose legislation which decreases the threshold.</td>
<td><strong>Action</strong>: 13.1.e. Support not getting directly involved with proposals to streamline the facility approval process except to suggest revisions which reflect technical comments from city experts on local government review and comment related provisions.</td>
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<td><strong>Action</strong>: 13.1.f. Support actions to exempt cities with municipal utilities completely from the Energy Commission review process for all power plant proposed within their jurisdiction, regardless of the size of the facility.</td>
<td><strong>Action</strong>: 13.1.g. Support not getting directly involved in legislative discussions and take no position on legislation to relax, suspend, or eliminate environmental regulations except to ensure that cities do not bear the burden of meeting the shortfall in environmental protection.</td>
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<tr>
<td><strong>Action</strong>: 13.1.h. Support all bills that enhance the public power options available to cities and counties.</td>
<td><strong>Action</strong>: 13.1.i. Support attempts to ensure that resolution of the energy shortage seeks equity for ratepayer classes and communities.</td>
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<td><strong>Action</strong>: 13.1.j. Ensure that police and fire facilities are appropriately protected either legislatively or administratively if the range of exempted facilities is expanded; seek legislation or administrative resolution to giving advance notification to those businesses that use hazardous materials which could pose a danger if the plant is not shut down properly.</td>
<td><strong>Action</strong>: 13.1.k. Support efforts to determine whether market abuse occurred and asking that appropriate action be taken to remedy the problem if illegal activity did occur.</td>
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<td><strong>Issue: 14.1.</strong></td>
<td>The Modesto Police Department, like other municipal law enforcement agencies, spends an inordinate amount of time enforcing federal and state drug laws. In many drug cases, assets of responsible can be seized and after due process can be sold, with the proceeds going to local criminal justice agencies involved in the responsible's arrests and prosecutions.</td>
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<tr>
<td><strong>Action:</strong> 14.1.</td>
<td>Support measures which would provide a greater share of seized assets to localities.</td>
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<td><strong>Issue: 14.2.</strong></td>
<td>Driving under the influence of alcohol/drugs constitutes a dangerous crime to the Modesto citizenry and DUI laws are strictly enforced by the Modesto Police Department. Each and every DUI arrest by the Modesto Police Department is a significant drain on public safety resources for the City.</td>
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<td><strong>Action:</strong> 14.2.</td>
<td>Support efforts which allow local agencies to recover from the guilty party in accidents involving driving under the influence of drugs and/or alcohol.</td>
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<tr>
<td><strong>Issue: 14.3.</strong></td>
<td>Fines and forfeitures are a traditional source of revenue for local law enforcement. These revenues have been eroded for municipal government through the passage of State law that allow numerous state or county charges, penalties or assessments to be levied against those fines and forfeitures.</td>
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<tr>
<td><strong>Action:</strong> 14.3.a.</td>
<td>Oppose attempts to transfer more fine and forfeiture funds to counties.</td>
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<td><strong>Action:</strong> 14.3.b.</td>
<td>Oppose legislation which allows state or county charges, penalties or assessments to be levied in lieu of or to replace actual fines and forfeitures.</td>
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<tr>
<td><strong>Issue: 14.4.</strong></td>
<td>Illegal drug trafficking, manufacture, sales and use are crimes in themselves and are also linked to other crimes that consume vast amounts of law enforcement resources. Prevention of illegal drug use is the most cost effective and efficient method to reduce drug and drug-related crime.</td>
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<tr>
<td><strong>Action:</strong> 14.4.</td>
<td>Support legislation encouraging, establishing, or enhancing drug use prevention programs and policies.</td>
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## 14. Public Safety

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<td><strong>Issue: 14.5.</strong></td>
<td>Graffiti is a blight to Modesto’s community appearance; it is a crime of vandalism; and, it may incite gang action and/or retaliation.</td>
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<td><strong>Action: 14.5.</strong> Support additional legislation to fight graffiti which would:</td>
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<td>1) Expand parental responsibility.</td>
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<td>2) Prohibit the issuance of a driver’s license to anyone under the age of 18 who has been convicted of graffiti offenses.</td>
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<td>3) Require publication of names to anyone arrested for graffiti offenses.</td>
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<td><strong>Issue: 14.6.</strong></td>
<td>The City of Modesto currently faces the cost of retrofitting the old Police Building into a patrol operations facility. The costs for this remodel/retrofit are high, in part due to the state requirements to bring the building to current earthquake building standards.</td>
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<tr>
<td><strong>Action: 14.6.</strong> Support legislation providing cities and counties with State funding for retrofitting essential buildings (for examples: hospitals, fire and police buildings) to current earthquake standards.</td>
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<tr>
<td><strong>Issue: 14.7.</strong></td>
<td>City of Modesto law enforcement costs continue to escalate due to the costs of necessary police personnel, the need for more sophisticated technological police equipment, the need for effective juvenile crime prevention programs and the existence of clandestine methamphetamine labs in the area.</td>
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<tr>
<td><strong>Action: 14.7.a.</strong> Support Federal legislation to continue funding the Omnibus Crime Bill for the benefit of Modesto communities (for law enforcement officers and equipment).</td>
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<tr>
<td><strong>Action: 14.7.b.</strong> Support legislation that will increase funding for public safety technology improvement.</td>
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<tr>
<td><strong>Action: 14.7.c.</strong> Support legislation and increased funding for juvenile crime prevention and abatement programs.</td>
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<tr>
<td><strong>Action: 14.7.d.</strong> Support legislation that will reimburse agencies responsible for identifying, tagging and removing waste from illegal drug labs.</td>
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<td>**Action: 14.7.e Support legislation that would make Bureau of Narcotics Enforcement Task Force labs available to our jurisdiction for evidence process and drug lab clean-up.</td>
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<td><strong>Action: 14.7.f Support legislation that would mandate revenue reporting of the State’s 911 Fund, mandate revenue use for 911 systems only, and mandate distribution of all or a finite percentage of the funds to local governmental jurisdictions or communications centers.</strong></td>
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|                              | **Action: 14.8.g Support State legislation that protects current City revenues:**  
SLESF (State Law Enforcement Services Fund)  
CLEEP (California Law Enforcement Equipment Program)  
Payment of Booking Fees  
Vehicle License Fees  
Property Taxes  
Sales Taxes |
# City's Strategic Plan Element

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<tr>
<th>Legislative Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.A.2.a (10) Preserve existing park infrastructure, such as tennis courts, buildings, swimming pools, etc.</td>
</tr>
</tbody>
</table>

| Action 15.1 | Support/encourage legislation that includes funding for general facility rehabilitation and asbestos/toxic material abatement. |

| Issue 15.2 | The City of Modesto is aggressively trying to meet the regulations on accessibility to its existing facilities. The City is now relying on the use of CDBG funding, which could be better redirected into programs and services. |

| Action 15.2 | Encourage inclusion to any park related legislation, per capita funds to renovate public recreation facilities to conform to Federal Americans with Disabilities Act (ADA) regulations. |

| III.B.5.c Develop the Virginia Corridor as a priority Class I Bikeway |

| Issue: 15.3 | The City of Modesto is currently finalizing the process of securing an abandoned railroad corridor, utilizing the Rails to Trails Program. The City’s plan for this 4.2 mile right-of-way is to develop a linear park and a Class I bikeway/pedestrian trail. |

| Action: 15.3 | Seek legislation that will include funding for this project as a line item. Encourage inclusion of non-motorized projects in air quality and traffic congestion mitigation legislation. |

| IX.B.4. Physically and visually link downtown amenities to the Tuolumne River Regional Park Gateway parcel. C.I.A.4. Seek funding for, and implement the Tuolumne River Regional Park Master Plan |

| Issue: 15.4 | The Tuolumne River Regional Park Joint Powers Authority has completed the Master Plan and Environmental Impact Report for the 700+ acre park. The next step is to develop specific plans and related environmental assessments for each park segment. Recently, state funding originally identified for the Tuolumne River Parkway was re-allocated to other projects. In addition, Proposition 40 contains funding for river parkways that has yet to be specifically allocated. |

| Action: 15.4 | Seek support from the City’s lobbyists and legislators to specifically identify the Tuolumne River Regional Park as a line item in Proposition 40 as well as other legislation providing funding for riparian habitat restoration and river parkways. |
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-434

A RESOLUTION APPROVING A TWO-YEAR RENEWAL AGREEMENT WITH CALIFORNIA FEDERAL BANK, EXPIRING JUNE 29, 2004, FOR DEPOSIT AND CHECK DISBURSEMENT SERVICES USED BY THE HOUSING REHABILITATION REVOLVING LOAN FUND AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, in 1994, the City explored the possibility of depositing funds in a local bank and using the bank’s disbursement services for Housing Maintenance Program loans, and

WHEREAS, Glendale Federal was chosen as the service provider, and

WHEREAS, City entered into a two-year agreement with Glendale Federal, which has been renewed every two years, and

WHEREAS, in 1999, Glendale Federal merged with California Federal Bank (Cal Fed), and

WHEREAS, since that time the service provider has been the Cal Fed branch located on 12th and J Streets, and

WHEREAS, staff is recommending that the City enter into another two-year agreement with Cal Fed to provide disbursement services for Housing Maintenance Program loans, and

WHEREAS, the Citizens Housing and Community Development Committee met on August 23, 2002, and supported the recommendation to enter into another two-year agreement with Cal Fed to provide disbursement services for Housing Maintenance Program loans,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a two-year renewal agreement with California Federal Bank, expiring June 29, 2004, for deposit and check disbursement services used by the housing rehabilitation Revolving Loan Fund.

BE IT FURTHER RESOLVED that the City Manager or his authorized 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 10th day of September 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-435

A RESOLUTION A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH DMJM+HARRIS FOR CONSTRUCTION MANAGEMENT SERVICES FOR CONSTRUCTION OF THE KANSAS-NEEDHAM OVERHEAD

WHEREAS, a construction contract was awarded to Agee Construction Corporation on April 23, 2002 for construction of the Kansas-Needham Overhead Project to construct an overhead crossing of 9th Street and the Union Pacific Railroad, from the intersection of College Avenue/10th Street and Needham Avenue to the intersection of Franklin Street/Beech Street, and

WHEREAS, the Kansas-Needham Overhead project is a large specialized project and that requires augmentation of the City's capacity to provide construction management, and

WHEREAS, the selection for construction management services followed the City's selection procedures for professional consultants, and the Selection Committee recommended that negotiations begin with DMJM+HARRIS, and

WHEREAS the State of California Department of Transportation (CALTRANS) reviewed the proposed contract and authorized the City to proceed, and

WHEREAS, the fee for construction management services has been negotiated with DMJM+HARRIS for an amount not to exceed $998,046,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and DMJM+HARRIS for construction management services during construction of the Kansas-Needham Overhead Project is hereby approved.
BE IT FURTHER RESOLVED that the execution of said agreement by the City Manager or his authorized designee is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-436

A RESOLUTION ACCEPTING THE ROSELLE AVENUE MEDIAN CLOSURE AT FLUSHING MEADOWS DRIVE IN THE CHARLESTON PLACE SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF SECURITY

WHEREAS, CHARLESTON PLACE (DEVELOPER), a California Limited Partnership, is the Developer of the Charleston Place Subdivision, and

WHEREAS, DEVELOPER created and maintained a temporary access to the Subdivision from Roselle Avenue for the purpose of improved access to model homes, and

WHEREAS, DEVELOPER, posted a Letter of Credit to secure faithful performance of its obligation to close the temporary access in the amount of $18,400.00, and

WHEREAS, DEVELOPER has delivered an Assignment of a Certificate of Deposit in the amount of $2,300.00 to guarantee improvements associated with the median closure, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that the median has been closed and all work has been completed, to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements associated with the median closure as complete, and authorize the City Clerk to file a Notice of Completion and release the warranty security upon expiration of the statutory period,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The improvements related to the Roselle Median Closure in the Charleston Place Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the Letter of Credit for faithful performance in the amount of $18,400.00 upon recordation of the Notice of Completion.

3. The City Clerk is hereby authorized to release the warranty security to guarantee the closure improvements, one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-437

A RESOLUTION ACCEPTING IMPROVEMENTS IN THE MONTEREY BAY UNIT NO. 2 SUBDIVISION, IN THE CARVER-BANGS SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, BRIGHT DEVELOPMENT, a California corporation, is the subdivider of the Monterey Bay Unit No. 2 Subdivision, and

WHEREAS, BRIGHT DEVELOPMENT, a California corporation, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $273,450.00 and $136,725.00, respectively; and

WHEREAS, BRIGHT DEVELOPMENT, a California corporation, has filed a warranty bond in the amount of $27,345.00 to guarantee improvements in the Monterey Bay Unit No. 2 Subdivision, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:
1. The improvements in Monterey Bay Unit No. 2 Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $273,450.00 upon recordation of the notice of completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $136,725.00 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $27,345.00 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September 2002, by Councilmember Fisher, 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, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: Jackman

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By  
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-439

A RESOLUTION APPROVING A LEASE AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR THE USE OF AIRPORT PROPERTY WHERE THE INSTRUMENT LANDING SYSTEM'S APPROACH LIGHTING (MALSR) AND THE RIGHT-OF-WAY TO THE FACILITY SITE IS LOCATED, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNATED REPRESENTATIVE TO EXECUTE THE LEASE ON BEHALF OF THE CITY

WHEREAS, the Modesto City-County Airport is equipped with an Instrument Landing System (ILS) to serve Runway 28R, and it allows continued air carrier and air carrier and general aviation flights during times of reduced visibility, and

WHEREAS, the ILS at Modesto City-County Airport is owned, operated, and maintained by the FAA, and the system has been in operation since it was first installed in the 1970’s, and

WHEREAS, the approach lights (MALSR) are a component of the ILS, and FAA’s existing lease for the property site is about to expire, and

WHEREAS, the FAA is interested in renewing the lease on a non-monetary basis and has requested the City to approve a new lease with a term commencing on October 1, 2002, and expiring on September 30, 2022, or until either party gives the other written notice that they wish to terminate the lease prior to its expiration date, and

WHEREAS, the Council Economic Development Committee reviewed the request at their September 9, 2002 meeting, and recommended approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the lease agreement with the FAA for the use of the airport’s property where the ILS MALSR, and the utility right-of-way to the site is located.
BE IT FURTHER RESOLVED that the City Manager or his designated representative is hereby authorized to execute the lease 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 10th day of September 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-440

A RESOLUTION ACCEPTING THE PROJECT TITLED “UPGRADE TRAFFIC SIGNALS – CITY – 10TH AND J, 11TH AND J, COLLEGE AND STODDARD, AND EL VISTA AND MILLER” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Upgrade Traffic Signals – City – 10th and J, 11th and J, College and Stoddard, and El Vista and Miller, has been completed by Collins Electrical Company, Inc., in accordance with the contract agreement dated September 4, 2001,

NOW, THEREFORE, BE IT RESOLVED that the Upgrade Traffic Signals – City – 10th and J, 11th and J, College and Stoddard, and El Vista and Miller be accepted from said contractor, Collins Electrical Company, Inc., that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $262,530 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 10th day of September 2002, by Councilmember Fisher,
who moved its adoption, which motion being duly seconded by Councilmember
Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-441

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JONES & STOKES ASSOCIATES INC. FOR THE PROVISION OF SERVICES RELATED TO THE MODESTO MASTER ENVIRONMENTAL IMPACT REPORT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City and Jones & Stokes ("Consultant") executed an Agreement to update the City’s Master Environmental Impact Report ("MEIR") for the City’s General Plan, dated April 11, 2000, ("Agreement"), and

WHEREAS, City and Consultant executed an Amendment to subject Agreement dated April 24, 2001, and

WHEREAS, the original budget to assist City on traffic-related work has been impacted due to substantial time spent by Consultant on data checking and screening, additional analyses with land use and traffic networks that were later superceded or revised, extension of the project schedule and unanticipated project coordination, and

WHEREAS, City has identified the analysis of three (3) alternatives to the proposed project that it desires to be completed as part of the MEIR update pursuant to the California Environmental Quality Act (CEQA), and

WHEREAS, the parties now wish to further amend the Agreement to amend the payment schedule, revise the performance schedule, and to revise the Scope of Work for the agreement.

NOW, THEREFORE, BE IT RESOLVED that the Second Amendment to the Agreement is approved and the City Manager or his authorized designee is authorized to execute the Second Amendment to Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

JEAN ZAHR City Clerk

APPROVED AS TO FORM

MICHAEL D. MILICH, City Attorney

By ____________________________
ALISON A. BARRATT-GREEN, Senior Deputy City Attorney
A RESOLUTION APPROVING A REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND O'BRIEN'S DEVELOPMENT RELATED TO THE REIMBURSEMENT FOR IMPROVEMENTS FOR THE PELANDALE AVENUE EXPRESSWAY.

WHEREAS, O'BRIEN'S DEVELOPMENT (O'BRIEN'S) owns a certain tract of land consisting of approximately 10.07 acres within Stanislaus County in the Pelandale-Snyder Specific Plan Area, commonly known as the O'Brien's Center, and

WHEREAS, O'BRIEN'S is developing said Center and, as a condition of approval of said development, is required to improve sixty-seven and one half (67 ½) feet of right-of-way to the north of the Center for the portion of Pelandale Avenue, six hundred (600) feet east of Dale Road, and

WHEREAS, pursuant to CITY'S CFF Reimbursement Policy, O'BRIEN'S has requested, and CITY has agreed, that O'BRIEN'S be reimbursed for the improvements for this portion of Pelandale Avenue in an amount not to exceed $150,600.00, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the CITY OF MODESTO and O'BRIEN'S related to the reimbursement for improvements for the Pelandale Avenue Expressway in an amount not to exceed $150,600.00 is hereby approved.

BE IT FURTHER RESOLVED that the City Manager 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 10th day of September 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: ________________________________

MICHAEL D. MILICH, City Attorney
A RESOLUTION CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE SPECIAL TAX TO THE QUALIFIED ELECTORS OF THE TERRITORY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE - ANNEXATION #9)

WHEREAS, on August 8, 2002, the City Council adopted Resolution No. 2002-371 (the "Resolution of Intention to Annex") indicating its intention to annex certain territory (the "Annexed Territory") to Community Facilities District No. 1996-1 (the "District") in order to finance certain public facilities (the "Facilities") and services (the "Services") and to authorize the levy of a special tax (the "Special Tax") within the Annexed Territory, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

WHEREAS, a copy of the Resolution of Intention to Annex, describing the territory proposed to be annexed, the list of Facilities and Services to be financed by the Annexed Territory, and the Special Tax to be levied in the Annexed Territory, and setting the hearing thereon, is on file with the City Clerk, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk, and

WHEREAS, a hearing of the City Council was held on September 10, 2002, as required by law related to the proposed annexation of territory and the levy of the Special Tax within the Annexed Territory and all other matters set forth in the Resolution of Intention to Annex, and
WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation of territory and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, including all interested persons or taxpayers for or against the proposed annexation of territory and the levy of the Special Tax therein were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to the City Council on the matters before it, and the City Council at the conclusion of the hearing was fully advised as to all matters related to the proposed annexation and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, written protests against the proposed annexation and the levy of the Special Tax therein have not been filed with the City Clerk by fifty percent or more of the registered voters, or six registered voters, whichever is more, residing within either the District or the Annexed Territory proposed to be annexed to the District, or the owners of one-half or more of the area of land in either the territory in the District or the Annexed Territory and not exempt from the Special Tax, and

WHEREAS, the City Clerk has concurred in the election date herein set forth for the election herein called,

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. All prior proceedings taken with respect to the annexation of territory to the District and the levy of the Special Tax therein, were valid and in
conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

therein have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 3.

(a) The Facilities to be financed by the Annexed Territory are set forth in EXHIBIT “A” attached hereto and incorporated herein by this reference.

(b) The Facilities are necessary to meet the increased demands placed upon the City and other local agencies operating within the Annexed Territory as a result of development occurring therein.

(c) No land within the Annexed Territory is devoted primarily to agricultural, timber or livestock uses or being used for the commercial production of agricultural, timber or livestock products.

SECTION 4.

(a) The Services to be financed by the Annexed Territory are set forth in EXHIBIT “A” attached hereto and incorporated herein by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The Services are governmental services which the City is authorized by law to provide to the extent that they
are in addition to those provided in the Annexed Territory before the territory was annexed to the District.

(b) The Services are necessary to meet the increased demands placed upon the City and other local agencies operating within the area of the Annexed Territory as a result of development occurring in the Annexed Territory.

SECTION 5. The Amended Report related to the Facilities and Services shall be a part of the record in these proceedings.

SECTION 6.

(a) As stated in the Resolution of Intention to Annex, it is the intention of the City Council, subject to the approval of the qualified electors of the Annexed Territory, to annex territory to the District and levy a Special Tax within the Annexed Territory. Specifically, upon such approval the Council shall levy the Special Tax upon the Annexed Territory.

(b) The rate, method of apportionment, and manner of collection of the special tax, in sufficient detail to allow each landowner or resident within the Annexed Territory to estimate the maximum amount that he or she will have to pay, is described in EXHIBIT "A" attached hereto and incorporated herein by this reference.

(c) The Special Tax as apportioned to each parcel pursuant to EXHIBIT "A" is based on the cost of making the Facilities
and Services available to each parcel of the Annexed Territory, or other reasonable basis, and is not based on or upon the ownership of real property.

There is no ad valorem property tax currently being levied on property within the Annexed Territory for the exclusive purpose of making lease payments or paying principal or interest on any other indebtedness incurred to finance the construction of capital facilities which are the same as are to be provided by the Facilities to be financed by the Annexed Territory.

SECTION 7. A special election (the "Election") is hereby called as a mail ballot election on the proposition of levying the Special Tax within the Annexed Territory. The City Council further directs that this Resolution shall constitute the notice of the Election on the above proposition. However, the giving of such notice is waived if the City Clerk shall receive unanimous consent to such waiver from the Landowners.

SECTION 8. It is hereby found that there were fewer than twelve registered voters registered to vote within the Annexed Territory on any one day during the ninety days preceding the close of the protest hearing. Pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Annexed Territory and each landowner who is the owner of record at the close of the Hearing, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that he or she owns within the Annexed Territory. The number of votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner.

SECTION 9. If the City Clerk shall have received appropriate waivers of time limits and other requirements pertaining to the conduct of the Election by each of the owners of land included in the Annexed Territory (collectively, the "Landowners") on
or before Tuesday, the 17th day of September, 2002, the Election shall be held on that
day, or on such earlier date on which the City Clerk shall have received such waivers and
completed ballots. Otherwise, the Election shall be held on the first Tuesday after that
date which is 90 days after the date on which this Resolution is adopted.

The Election shall be conducted by the City Clerk in the manner required by this
Resolution, the Act and applicable laws. Receipt by the City Clerk of this Resolution, a
certified map of sufficient scale and clarity to show the boundaries of the Annexed
Territory and a sufficient description to allow the City Clerk to determine the boundaries
of the Annexed Territory within three business days after the adoption of this Resolution
shall be conclusively evidenced by the signature of the City Clerk on the certificate of
adoption relating to this Resolution.

In accordance with Section 53326 of the Act, the ballots for the election shall be
distributed by mail or by personal service by the City Clerk, with return postage prepaid,
to each Landowner, or Landowner's authorized representative for the purpose of voting
its interests at the special election, within the Annexed Territory. The City Clerk shall
certify the proper mailing or service of ballots by an affidavit, which shall constitute
conclusive proof of mailing or service in the absence of fraud. The voted ballots shall be
returned to the City Clerk in person or by mail, courier, messenger or other means of
delivery not later than 7:00 p.m. on the day of the Election.

SECTION 10. Unless waived with the unanimous consent of all the
Landowners, there shall be prepared and included in the ballot material provided to each
voter an impartial analysis pursuant to Section 5011 of the California Elections Code (the
"Elections Code") and arguments and rebuttals, if any, pursuant to Sections 5012 to 5016,
inclusive, and 5025 of the Elections Code.
SECTION 11. The Annexed Territory shall constitute a single election precinct for the purpose of holding the Election.

SECTION 12. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the Election. The City Clerk shall perform and render all services and proceedings incidental to and connected with the Election. These services shall include, but not be limited to, the following activities as are appropriate to the Election:

1. Cause to be printed the requisite number of official ballots, tally sheets and other necessary forms;

2. Furnish and address to mail or personally deliver the official ballots to the qualified electors of the Annexed Territory;

3. Cause the official ballots to be mailed or personally delivered, as required by law;

4. Receive the returns of the Election and supplies;

5. Sort and assemble the election material and supplies in preparation for the canvassing of the returns;

6. Canvass the returns of the Election;

7. Furnish a tabulation of the number of votes given in the Election;

8. Make all arrangements and take the necessary steps to pay all costs of the election incurred as a result of services performed for the Annexed Territory and pay costs and expenses of all election officials; and

9. Conduct and handle all other matters relating to the proceedings and conduct of the Election in the manner and form as required by law.
SECTION 13. Following the Election the City Clerk shall present a report to the City Council with the Election results. The Council shall then make a determination as to whether two-thirds or more of the votes cast are in favor of levying the Special Tax within the Annexed Territory. If the Council determines that two-thirds or more of the votes cast are in favor of the Special Tax, the City Council may levy the Special Tax in the Annexed Territory in the amount and for the purposes specified in the Resolution of Intention to Annex. The Special Tax may be levied in the Annexed Territory at the rate and may be apportioned in the manner specified in the Resolution of Intention to Annex and in the attached EXHIBIT "A".

SECTION 14. The City Clerk, in accordance with Sections 3114.5 and 3117.5 of the Streets and Highways Code, shall record an amendment to the Notice of Special Tax Lien originally recorded pursuant to Section 3114.5 of the California Streets and Highways Code in the office of the County Recorder of the County of Stanislaus as Document No. 96-0090915-00 on October 24, 1996.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
EXHIBIT "A"
COMMUNITY FACILITIES DISTRICT
NO. 1996-1 (VILLAGE ONE)

CITY OF MODESTO
STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

AMENDED APRIL 1997
FOR
ANNEXATION NO. 1

Prepared by:

VAIL ENGINEERING CORPORATION
2033 Howe Ave., Ste. 220
Sacramento, CA 95825
(916) 929-3323
(916) 929-1772 FAX
# TABLE OF CONTENTS

**INTRODUCTION** ........................................................................................................... 1

I. DESCRIPTION OF FACILITIES FOR ANNEXATION NO. 1 ........................................... 2
   A. ARTERIAL ROADS ..................................................................................................... 2
   B. STORM DRAINAGE SYSTEM .................................................................................. 3
      1. West Basin (9.56 acres): ...................................................................................... 3
      2. Central Basin (15.59): ......................................................................................... 3
      3. Industrial Basin (8 acres): ...................................................................................... 3
   C. UTILITY RELOCATION ............................................................................................. 3
   D. PARKS ..................................................................................................................... 3
   E. PUBLIC FACILITIES ............................................................................................... 4
   F. OTHER .................................................................................................................... 4
   G. OPERATIONS AND MAINTENANCE OF PARKS, TRAILS, AND STREET PARKWAYS 4

II. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT ANNEXATION NO. 1 .......... 5

III. COST ESTIMATES ...................................................................................................... 6
    A. CAPITAL COSTS FOR FACILITIES SPECIAL TAX ............................................. 6
    B. OPERATIONS AND MAINTENANCE COSTS FOR MAINTENANCE SPECIAL TAX 7

IV. RATE AND METHOD ................................................................................................ 8
    A. DEFINITIONS ......................................................................................................... 8
    B. ASSIGNMENT TO LAND USE CLASS ................................................................... 11
    C. MAXIMUM SPECIAL TAX .................................................................................... 12
       1. Facilities Special Tax ......................................................................................... 12
       2. Maintenance Special Tax .................................................................................... 14
    D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX ................. 16
       1. Facilities Special Tax ......................................................................................... 16
       2. Maintenance Special Tax .................................................................................... 17
    E. LIMITATIONS ......................................................................................................... 18
    F. ENFORCEMENT .................................................................................................... 18

V. GENERAL TERMS AND CONDITIONS .................................................................. 19
    A. SUBSTITUTION FACILITIES ............................................................................... 19
    B. APPEALS AND INTERPRETATION PROCEDURE .............................................. 19
    C. ADMINISTRATION OF FUNDS ........................................................................... 19
       1. Facilities Fund .................................................................................................... 19
       2. Maintenance Fund ............................................................................................. 20

VI. CERTIFICATION ..................................................................................................... 21
INTRODUCTION

WHEREAS, City Council of the City of Modesto did, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, and specifically Section 53321.5 thereof, expressly order the filing of a written "Report" with the City for a proposed Community Facilities District. This Community Facilities District shall hereinafter be referred to as:

Community Facilities District No. 1996-1 (Village One).

(Hereinafter referred to as the "District") and

WHEREAS, the Resolution ordering said "Report" did direct that said "Report" generally contain the following:

(1) A description of the public capital facilities and services proposed for the District;

(2) A general description of the area to be served by said facilities; said areas being the boundaries of the District;

(3) A cost estimate, setting forth the costs and expenses for providing the public facilities and services to the properties within the boundaries of the District and the costs of any incidental expenses to be paid by the District;

(4) The rate and method of apportionment of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the annual amount of payment;

(5) General Terms and conditions relating to the proceedings.

For particulars, references is made to the Resolution of Intention ordering the report, as previously approved and adopted.

NOW, THEREFORE, I, Jerry L. Slinkard, P.E., authorized representative for Vail Engineering Corporation, the appointed responsible officer or person directed to prepare the Report, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, do hereby submit the following data:
I. DESCRIPTION OF FACILITIES

All facilities described herein are as presented in the Village One Facilities Master Plan adopted June 1996. Said master plan is incorporated herein by reference. The following descriptions summarize the facilities to be funded within the CFD 1996-1.

A. ARTERIAL ROADS

The circulation plan for Village One consists of six major streets (four arterials and two expressways). For the purpose of this document, all six roadways are referred to as arterial roads. Urban interchanges are not included in the Village One Finance Plan. It is anticipated that subsequent updates to the Capital Facilities Fee Program will include urban interchanges. Refer to the Facilities Master Plan for right-of-way widths along arterial roads. The arterial roads are:

- **Claus Road (Expressway)**: Brigsgmore to AT and SF railroad, widen to six-lane expressway.

- **Brigsgmore (Expressway)**: Oakdale Road to Claus Road, widen to six-lane expressway.

- **Sylvan Avenue**: Oakdale Road to Roselle Avenue, widen to six lanes; Roselle Avenue to Claus Road, widen to four lanes plus bike lanes.

- **Floyd Avenue**: Oakdale Road to Claus Road, widen to four lanes plus bike lanes and parking.

- **Oakdale Road**: Brigsgmore to Sylvan, widen to six lanes.

- **Roselle Avenue**: Brigsgmore to Sylvan, widen to four lanes plus bike lanes.
B. STORM DRAINAGE SYSTEM

The storm drainage system for Village One consists of three basins for detention and retention:

1. West Basin (9.56 acres): Retention with pump out facilities to Central Basin.

2. Central Basin (15.59): Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

3. Industrial Basin (8 acres): Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

The facilities to be funded in CFD 1996-1 include: basins, land for basins, trunk gravity, drainage pipes in sizes ranging from 24 inches in diameter to 72 inches in diameter, and force mains. A detailed description and location of facilities is contained in "Village One Facilities Master Plan" adopted June 1996 and incorporated herein by reference.

C. UTILITY RELOCATION

The cost of a PG&E high pressure gas main within Claus Road between Briggsmore Avenue and Sylvan Avenue is identified for relocation.

D. PARKS

Three neighborhood parks and one community park will be developed within CFD 1996-1. The development of the parks will include the acquisition of land, park improvements, and street frontage improvements for:

<table>
<thead>
<tr>
<th>Park</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Park</td>
<td>35</td>
</tr>
<tr>
<td>Roselle Neighborhood Park</td>
<td>7</td>
</tr>
<tr>
<td>Clauss Neighborhood Park</td>
<td>7</td>
</tr>
<tr>
<td>Merle Neighborhood Park</td>
<td>8</td>
</tr>
</tbody>
</table>

In addition, 21.3 acres of buffer land for the community park is to be acquired, a bike trail is to be developed along M.I.D. Lateral No. 3, and a trail is to be developed along Claus Road.
E. PUBLIC FACILITIES

An area office for police is proposed within Village One. Funds are provided within CFD 1996-1 for tenant improvements necessary to set up an area office.

F. OTHER

Other costs associated with Village One include reimbursement to the City of Modesto for engineering of the Facilities Master Plan and planning related to the Village One Specific Plan, future annual administration costs for the CFD, and community signage for Village One.

G. OPERATIONS AND MAINTENANCE OF PARKS, TRAILS, AND STREET PARKWAYS*

The City will maintain the community park, Roselle Park, Claus Park, Merle Park, and arterial road parkways landscaping in a "good standard of maintenance" as defined by the Parks Department. M.I.D. Trail and Claus Trail will be maintained as Class I trails.

*Street parkways includes median and roadside landscape and hardscape.
II. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT ANNEXATION NO. 1

The maps located at the end of the report includes land within Village One that will be annexed to and contained within Community Facilities District 1996-1 (Village One) Annexation No. 1.
III. COST ESTIMATES

A. CAPITAL COSTS FOR FACILITIES SPECIAL TAX

The capital costs for CFD 1996-1 (Village One) Annexation No. 1 amended April, 1997, as estimated in the Village One Facilities Master Plan adopted June 1996, and as shown on page 28 of the Village One Finance Plan, is $48,457,856. This figure is based upon 1996 costs as set forth in the adopted Facilities Master Plan for Village One. These costs are subject to an annual inflation adjustment based upon the Engineering News Record Cost Index for the San Francisco region. A breakdown of these costs are as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial Roads</td>
<td>$20,509,278</td>
</tr>
<tr>
<td>Storm Drainage</td>
<td>$13,240,470</td>
</tr>
<tr>
<td>Utility Relocation</td>
<td>$1,120,458</td>
</tr>
<tr>
<td>Parks</td>
<td>$10,863,967</td>
</tr>
<tr>
<td>Public Facilities</td>
<td>$25,000</td>
</tr>
<tr>
<td>Other</td>
<td>$269,683</td>
</tr>
<tr>
<td><strong>Subtotal:</strong></td>
<td><strong>$48,457,856</strong></td>
</tr>
<tr>
<td><strong>Annual CFD Administration (1%)</strong></td>
<td><strong>$484,579</strong></td>
</tr>
</tbody>
</table>

In addition to the capital costs, an annual cost to administer the CFD is estimated at 1% of the capital costs, or $484,579 over the life of the district.

Total district with administration is: $48,942,435
B. OPERATIONS AND MAINTENANCE COSTS FOR MAINTENANCE SPECIAL TAX

Estimated annual cost to the CFD at full buildout of Village One in 1996 dollars to provide operations and maintenance (O&M) of parks, street/parkway, and pathways (including landscaping) is $850,000. A breakdown of these annual O&M costs are:

- Annual maintenance cost at buildout in 1996 dollars:

  - Community Park and three (3) neighborhood parks ................. $149,073
  - Street/Parkways: 1,500,000 sq. ft. x $0.417 / sq. ft. .............. $625,500
  - Pathway Landscaping: Subtotal Paths .......................... $44,965
    - Class I: 17,889 / 5,280 x $4.020 = $13,560
    - Class II: 82,388 / 5,280 x $1.500 = $23,405
    - Class III: 84,480 / 5,280 x $500 = $8,000
  - Pathway Landscaping: Total Paths .............................. $44,965
  - Weed and Litter Abatement ................................... $4,251
  - Misc. Annual Admin/Cont. (3%) ................................ $26,211

  Total Annual Cost: $850,000

- Total annual costs at "good" standard for all neighborhood and community parks in 1996 dollars is $708,676. The amount attributed to the Village One CFD is $149,073.
IV. RATE AND METHOD (By David Taussig and Associates)

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1996-1 (herein "CFD No. 1996-1") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1996-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1996-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, or other recorded County parcel map.

"Annual Maintenance Special Tax" means a Special Tax levied in any Fiscal Year to pay for the operations and maintenance of parks, street landscaping pathways, weed and litter abatement, and miscellaneous annual administrative and contractual costs.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"Assessor's Parcel Map" means an official map of the County Assessor of the County of Stanislaus designating parcels by Assessor's Parcel Number.

"City" means the City of Modesto.

"City Manager" means the City Manager of the City of Modesto.

"Commercial Property" means all Parcels of Developed Property for which a building permit has been issued for a commercial establishment which sells general merchandise, hard goods, personal and professional services, and other items directly to consumers, including but not limited to travel agencies, hardware stores, food stores, automotive dealers, service stations, home furnishing stores.
restaurants, banks, repair shops, movie theaters, day care centers, and art galleries. In addition, all professional office space, including company headquarters, medical office buildings, and other such buildings, will be defined as Commercial Property.

"Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1996-1.

"Developed Property" means, in any Fiscal Year, all Taxable Property for which a building permit for new construction was issued prior to March 1 of the preceding Fiscal Year or for which a Final Subdivision Map was recorded prior to March 1 of the preceding Fiscal Year creating individual lots for which a building permit may be issued without further subdivision.

"Facilities Special Tax" means a Special Tax levied in any Fiscal Year to pay for public facilities authorized to be funded by CFD No. 1996-1, including appurtenant expenses such as planning, design, engineering, inspection and financing costs.

"Final Subdivision Map" means a final subdivision map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) that creates individual lots for which building permits may be issued. The term "Final Subdivision Map" shall not include any Assessor's Parcel Map or subdivision map or portion thereof, that does not create individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Gross Acreage" means, for Developed Property, the total acreage within the Final Subdivision Map or Parcel map less arterial road right-of-ways (as defined and identified in the Village One Specific Plan #8, the Village One Financing Plan and CFD Public Report) and property that is identified in the Final Subdivision Map for use as a park site, school site, or storm drainage basin. For Undeveloped Property, Gross Acreage means the acreage identified on the Assessor's Map.

"Industrial Property" means all Parcels of Developed Property for which a building permit has been issued for a non-residential structure that is not Commercial Property.

"Land Use Class" means any of the five classes listed in Table 1 and Table 2 below.
"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year (i) to pay for authorized maintenance expenses, (ii) to pay administrative expenses of CFD No. 1995-1, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

"Maximum Special Tax" means the maximum Special Tax, determined in accordance with Section C below, that can be levied by the City in any Fiscal Year on Taxable Property.

"Multi-Family Residential" means any residential structure consisting of two or more residential units that share common walls including, but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, apartment units, including senior housing that fits within the aforementioned description.

"Other Property" means any Parcel of Developed Property for which a building permit has been issued for a use other than Very Low Density Residential, Village Residential, Multi-Family Residential, Commercial or Industrial Property.

"Other Undeveloped Property" means all Taxable Property that is not classified as Developed Property, Undeveloped Commercial Property, Undeveloped Industrial Property or Undeveloped Residential Property.

"Public Agency" means the federal government, State of California or other local governments or public agencies.

"Subdivided Property" means all Parcels which, after recordation of a Final Subdivision Map, are in their final configuration and for which building permits may be issued. Subdivided Property shall not include any Assessor's Parcels that are not individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

"Undeveloped Commercial Property" means any Parcel that is not Developed Property that is anticipated to be developed as Commercial Property, as determined first by reference to the Village One Specific Plan and, second, by reference to the Parcel's zoning designation.

"Undeveloped Industrial Property" means any Parcel that is not Developed Property that is anticipated to be developed as Industrial Property, as determined first by
reference to the Village One Specific Plan and, second, by reference to the Parcel's zoning designation.

"Undeveloped Residential Property" means any Parcel that is not Developed Property that is anticipated to be further subdivided and developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property, as determined first by reference to the Village One Specific Plan and, second, by reference to the Parcel's zoning designation.

"Very Low Density Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre.

"Village One Facilities Master Plan" means the facilities master plan for development of Village One adopted in June 1996, and as may be amended in the future.

"Village One Specific Plan" means the Specific Plan for development in Village One of the City of Modesto, as adopted by the City Council and as amended in future years.

"Village Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre.

B. ASSIGNMENT TO LAND USE CLASS

After issuance of a building permit and prior to final building permit inspection or issuance of a certificate of occupancy for a Parcel in CFD No. 1996-1, the Parcel shall be assigned to the appropriate Land Use Class based upon the land use and density proposed for the Parcel. For Multi-Family Residential Property, the number of residential units shall be determined by referencing the condominium plan, apartment plan, site plan or other development plan. If the Parcel is designated as Other Property, the City or its designee shall identify the appropriate Land Use Class for purposes of calculating the Maximum Special Tax by determining the land use that was anticipated for the Parcel based on reference to the current Village One Specific Plan. Determination of the appropriate Land Use Class shall be at the sole discretion of the City.
C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

a) Very Low Density Residential Property and Village Residential Property

Prior to recordation of each Final Map for property in CFD No. 1996-1, the City or its designee shall determine the Gross Acreage included within the Final Map and, for Very Low Density Residential Property and Village Residential Property, shall apply the following steps to determine the actual Maximum Special Tax that will apply to each unit within the Final Map:

Step 1: Determine if there is a portion of the Final Subdivision Map acreage that is not Subdivided Property, as defined in Section A above. Calculate the Gross Acreage associated with such unsubdivided Parcels by identifying the acreage of the Parcel and (i) adding all or a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way to either: 1) the centerline, if acreage within the final map fronts on both sides of the non-arterial road or, 2) the opposite right-of-way line if there is no fronting acreage within the final map or on the opposite side of the non-arterial road, and (ii) subtracting of the acreage of any arterial right-of-way included in the final map.

Step 2: Identify the Land Use Class that applies to all Parcels of Subdivided Property within the Final Subdivision Map.

Step 3: Determine the Gross Acreage of all Subdivided Property included within the Final Subdivision Map. If more than one Land Use Class is represented within the Final Subdivision Map, distribute the Gross Acreage of all Subdivided Property to each Land Use Class.
Step 4: Multiply the Gross Acreage for each Land Use Class determined in Step 3 by the Facilities Special Tax identified for each Land Use Class in Table 1 below.

Step 5: Separately for each Land Use Class identified in the Final Subdivision Map, divide the product determined in Step 4 by the number of residential units within that Land Use Class as reflected in the Final Subdivision Map.

Step 6: Multiply the quotient(s) determined in Step 5 by 1.01 to calculate the Facilities Special Tax per residential unit that shall be collected prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

b) Multi-Family Residential Property, Commercial Property, and Industrial Property

The Maximum Facilities Special Tax for Multi-Family Residential, Commercial and Industrial Property shall be determined as follows:

Step 1: Determine the Gross Acreage of the Multi-Family Residential, Commercial, or Industrial Property within the Final Subdivision Map. Such determination shall include netting out any property within the Final Subdivision Map that is not Subdivided Property, as set forth in Step 1 of Section C.1.a. above.

Step 2: Multiply the Gross Acreage determined in Step 1 by the Maximum Facilities Special Tax applicable to each Land Use Class as shown in Table 1 below.

Step 3: Multiply the product determined in Step 2 above by 1.01 to calculate the total Facilities Special Tax that shall be collected from Multi-Family Residential, Commercial or Industrial Property prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.
### Table 1

Per-Acre Special Tax to be Used in Calculation of Maximum Facilities Special Tax

For Annexation Area No. 1

(Fiscal Year 1996-97)

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Per-Acre Special Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Very Low Density Residential</td>
<td>$19,715 per Gross Acre</td>
</tr>
<tr>
<td>2</td>
<td>Village Residential</td>
<td>$29,479 per Gross Acre</td>
</tr>
<tr>
<td>3</td>
<td>Multi-Family Residential</td>
<td>$76,394 per Gross Acre</td>
</tr>
<tr>
<td>4</td>
<td>Commercial</td>
<td>$86,610 per Gross Acre</td>
</tr>
<tr>
<td>5</td>
<td>Industrial</td>
<td>$40,564 per Gross Acre</td>
</tr>
</tbody>
</table>

Beginning in January 1997, the Facilities Special Tax shall be adjusted annually by applying the greater of (i) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Facilities Special Tax shall become effective on the subsequent July 1, and shall apply to all Parcels which have not paid the Facilities Special Tax prior to July 1.

The Facilities Special Tax represents a lien on each Parcel which is anticipated to be released upon payment of the Facilities Special Tax, which is expected to occur no later than final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

2. Maintenance Special Tax

All Taxable Property within this CFD Annexation No. 1 shall be subject to a Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1996-1 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner.
a) Developed Property

The following maximum rates apply to all Parcels of Developed Property within CFD No. 1996-1 for each Fiscal Year in which the Maintenance Special Tax will be levied:

Table 2
Maximum Annual Maintenance Special Tax
(Fiscal Year 1996-97)

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Maximum Annual Maintenance Special Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Very Low Density Residential</td>
<td>$112.43 per lot</td>
</tr>
<tr>
<td>2</td>
<td>Village Residential</td>
<td>$112.43 per lot</td>
</tr>
<tr>
<td>3</td>
<td>Multi-Family Residential</td>
<td>$72.99 per unit</td>
</tr>
<tr>
<td>4</td>
<td>Commercial</td>
<td>$394.30 per Gross Acre</td>
</tr>
<tr>
<td>5</td>
<td>Industrial</td>
<td>$394.30 per Gross Acre</td>
</tr>
</tbody>
</table>

Beginning in January 1997, the maximum Annual Maintenance Special Tax shall be adjusted annually by applying the greater of (I) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (II) four percent (4.0%). Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

b) Undeveloped Property

Undeveloped Residential Property:

The maximum Annual Maintenance Special Tax for each Parcel of Residential Undeveloped Property shall be determined as follows:

Step 1: Determine whether the Parcel will be developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property determined by reference to the Village One Specific Plan.
Step 2: Multiply the average density for the Parcel's Land Use Class as determined in Step 1 by the Gross Acreage of the Parcel to determine the average number of units that could be built on the Parcel. The average density for each Land Use Class shall be determined based on reference to the Village One Specific Plan.

Step 3: Multiply the average number of units for the Parcel as determined in Step 2 by the maximum Annual Maintenance Special Tax for the appropriate Land Use Class, as determined by reference to Table 2.

Step 4: Multiply the figure calculated in Step 3 by 0.50 to determine the total Maintenance Special Tax to be levied on the Parcel.

Undeveloped Commercial and Undeveloped Industrial Property:

The maximum annual Maintenance Special Tax that can be levied on Undeveloped Commercial and Undeveloped Industrial Property is the same as those rates identified in Table 2 above for Developed Commercial or Industrial Property.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

The Facilities Special Tax shall be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction for any residential or non-residential structure within CFD No. 1996-1 and shall be immediately delinquent if not so paid.
2. **Maintenance Special Tax**

Commencing with Fiscal Year 1997-98 and for each following Fiscal Year, the City or its designee shall determine the Maintenance Special Tax Requirement to be collected from Taxable Property in CFD No. 1996-1 in the Fiscal Year. The Maintenance Special Tax shall then be levied as follows:

**Step 1:** Calculate the total Maintenance Special Tax revenues that could be collected from Developed and Undeveloped Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C above.

**Step 2:** Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1.

**Step 3:** If the ratio determined in Step 2 is greater than or equal to 1, levy the Maximum Maintenance Special Tax determined pursuant to Section C on all Developed and Undeveloped Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.

**Step 4:** Levy the maximum Annual Maintenance Special Tax against all Parcels of Developed Property. Subtract the amount generated from Developed Property from the Maintenance Special Tax Requirement, and levy a Maintenance Special Tax on all Parcels of Undeveloped Residential, Undeveloped Commercial and Undeveloped Industrial Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax for Undeveloped Property determined pursuant to Section C.2.b. above.

The Annual Maintenance Special Tax for CFD No. 1996-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1996-1 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes.
E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

F. ENFORCEMENT

All delinquent Facility Special Taxes, or delinquent Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.
V. GENERAL TERMS AND CONDITIONS

A. SUBSTITUTION FACILITIES

The description of the general capital facilities, as set forth herein and as shown in the Facilities Master Plan, are conceptual in their nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans may show substitutes, in lieu or modifications to the proposed work in order to accomplish the work of improvement, and any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in this report.

B. APPEALS AND INTERPRETATION PROCEDURE

Any landowner or resident who feels that the amount of formula of the special tax is in error may file a notice with the legislative body appealing the levy of the special tax. An appeals panel of three members, as appointed by the legislative body, will then meet and promptly review the appeal, and if necessary, meet with the applicant. If the findings of the Appeals Board verify that the tax should be modified or changed, a recommendation at that time will be made to the legislative body, as appropriate, the special tax levy shall be corrected, and if applicable, in any case, a refund shall be granted.

Interpretations may be made by the legislative body by Resolution for purposes of clarifying any vagueness or ambiguity as it relates to any category, zone, rate or definition applicable to these proceedings.

C. ADMINISTRATION OF FUNDS

1. Facilities Fund

All funds received from the payment of the one-time facilities special tax shall be maintained in a single facilities fund account. This account shall apportion the funds into the facilities categories as shown on page 43 of the "City of Modesto Village One Finance Plan" as adopted by the City Council in Resolution No. 96-463 dated August 13, 1996, or as said ordinance may be amended. The City has full discretion in the use of the funds for all authorized facilities within this pooled account. Accounting of the fund shall
track the use of funds to insure the ultimate distribution of funds at buildout are as proportioned in said Ordinance 96-463.

2. Maintenance Fund

All annual maintenance special taxes shall be maintained in a single account. Funds shall be utilized at the discretion of the City to fund authorized maintenance and administration services.
VI. CERTIFICATION

It is my opinion that the special tax rate and method of apportionment, as set forth, is fair and equitable, uniformly applied, and not discriminatory or arbitrary.

Jerry L. Slinkard
Vail Engineering Corporation

Date
RESOLUTION APPROVING AN AGREEMENT WITH AARON READ & ASSOCIATES FOR LOBBYING EFFORTS AT THE STATE LEVEL IN AN AMOUNT NOT TO EXCEED $69,300 ANNUALLY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, on January 1, 2001, the City entered into a contract for lobbying services with Aaron Read & Associates, and

WHEREAS, existing staff does not have the expertise to lobby the state on behalf of the City or the time to effectively monitor the state’s actions, and

WHEREAS, the City has utilized the services of Aaron Read & Associates and has been satisfied with the efforts and results of that firm, and

WHEREAS, Aaron Read & Associates has successfully secured state funding for the city, advocated for legislation that is beneficial to the city, and met with important officials to discuss the city’s necessities and pursuits,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Aaron Read & Associates, for lobbying efforts at the state level in an amount not to exceed $69,300, per year;

BE IT FURTHER RESOLVED that the City Manager, or his designee, is 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 10th day of September 2002, by Councilmember Fisher, 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

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION ESTABLISHING THE ROSELAWN PROJECT.

WHEREAS, a site visit to the Roselawn area showed numerous illegal dumping activities, abandoned vehicles, traffic violations, building code violations and other code violations, and

WHEREAS, staff is recommending that a multi-department project be established to address the issues of code violations, traffic violations, abandoned vehicles, animal issues, and solid waste, and other issues and problems that affect the quality of life in the Roselawn area, and

WHEREAS, the Safety and Communities Committee met on July 1, 2002, and supported staff’s recommendation to establish the Roselawn Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Roselawn Project is hereby established.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 10th day of September 2002, by Councilmember Fisher,
who moved its adoption, which motion being duly seconded by Councilmember
O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-446

A RESOLUTION AMENDING THE FISCAL YEAR 02-03 OPERATING BUDGET TO TRANSFER $15,000 FROM 0100-800-8000-8003, GENERAL FUND RESERVE, TO 0100-370-3770-0235, NEIGHBORHOOD PRESERVATION PROFESSIONAL SERVICES TO PROVIDE FUNDING TO THE ROSELAWN PROJECT

WHEREAS, City staff has recommended that a multi-department project be established to address the issues of code violations, traffic violations, abandoned vehicles, animal issues, illegal dumping, solid waste, and other issues and problems that affect the quality of life in the Roselawn area, and

WHEREAS, in addition to funds budgeted within the participating departments, an additional $15,000 is needed for overtime for code enforcement, neighborhood clean-up and boarding up of properties, and

WHEREAS, the Safety and Communities Committee met on July 1, 2002, and supported staff’s recommendation to establish the Roselawn Project and the request for an additional $15,000 to fully fund the project from the General Fund Reserve,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2002-03 operating budget is hereby amended to transfer $15,000 from the General Fund Reserve, 0100-800-8000-8003, to: 0100-370-3770-0235, Parks, Recreation and Neighborhoods Department, Neighborhood Preservation Unit Organization, Services, Professional and Other.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

Attest:  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:  
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPOINTING COUNCILMEMBER CONRAD, KEATING AND O'BRYANT, AND CITIZENS JOHN ROSE, GARY PLUMMER, SUSAN AZEVEDO AND TED COOK TO AN PUBLIC SAFETY AD HOC COMMITTEE.

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

SECTION 1: Councilmembers Conrad, Keating and O’Bryant, and citizens John Rose, Gary Plummer, Susan Azevedo and Ted Cook are hereby appointed to a Public Safety Ad Hoc Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Public Safety Ad Hoc Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, by Councilmember O’Bryant, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

09/24/02/Clerk/R Bartholomew 1 2002-447
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-448

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE
OFFICE OF THE CITY ATTORNEY OF THE CITY OF MODESTO AND
RESCINDING RESOLUTION NO. 2001-262A

WHEREAS, pursuant to Government Code Section 87300, every local agency
must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City
agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the
code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 24, 2002 considered the
adoption of amended conflict of interest codes for various City departments, including
the Office of the City Attorney.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto hereby adopts an amended Conflict of Interest Code for the Office of the City
Attorney of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2001-262A adopted by the
Council is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, 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: 

APPROVED AS TO FORM

BY: 

MICHAEL D. MILICH, City Attorney
A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE
OFFICE OF THE CITY CLERK & AUDITOR OF THE CITY OF MODESTO
AND RESCINDING RESOLUTION NO. 1992-193

WHEREAS, pursuant to Government Code Section 87300, every local agency
must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City
agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the
code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 24, 2002 considered the
adoption of amended conflict of interest codes for various City departments, including
the Office of the City Clerk & Auditor.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto hereby adopts an amended Conflict of Interest Code for the Office of the City
Clerk & Auditor of the City of Modesto as submitted, a copy of which Code is attached
hereto.

BE IT FURTHER RESOLVED that Resolution No. 1992-193 adopted by the
Council is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 24th day of September, 2002, 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

APPROVED AS TO FORM

BY: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-450

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE
OFFICE OF THE CITY MANAGER OF THE CITY OF MODESTO AND
RESCINDING RESOLUTION NO. 2001-262B

WHEREAS, pursuant to Government Code Section 87300, every local agency
must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City
agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the
code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 24, 2002 considered the
adoption of amended conflict of interest codes for various City departments, including
the Office of the City Manager.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto hereby adopts an amended Conflict of Interest Code for the Office of the City
Manager of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2001-262B adopted by the
Council is hereby rescinded.

RESCINDED

09/24/01/City Clerk/R Bartholomew
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, 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

APPROVED AS TO FORM

BY: Michael D. Milich, City Attorney
A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE
FINANCE DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING
RESOLUTION NO. 2001-262C

WHEREAS, pursuant to Government Code Section 87300, every local agency
must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City
agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the
code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 24, 2002 considered the
adoption of amended conflict of interest codes for various City departments, including
the Finance Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto hereby adopts an amended Conflict of Interest Code for the Finance Department
of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2001-262C adopted by the
Council is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, 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
JEAN ZAHR, City Clerk

APPROVED AS TO FORM

BY: Michael D. Milich, City Attorney
A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT OF THE CITY
OF MODESTO AND RESCINDING RESOLUTION NO. 2001-263

WHEREAS, pursuant to Government Code Section 87300, every local agency
must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City
to the agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the
code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 24, 2002 considered the
adoption of amended conflict of interest codes for various City departments, including
the Community & Economic Development Department

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto hereby adopts an amended Conflict of Interest Code for the Community &
Economic Development Department of the City of Modesto as submitted, a copy of
which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2001-263 adopted by the
Council is hereby rescinded.

RESCINDED

9-28-04

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO.

2002-452

09/24/01/City Clerk/R Bartholomew
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, 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

APPROVED AS TO FORM.

BY: 

MICHAEL D. MILICH, City Attorney
A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE
PARKS, RECREATION & NEIGHBORHOODS DEPARTMENT OF THE CITY
OF MODESTO AND RESCINDING RESOLUTION NO. 2001-267

WHEREAS, pursuant to Government Code Section 87300, every local agency
must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City
agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the
code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 24, 2002 considered the
adoption of amended conflict of interest codes for various City departments, including
the Parks, Recreation & Neighborhoods Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto hereby adopts an amended Conflict of Interest Code for the Parks, Recreation &
Neighborhoods Department of the City of Modesto as submitted, a copy of which Code is
attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2001-267 adopted by the
Council is hereby rescinded.

RESCINDED

09/24/01/City Clerk/R Bartholomew 1
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, 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

APPROVED AS TO FORM

MICHAEL D. MILICH, City Attorney
A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE
OPERATIONS & MAINTENANCE DEPARTMENT OF THE CITY OF
MODESTO AND RESCINDING RESOLUTION NO. 2001-266A

WHEREAS, pursuant to Government Code Section 87300, every local agency
must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City
agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the
code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 24, 2002 considered the
adoption of amended conflict of interest codes for various City departments, including
the Operations & Maintenance Development Department

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto hereby adopts an amended Conflict of Interest Code for the Operations &
Maintenance Department of the City of Modesto as submitted, a copy of which Code is
attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2001-266A adopted by the
Council is hereby rescinded.

RESCINDED

9-28-04

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. 2002-454

09/24/01/City Clerk/R Bartholomew
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, 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

APPROVED AS TO FORM

BY: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-455

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING A CONFLICT OF INTEREST CODE FOR THE INFORMATION & TECHNOLOGY DEPARTMENT OF THE CITY OF MODESTO

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 24, 2002 considered the adoption of a conflict of interest code for the new Information & Technology Department of the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts a Conflict of Interest Code for the Information & Technology Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

RESCINDED

9-28-04

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2004-477
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, 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

APPROVED AS TO FORM

BY: 

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-456

A RESOLUTION APPROVING AN AGREEMENT WITH ROYSTON, HANAMOTO, ALLEY AND ABEY FOR PROFESSIONAL LANDSCAPE ARCHITECTURAL SERVICES TO PREPARE CONSTRUCTION DOCUMENTS FOR USTACH NEIGHBORHOOD PARK AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT.

WHEREAS, the City owns an approximately 9-acre neighborhood park site in Village One, immediately to the north of Elizabeth Ustach Middle School, and

WHEREAS, the Master Plan and Design Development Report for Ustach Neighborhood Park ("park") were approved by the City Council on August 8, 2002, and

WHEREAS, staff now desires to enter into an agreement to complete the construction documents for the park, and

WHEREAS, Royston, Hanamoto, Alley and Abey, professional landscape architectural firm, has agreed to prepare the construction documents at a cost not to exceed $82,000, and

WHEREAS, the Safety and Communities Committee met on September 4, 2002, and supported the recommendation to enter into an agreement with Royston, Hanamoto, Alley and Abey for the preparation of construction documents for Ustach Neighborhood Park,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the agreement with Royston, Hanamoto, Alley and Abey for the preparation of construction documents for Ustach Neighborhood Park, at a cost not to exceed $82,000.

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 24th day of September, 2002, 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

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-457

A RESOLUTION AMENDING THE FISCAL YEAR 2002-03 CAPITAL IMPROVEMENT BUDGET TO A) TRANSFER $35,000 FROM 1350-310-N445, PARK MASTER PLANNING/CONSTRUCTION DOCUMENTS TO 1350-310-Q200, USTACH NEIGHBORHOOD PARK, AND B) AMEND THE DESCRIPTION OF PROJECT Q200 TO INCLUDE PREPARATION OF CONSTRUCTION DOCUMENTS.

WHEREAS, the City desires to enter into an agreement with a professional landscape architecture firm to prepare construction documents for Ustach Neighborhood Park, and

WHEREAS, the cost to provide the construction documents is estimated to be $82,000, and

WHEREAS, an additional $8,000 will be needed for City staff to provide project management, and

WHEREAS, $65,000 is available in Capital Improvement Project 1350-310-N445, Park Master Planning/Construction Documents, and

WHEREAS, $55,000 is available in Capital Improvement Project 1350-310-Q200, Ustach Neighborhood Park, and

WHEREAS, staff is recommending that funding for the construction documents be consolidated into project Q200, and that the description of project Q200 be amended to include preparation of construction documents, and

WHEREAS, the Safety and Communities Committee met on September 4, 2002, and supported the recommendation to amend the Fiscal Year 2002-03 Capital Improvement Budget to transfer $35,000.00 from the Park Master Planning/Const. Doc. account #1350-310-N445 to the Ustach Neighborhood Park account #1350-310-Q200-
and to amend the description of the Ustach Neighborhood Park account to include preparation of construction documents,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2002-03 Capital Improvement Budget is hereby amended to transfer $35,000.00 from the Park Master Planning/Const. Doc. account #1350-310-N445 to the Ustach Neighborhood Park account #1350-310-Q200-6010,

BE IT FURTHER RESOLVED that the description of the Ustach Neighborhood Park account is hereby amended to include preparation of construction documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, 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

APPROVED AS TO FORM:

By: ________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-458

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PREPARATION OF CONSTRUCTION DOCUMENTS FOR USTACH NEIGHBORHOOD PARK.

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

WHEREAS, on May 24, 1994, the Modesto City Council has adopted Resolution No. 94-297 certifying a Supplemental EIR for Village One; which superceded and amended the Village One EIR (SCH No. 90020181), and

WHEREAS on August 8, 2002, by Resolution No. 2002-385, the City Council approved the Ustach Neighborhood Park project, which includes: adoption of the Master Plan and Design Development Report; future preparation of Construction Documents; and subsequent construction, and

WHEREAS, in connection with that approval, City staff prepared an Initial Study, Environmental Assessment No. EA/ PR&N 2002-04, ("Initial Study"), which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on August 8, 2002 in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California at which time the Council adopted
Resolution No.2002-386 which made the following findings as contained in the Initial Study:

A. There are no substantial changes proposed in the project which will require major revisions of the Village One Specific Plan Program EIR, as modified by the Supplemental EIR (SCH No. 90020181).

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

C. No new information, which was not known and could not have been known at the time the Village One Specific Plan Program EIR, as modified by the Supplemental EIR, has become available.

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

WHEREAS, the City now desires to develop construction documents for a 9-acre neighborhood park in Precise Plan Area #15 of the Village One Specific Plan, and

WHEREAS, in accordance with the CEQA guidelines, the City has caused to be published a 20-day notice of the City’s intent to make a finding of conformance with the Initial Study and the Village One Program EIR as amended by the Supplemental EIR, on September 4, 2002, and

WHEREAS, this matter will be considered by the City Council at its meeting on September 24, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Village One Program EIR as amended by the Supplemental EIR and Environmental Assessment No. EA/PR&N 2002-04,
entitled “Ustach Neighborhood Park (Village One – Precise Plan Area #15)”, for the proposed project, and the Council hereby makes the following findings:

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and the previous Initial Study, and no new environmental document or findings are required by CEQA.

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

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

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

5. 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.

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

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

8. The initial study, Environmental Assessment No. EA/PR&N 2002-04, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/PR&N 2002-04, entitled “Ustach Neighborhood Park (Village One – Precise Plan Area #15)”, is on file and available in the City Clerk’s Office.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 24th day of September, 2002, 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
MODesto CITY COUNCIL
RESOLUTION NO. 2002-459

A RESOLUTION APPROVING THE RECOMMENDATION OF THE CITIZEN'S HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE TO ALLOCATE $10,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR A LITTLE LEAGUE DIAMOND AT ORVILLE WRIGHT SCHOOL.

WHEREAS, in April 2002, the Parks, Recreation and Neighborhoods Department released a Request for Proposal (RFP) to interested individuals and/or groups located in low-income neighborhoods for potential Capital Improvement Program projects in their neighborhoods, and
WHEREAS, funds are budgeted in account 11303-320-3254-0505, Neighborhood Grants, and
WHEREAS, up to $10,000 in Community Development Block Grant (CDBG) funds may be allocated to each beautification or improvement project that will result in an improvement in the quality of life for the residents of that neighborhood, and
WHEREAS, the Orville Wright/Airport Little League had 190 youth on 18 teams during the last season, with virtually no fields to play on, with the one existing diamond located at the Orville Wright School not meeting Little League standards, and
WHEREAS, Little League Baseball is an important, positive recreational activity for the low-income youth in this neighborhood, and
WHEREAS, the Orville Wright Baseball for Youth Program submitted a proposal in response to the RFP, and
WHEREAS, they have been working for some time on plans to build a new Little League Diamond, and have a commitment of $3,000 from the Modesto A’s through the “Field of Dreams” program, in addition to in-kind contributions from Modesto City Schools for the sprinkler system and assistance with materials, plus a large volunteer pool for the construction of the diamond itself, and
WHEREAS, this baseball diamond, to be located on the school grounds, is included in the City’s Master Plan for the Orville Wright Park, which will be located adjacent to the school grounds,
WHEREAS, said Master Plan was approved by the City Council at its June 11, 2002, meeting, and
WHEREAS, the Citizens Housing and Community Development Committee met on June 21, 2002, and supported the recommendation to allocate $10,000 to Orville Wright Baseball for Youth for a Little League Diamond at Orville Wright School, and

WHEREAS, the $10,000 CDBG grant will be used to purchase materials for the construction of the diamond, including fencing and concrete,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves allocation of $10,000 in Community Development Block Grant funds to Orville Wright Baseball for Youth for a Little League Diamond at Orville Wright School.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, 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

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-460

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE SCOPE OF THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017) AND THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR ORVILLE WRIGHT NEIGHBORHOOD PARK ENTITLED “PROPOSED DESIGN AND DEVELOPMENT OF ORVILLE WRIGHT NEIGHBORHOOD PARK” (EA No. PR&N 2002-01): ALLOCATION OF $10,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR A LITTLE LEAGUE DIAMOND AT ORVILLE WRIGHT SCHOOL.

WHEREAS, on August 15, 1995, the Modesto City Council adopted Resolution No. 95-408 certifying that the Modesto Urban Area General Plan Environmental Impact Report (“EIR”) (State Clearing House No. 92052017) as complete and adequate pursuant to Section 15090 of the California Environmental Quality Act (“CEQA”) Guidelines, and

WHEREAS, the City has prepared a master plan and desires to develop a 3.8 acre neighborhood park and 2.3 acres of adjacent property owned by Modesto City Schools District, and

WHEREAS, City staff prepared an Initial Study and Mitigated Negative Declaration, entitled “Proposed Design and Development of Orville Wright Neighborhood Park”, Environmental Assessment No. EA/PR&N 2002-01, which concluded that the proposed development of Orville Wright Neighborhood Park is within the scope of the Modesto Urban Area General Plan Master EIR (SCH No. 92052017), and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on June 11, 2002 at which time the Council adopted
Resolution No. 2002-301, making certain findings and adopting the Mitigated Negative Declaration, and

WHEREAS, on June 11, 2002, by Resolution No. 2002-303, the City Council approved the Master Plan and Design Development Report for Orville Wright Neighborhood Park, which includes development of the school site, including the Little League diamond, and

WHEREAS, staff is now recommending that $10,000 in Community Development Block Grant Funds be allocated toward the construction of the Little League diamond on the school site, and

WHEREAS, in accordance with the CEQA guidelines, the City has caused to be published a 20-day notice of the City’s intent to make a finding of conformance with Environmental Assessment No. EA/PR&N 2002-01 and the approved Mitigated Negative Declaration, on September 4, 2002, and

WHEREAS, this matter will be considered by the City Council at its meeting on September 24, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/PR&N 2002-01 and the approved Mitigated Negative Declaration, entitled “Proposed Design and Development of Orville Wright Neighborhood Park”, for the proposed project, and the Council hereby makes the following findings:

1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Modesto Urban Area General Plan Master EIR and the Initial Study and Mitigated
Negative Declaration, and no new environmental document or findings are required by CEQA.

2. The project will have no new effects which were not examined in the Initial Study and Mitigated Negative Declaration and no new mitigation measures would be required.

3. There are no substantial changes proposed in the project which will require revisions to the Initial Study and Mitigated Negative Declaration.

4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Initial Study and Mitigated Negative Declaration.

5. No new information, which was not known and could not have been known at the time the Initial Study and Mitigated Negative Declaration was approved, has become available.

6. There are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Initial Study and Mitigated Negative Declaration will be sufficient for this project.

7. All feasible mitigation measures set forth in the Initial Study and Mitigated Negative Declaration which are appropriate to the project shall be incorporated in the project.

8. The Initial Study and Mitigated Negative Declaration, Environmental Assessment No. EA/ PR&N 2002-01, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/PR&N 2002-01, entitled "Proposed Design and Development of Orville Wright Neighborhood Park", is on file with the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2002, 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
JEAN ZAHR City Clerk
(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney