MODESTO CITY COUNCIL
RESOLUTION NO. 2002-203

A RESOLUTION APPROVING REIMBURSEMENT OF $183,489.79 TO WESTERN PACIFIC HOUSING FOR IMPROVEMENTS INSTALLED IN COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER)

WHEREAS, the Community Facilities District Administrator of the City is required to deny reimbursement for facilities provided by developers which are otherwise CFD reimbursable in circumstances where the developer does not enter into a written agreement with the Community Facilities District Administrator prior to construction of the otherwise reimbursable facilities, and

WHEREAS, Western Pacific Housing did provide certain CFD reimbursable facilities, in the amount of $183,489.79, in the Carver-Bangs/Pelandale-Snyder Community Facilities District No. 1998-2 without first entering into a written agreement with the Community Facilities District Administrator, and

WHEREAS, Western Pacific Housing had actual knowledge of the legal requirement that it procure a written agreement, in the nature of a public works contract, and that it receive a Notice To Proceed from the District Administrator prior to commencement of construction of the subject facilities, and

WHEREAS, it is the view of the City Council that Western Pacific Housing should be reimbursed, in full, for the facilities it installed absent a written agreement or a Notice To Proceed.
NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto determines that the District Administrator's determination, in accordance with law, that Western Pacific Housing should receive nothing for the facilities provided by it in the Carver-Bangs/Pelandale-Snyder Community Facilities District Administrator is hereby overruled, and Western Pacific Housing shall be awarded $183,489.79, the amount of reimbursement to which it would have been entitled had it entered into a written agreement with the Community Facilities District Administrator.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH KRAMER.FIRM, INC. FOR PROFESSIONAL CABLE CONSULTATION SERVICES IN AN AMOUNT NOT TO EXCEED $55,000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, on February 27, 2002 the Cable Television Franchisee, AT&T Broadband, notified the City via filing of a Form 394 of its intent to merge with Comcast Corporation to form a new corporation: AT&T Comcast, and

WHEREAS, under the terms of the Cable Franchise, transfer of the Franchise to the new corporation requires City Council approval, and

WHEREAS, Federal Regulations provide for a 30-day comment window during which local agencies can respond to the Form 394 transfer document to request additional information or to render an assessment of its completeness, and

WHEREAS, on March 25, 2002, the City responded to the Form 394 requesting additional information, assessing the Form 394 as incomplete, and asserting a transfer determination could not be made until additional information was obtained, and

WHEREAS, the City continues to work with AT&T Broadband on franchise compliance issues but has concerns regarding progress toward meeting the franchise requirements, and

WHEREAS, existing staff does not have the expertise to assess legal and technical issues pertaining to the cable franchise transfer and compliance, and

WHEREAS, the City has utilized the services of Kramer.Firm, Inc., in the past and been very satisfied with the level of technical knowledge and expertise of that firm, and

WHEREAS, the cost of continued services by Kramer.Firm, Inc., to resolve technical issues pertaining to the transfer and cable franchise compliance is estimated at $55,000,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Kramer.Firm, Inc., for professional technical cable services in an amount not to exceed $55,000, a copy of which is attached hereto as Exhibit A.

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 23rd day of April, 2002, by Councilmember Jackman, 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. 2002-206

A RESOLUTION APPROVING AN AGREEMENT WITH JOHN HUFFMAN (BROADCAST ENGINEER) IN THE SUM OF $10,000 FOR PROJECT SITE MANAGEMENT SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME.

WHEREAS, Broadcast Engineer will provide on-site project management services to assist the City of Modesto’s efforts in initiating a Public Access-Education-Government Program; and

WHEREAS, Broadcast Engineer shall represent the City in facilitating construction renovations to the designated portion of the basement within the Stanislaus County Office of Education (SCOE) building located at 1100 H Street, Modesto, California.; and

WHEREAS, Broadcast Engineer shall prepare an analysis, in conjunction with AT&T and City engineers, of the required technical infrastructure needed to transition the Master Control Room operation from AT&T’s office located at 1639 Princeton Avenue, Modesto, California to the Stanislaus County Office of Education building located at 1100 H Street, Modesto, California; and

WHEREAS, Broadcast Engineer shall prepare, in conjunction with AT&T engineers, the equipment specifications needed to operate a Master Control Room and mini studio for emergency purposes; and

WHEREAS, Broadcast Engineer shall work, in conjunction with AT&T engineers, to test the entire Master Control Room system to ensure that it is fully operational prior to the City accepting the work as complete; and

WHEREAS, Broadcast Engineer shall work in coordination with the City to ensure the terms of the negotiated agreement between the City and SCOE are consistent with City policy direction; and

WHEREAS, Broadcast Engineer shall provide the City Manager and/or designee with periodic communications, both oral and written, outlining the progress of the project undertaken on the City’s behalf; and
WHEREAS, the Modesto City Council authorizes the City Manager to execute all necessary agreements with John Huffman, Broadcast Engineer for project site management services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts approves an agreement with John Huffman (BROADCAST ENGINEER) in the sum of $10,000 for project site management services and authorizes the City Manager to execute the same.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 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, Keating, Mayor Sabatino

NOES: Councilmembers: Jackman, O’Bryant

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

WHEREAS, on March 27, 2001, the City Council adopted Resolution No. 2001-143, and

WHEREAS, on April 3, 2001, the City Council adopted Resolution No. 2001-159 which amended Exhibit “A” of Resolution No. 2001-143 so that the annual passes do not apply to tee times before 1:00 p.m. on Saturdays, Sundays and Holidays, and

WHEREAS, on November 20, 2001, the City Council adopted Resolution No. 2001-597 which amended Exhibit “A” of Resolution No. 2001-159 so that 1) at Dryen Park Municipal Golf Course and Creekside Municipal Golf Course the Every Day annual passes shall not apply to tee times before 1:00 p.m. on Saturdays, Sundays and Holidays during Daylight Savings Time and 12:00 Noon during Standard Time, and 2) at Municipal Nine-Hole Golf Course the Every Day annual passes shall not apply to tee times before 10:00 a.m. year-round on Saturdays, Sundays and Holidays, and

WHEREAS, in order for the annual pass program to continue into its second year, Council must approve the renewal of any passes effective on or after May 1, 2001, and
WHEREAS, City staff is recommending a green fee rate increase at the Municipal Golf Courses, an increase in the price of annual passes, and the elimination of the 8-play and 10-play Valu-Play booklets, and

WHEREAS, the Golf Courses Committee met on February 25, 2002, and March 18, 2002, and supported the recommendation to continue the Annual Pass Program and to increase rates at City’s Municipal Golf Courses, and

WHEREAS, the Golf Courses Committee further recommended implementing an annual pass $10.00 per round co-pay for everyday pass members on weekends during current non-valid tee times, and

WHEREAS, the Human Services Committee met on April 11, 2002, and: 1) supported the recommendations of staff regarding continuation of an annual membership program; 2) supported increases in green fees and all changes in play policy; 3) supported increases in and annual pass fees; and, 4) opposed the Golf Courses Committee recommendation to implement an annual pass co-pay for everyday pass members on weekends during current non-valid tee times, and

WHEREAS, by an agenda report to the City Council from the Parks, Recreation and Neighborhoods Department dated April 12, 2002, City staff recommended the changes as outlined in the report, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m. on April 23, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing
of the Council was held for the purpose of receiving public comment on the proposed amended golf fees, and

WHEREAS, the Council of the City of Modesto finds that new fees for play need to be established at the Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course,

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

SECTION 1. RATES. The rates for players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "A" attached hereto.

The policies and rates for tournament players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "B" attached hereto.

SECTION 2. DISCOUNTS. (a) School Golf Teams. School golf team passes are to be issued only upon presentation by holder of a current high school or college student body card and verification of golf team membership by the school golf coach. Students shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility. Team members with team member passes must be accompanied by their respective golf coaches and shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf season.

The specific spring school golf team season will be set by the golf professional after
receiving the schools' schedules of matches from each school coach. Green fees at the rate of $2.25 per round shall continue to be implemented for high school and Modesto Junior College golf programs at the Modesto Nine Hole Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course.

(b) **Junior Discounts.** Junior discounts are to be given only to persons eighteen (18) years of age and younger any day after 12:00 noon. Juniors shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility.

(c) **Senior/Junior/Disabled Discounts.** Senior/Junior/Disabled discounts are to be given only to persons who are sixty-two (62) years of age or older or to those who are on disability retirement. Proof of age or proof of disability retirement must be displayed to obtain a Senior/Retired/Disabled discount. Discounts are good weekdays except for holidays.

Members of the five officially recognized golf clubs (Muni Niners, Modesto Golf Club, Dryden Park Women's Golf Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.

(d) **Valu-Play Cards.** Golfers can purchase a weekday, 6-round Valu-Play (multiple play) card for Dryden/Creekside or Muni. Valu-Play Discounts are effective for sixty (60) days from the date of purchase except for the months of December, January and February. During this period multiple play cards will be good for the entire three
months. Multiple play cards are not refundable or transferable. The multiple play card is not good on weekends or holidays.

(e) **Special Rates.** From time to time, the Recreation and Neighborhoods Director or his or her designee may provide up to a fifty percent (50%) discount off of daily greens fees. Such specials shall occur no more than twenty (20) days per month at each golf course.

(f) **Family Tee Program.** To promote family play, golfers may play from established “family tees” to be set no more than 175 yards from the greens at Municipal nine-Hole Golf Courses. Rates for play are $5.00 weekdays and $6.00 weekends. All members of the foursome or group must use the family tees for this rate to be in effect.

(g) **Play one round, get the second round at half price.** This discount is good on the day and at the course on which the original full-fee round is played. The fee for the second round shall be one-half of the green fee in effect at the time the second round is played.

SECTION 3. COMPLIMENTARY TICKETS. Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting professionals or others, for services rendered to the golf course. Free play must be approved by the Parks, Recreation and Neighborhoods Director or designee.

SECTION 4. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.
SECTION 5. POLICY. In order for fees to be consistent and competitive with other courses in the valley, the Play Day Policy for Play at the City's Municipal Golf Courses by Non-Affiliated Groups shall continue to be implemented as set forth on Exhibit "C" attached hereto.

SECTION 6. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day (January 1st), Martin Luther King's Birthday (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4th), Labor Day (the first Monday in September), Veterans Day (November 11th), Thanksgiving Day (the fourth Thursday in November) and the day after Thanksgiving. When a holiday falls on Sunday, the following Monday shall be observed as a holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.

SECTION 7. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established greens fees.

SECTION 8. OFFICIALLY RECOGNIZED AFFILIATED GOLF CLUBS. Golf Clubs officially recognized under the terms of this resolution are: Muni Niners, Modesto Golf Club, Dryden Park Women's Golf Club, Creekside Golf Club and S.I.R.S.

SECTION 9. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after May 1, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2002, by Councilmember Conrad, 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, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
# CITY OF MODESTO GOLF COURSES  
## GREEN FEE SCHEDULE  
### EFFECTIVE MAY 1, 2002

## DRYDEN PARK MUNICIPAL GOLF COURSE

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekdays, 9-holes</td>
<td>$13.00</td>
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<tr>
<td>Weekdays, 9-holes (seniors/juniors/disabled)</td>
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<tr>
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<tr>
<td>Weekdays, 18-holes (juniors, after noon)</td>
<td>$10.50</td>
</tr>
<tr>
<td>Weekdays Mid-day, 18-holes</td>
<td>$14.00</td>
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<tr>
<td>Weekdays Super-Twilight, 18-holes</td>
<td>$8.00</td>
</tr>
<tr>
<td>Weekdays afternoon League Play</td>
<td>$12.50</td>
</tr>
<tr>
<td>Weekends/Holidays, 9-holes</td>
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<td>Weekends/Holidays, 18-holes</td>
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<tr>
<td>Weekends/Holidays, 18-holes (juniors, after noon)</td>
<td>$13.00</td>
</tr>
<tr>
<td>Weekends/Holidays Mid-day, 18-holes</td>
<td>$17.00</td>
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<tr>
<td>Weekends/Holidays Super-Twilight, 18-holes</td>
<td>$11.00</td>
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<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>6-play Valu-Play booklet</td>
<td>$90.00</td>
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<tr>
<td>6-play Valu-Play booklet (seniors/juniors/disabled)</td>
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## CREEKSIDE MUNICIPAL GOLF COURSE

<table>
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<tr>
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</tr>
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<tbody>
<tr>
<td>Weekdays, 9-holes</td>
<td>$14.50</td>
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<tr>
<td>Weekdays, 9-holes (seniors/juniors/disabled)</td>
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<td>Weekdays, 18-holes</td>
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<td>Weekdays, 18-holes (seniors/juniors/disabled)</td>
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<td>Weekdays, 18-holes (juniors, after noon)</td>
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<td>Weekdays Mid-day, 18-holes</td>
<td>$15.00</td>
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<tr>
<td>Weekdays Super-Twilight, 18-holes</td>
<td>$9.00</td>
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<tr>
<td>Weekdays afternoon League Play</td>
<td>$13.50</td>
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<td>Weekends/Holidays, 9-holes</td>
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<td>Weekends/Holidays Super-Twilight, 18-holes</td>
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<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>6-play Valu-Play booklet</td>
<td>$90.00</td>
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</table>

04/23/02/PR&C/Eubank
6-play Valu-Play booklet (seniors/juniors/disabled) $75.00
### MODESTO NINE HOLE MUNICIPAL GOLF COURSE (MUNI)

<table>
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<tr>
<th>Service Description</th>
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<tbody>
<tr>
<td>Weekdays, 9-holes</td>
<td>$11.00</td>
</tr>
<tr>
<td>Weekdays, 9-holes (seniors/juniors/disabled)</td>
<td>$9.00</td>
</tr>
<tr>
<td>Weekdays, 9-holes (juniors, after noon)</td>
<td>$6.50</td>
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<td>Weekdays Mid-day, 9-holes</td>
<td>$9.00</td>
</tr>
<tr>
<td>Weekdays Super-Twilight, 9-holes</td>
<td>$7.00</td>
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<tr>
<td>Weekdays afternoon League Play</td>
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<tr>
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<td>Weekends/Holidays, 9-holes (juniors, after noon)</td>
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</tr>
<tr>
<td>Weekends/Holidays Mid-day, 9-holes</td>
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<td>Weekends/Holidays Super-Twilight, 9-holes</td>
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<tr>
<td>6-play Valu-Play booklet</td>
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<td>6-play Valu-Play booklet (seniors/juniors/disabled)</td>
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<td>Weekdays, 9-holes, Family Tees</td>
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### MUNICIPAL NINE-HOLE GOLF COURSE, DRYDEN PARK MUNICIPAL GOLF COURSE AND CREEKSIDEMUNICIPAL GOLF COURSE

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<td>*Annual Club Membership, Every Day</td>
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<td>*Annual Club Membership, Every Day, Family, Jr./Sr.</td>
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<td>*Annual Club Membership, Week Day</td>
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<td>*Annual Club Membership, Week Day, Jr./Sr.</td>
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<tr>
<td>*Annual Club Membership, Week Day, Family, Jr./Sr.</td>
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*At Dryden Park Municipal Golf Course and Creekside Municipal Golf Course, the Every Day annual passes provided for above shall not apply to tee times prior to 1:00 p.m. during Daylight Savings Time and 12:00 Noon during Standard Time on Saturdays, Sundays, and Holidays. At Municipal Nine-Hole Golf Course, the Every Day annual passes provided for above shall not apply to tee times prior to 10:00 a.m. year-round on Saturdays, Sundays, and Holidays.*
TOURNAMENT FEE SCHEDULE AND POLICY
EFFECTIVE MAY 1, 2002

<table>
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<th>Location</th>
<th>Weekday</th>
<th>Weekends</th>
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<tbody>
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<td>Regular Tee</td>
<td>Full</td>
<td>Modified</td>
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<tr>
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<td>Time Style</td>
<td>Shotgun Tee</td>
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<td></td>
<td></td>
<td>Time Style</td>
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<td></td>
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<td>Excluding cart</td>
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<tr>
<td></td>
<td>$23.00</td>
<td>$25.00</td>
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</tr>
</tbody>
</table>

In addition, a non-refundable deposit of $50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees ($20.00 weekdays/$27.00 weekends at Creekside, $18.00 weekdays/$24.00 weekends at Dryden and $11.00 weekdays/$13.00 weekends at Muni); and Pro Shop merchandise credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni); and golf course restaurant credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni).

Full shotgun tee time style tournaments require a minimum of 120 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include: green fees ($24.00 weekdays/$32.00 weekends at Creekside, $22.00 weekdays/$29.00 weekends at Dryden and $13.00 weekdays/$15.00 weekends at Muni); Pro Shop merchandise credit ($7.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni); and golf course restaurant credit ($7.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni). Cart rental is required for shotgun style tournaments.

Modified shotgun tee time style tournaments require a minimum of 72 players at Creekside/Dryden. Per player fees include: green fees ($24.00 weekdays at Creekside; $22.00 weekdays at Dryden); Pro Shop merchandise credit ($7.00 at Creekside/Dryden); and
golf course restaurant credit ($7.00 at Creekside/Dryden). Cart rental is required for modified shotgun style tournaments. Modified shotgun style tournaments are not available at Muni.

Members of the five officially recognized affiliated golf clubs (Muni Niners, Modesto Golf Club, Dryden Park Women’s Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Friday, excluding holidays.
EXHIBIT "C"

PLAY DAY POLICY
FOR PLAY AT THE CITY'S
MUNICIPAL GOLF COURSES
BY NON-AFFILIATED GROUPS

The following policy is hereby established for Non-Affiliated Groups to encourage their use of the City's municipal golf courses:

Criteria for these groups are:

1. They are a group with an identification or organizational structure;

2. They commit to use the City's golf course(s) on a regular basis (weekly, bi-weekly, monthly, etc.);

3. They have a minimum of twenty-four (24) players;

4. Regular tee-time style starting will be used (no shotgun style starting will be allowed);

5. Their events do not promote a formal competition or championship; and

6. Play days will be restricted to Monday through Wednesday after 9:00 a.m.

In recognition of their contribution to the golf program, no mandatory pro shop or restaurant fees will be assessed. Tee time reservations, in advance of public reservations, will be allowed.
A RESOLUTION INCREASING THE ENGINEERING AND TRANSPORTATION DIRECTOR’S AUTHORITY LEVEL TO ISSUE CHANGE ORDERS FROM 8% TO 19% OF THE ORIGINAL CONTRACT PRICE WITH BOLLO CONSTRUCTION INCORPORATED ON THE RENOVATION OF EXISTING POLICE HEADQUARTERS BUILDING BID PACKAGE NUMBER THREE (3) PROJECT

WHEREAS, on December 11, 2001, the City Council awarded a $2,279,820 contract to Bollo Construction Incorporated to renovate the existing Police Headquarters Building at 601 11th Street, and
WHEREAS, the contractor started work on February 4, 2002, and
WHEREAS, the City needs to have the contractor perform additional work in excess of the authority given to the Director of Engineering and Transportation on a project this size by the Council’s change order policy adopted by Resolution No. 94-443, and
WHEREAS, the estimated cost associated with the extra work is $240,282, increasing the estimated contract amount to $2,520,702, and
WHEREAS, Council appropriated $240,282 by Resolution No. 2002-208 to fund increase, and
WHEREAS, the Director currently has authority to approve change orders up to a cumulative amount of 8% of the original contract price, or $182,386 in this case,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Engineering and Transportation Director’s authority level to issue change orders, from 8% to 19% of the original contract price with Bollo Construction Incorporated, for the project entitled “Renovation Of Existing Police Headquarters Building Bid Package No.3.”
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 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: \[Signature\]
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By \[Signature\]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-208

A RESOLUTION AMENDING THE 2001-2002 CAPITAL IMPROVEMENT BUDGET BY $240,282 TO FUND UNFORESEEN WORK ON THE RENOVATION OF EXISTING POLICE HEADQUARTERS BUILDING BID PACKAGE NUMBER THREE (3) PROJECT

WHEREAS, on December 11, 2001, the City Council awarded a $2,279,820 contract to Bollo Construction Incorporated to renovate the existing Police Headquarters Building at 601 11th Street, and
WHEREAS, the contractor started work on February 4, 2002, and
WHEREAS, after completing the initial phases of the project, unforeseen deficiencies in the existing building became evident, and
WHEREAS, the City needs to have the contractor perform additional work in the amount of $240,282, and
WHEREAS, performing the additional work will provide the desired end product and avoid additional costly work in the future,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that budget Account 130-190-J299 (Object 6040) shall be increased by $240,282, the increased funds coming the General Fund Reserves Fund, Account 0100-899-8000-8003.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 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

04/23/02 E&T/R Ulm -1- 2002-208
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-209

A RESOLUTION AMENDING PASSENGER FARES FOR SERVICE ON MODESTO AREA DIAL-A-RIDE, RESTATING PASSENGER FARES FOR SERVICE ON MODESTO AREA EXPRESS, AND RESCINDING NO. 99-193.

WHEREAS, in order to receive continued State support the City’s paratransit program requires a 10% fare box recovery rate, and

WHEREAS, Fiscal Year 2002/2003 Dial-A-Ride revenue projections are forecast below the 10% recovery rate, and

WHEREAS, City staff is recommending a rate increase for passengers riding on Modesto Area Dial-A-Ride, and

WHEREAS, the Transit Advisory Committee met on March 14, 2002, and had no objections to the rate increase, and

WHEREAS, the Transportation Policy Committee met on March 21, 2002, and supported staff recommendation, and

WHEREAS, by an agenda report to the City Council from Engineering and Transportation Department dated March 22, 2002, City staff recommended the changes as outlined in the report, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m. on April 23, 2002, in the Tenth Street Place Chamber located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amended fees.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the following fares are hereby established for passengers riding on the fixed route buses of the Modesto Area Express:

A. Cash Fares

1. Regular Passengers $ .85
2. Students (age 5 and older and full-time college students) $ .65
3. Handicapped and Senior Citizens $ .40
4. Transfer fare for passengers transferring from the Stanislaus County Rural Transit System to Modesto Area Express: $0.25

5. Student field trip fare (per student and/or accompanying adult, effective only for elementary or junior high school field trips prearranged in accordance with rules set by the Transit Manager): $0.45

B. Passes and Tickets

1. Regular Monthly Pass – full month:
   - After the 7th of the Month: $33.00
   - After the 14th of the Month: $24.75
   - After the 21st of the Month: $16.50
   - After the 28th of the Month: $8.25

2. Student Monthly Pass – full month:
   - After the 7th of the Month: $22.00
   - After the 14th of the Month: $16.50
   - After the 21st of the Month: $11.00
   - After the 28th of the Month: $5.50

3. Senior Citizen/Handicapped Monthly Pass:
   - Full month: $17.00
   - After the 7th of the Month: $12.75
   - After the 14th of the Month: $8.50
   - After the 21st of the Month: $4.25

4. All day Bus Pass (all passengers): $2.10

5. Commuter Tickets:
   - $33.00 for 50 rides (Commuter tickets are valid only between the hours of 6:00 a.m. and 10:00 a.m. and from 4:00 p.m. to 6:00 p.m. every day)

6. Regular Passenger Ticket Books: $42.50 for 50 rides

7. Student Passenger Ticket Books: $32.50 for 50 rides

8. Senior Citizen/Handicapped Ticket Books: $20.00 for 50 rides
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the following fares are hereby amended for passengers riding on the City of Modesto’s Dial-A-Ride service:

Regular Cash fare $1.70
Ticket Books (containing 10 tickets) $12.65

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 99-193 is hereby rescinded effective May 31, 2002.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that this resolution shall go into effect and be in full force and operation on and after June 1, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2002, by Councilmember Fisher, 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: Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, CITY ATTORNEY
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-210

A RESOLUTION APPROVING THE FILING OF A GRANT APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION FOR PUBLIC TRANSIT OPERATING AND CAPITAL PURPOSES AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL 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 for no more than $5,466,405 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 for no more than $985,500 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 of Modesto City Council conducted a Public Hearing on April 16, 2002, in accordance with FTA regulations, and

WHEREAS, by a report to the Council dated March 27, 2002, from the Engineering and Transportation Department, City staff recommended submitting a grant application for $5,466,405 in formula funds and $985,500 in Congestion Mitigation and Air Quality funds to partially offset the operational and 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 the City Manager or his designee is authorized to execute and file an application for Federal assistance 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 State Code, or other Federal statues authorizing a project administered by the Federal Transit Administration.

BE IT FURTHER RESOLVED that the City Manager or his designee is 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 authorized to execute grant 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 25th day of April, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-211

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA PUBLIC EMPLOYEE’S RETIREMENT SYSTEM (CalPERS)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and California Public Employee’s Retirement System to provide Section 21362.2 and Section 21574.5 for fire safety members; authorize the City Clerk to certify the Council’s action; authorize the City Clerk to certify compliance with Government Code Section 7507; and, introduce an ordinance and set for final adoption on May 28, 2002 to amend the contract between the City and CalPERS to provide 3% @ 50 retirement formula and Indexed Level of 1959 Survivor’s Benefits for fire safety members be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

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

(SEAL)

APPROVED AS TO FORM

By: Michael D. Mihich, City Attorney

05/07/02/Risk/D Norris
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-212
RESOLUTION OF INTENTION
TO APPROVE AN AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM
AND THE
CITY COUNCIL
CITY OF MODESTO

WHEREAS, the Public Employees’ Retirement Law permits the participation of public agencies and their employees in the Public Employees’ Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 21362.2 (3% @ 50 Full formula) and Section 21574.5 (Indexed Level of 1959 Survivor Benefits) for local fire members only.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees’ Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

By: ________________________________
    Presiding Officer

MAYOR
Title

MAY 8, 2002
Date adopted and approved

(Amendment)
CON-302 (Rev. 4/96)
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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

(Seal)

APPROVED AS TO FORM.

By: Michael D. Milich, City Attorney

A. Paragraphs 1 through 14 are hereby stricken from said contract as executed effective June 19, 2001, and hereby replaced by the following paragraphs numbered 1 through 13 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members and age 50 for local safety members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after August 1, 1946 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
   a. Local Fire Fighters (herein referred to as local safety members);
   b. Local Police Officers (herein referred to as local safety members);
   c. Employees other than local safety members (herein referred to as local miscellaneous members).

4. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
   a. POLICE COURT EMPLOYEES; AND
   b. ALL HOURLY RATED OR HOURLY BASIS EMPLOYEES HIRED ON AND AFTER OCTOBER 1, 1962.

5. Assets heretofore accumulated with respect to members in the local retirement system have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of the assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system has been credited to the individual membership account of each such employee under the Public Employees' Retirement System.

6. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1956, the effective date of Social Security coverage, and prior to June 30, 1978, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
7. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).

8. Public Agency elected and elects to be subject to the following optional provisions:
   b. Section 21222.2 (One-Time 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.
   c. Section 21319 (One-Time 15% Increase for Local Miscellaneous Members Who Retired or Died Prior to July 1, 1971). Legislation repealed said Section effective January 1, 2002.
   d. Section 21572 (Increased Level of 1959 Survivor Benefits) for local miscellaneous members only.
   e. Section 20042 (One-Year Final Compensation).
   f. Section 21427 (Improved Nonindustrial Disability Allowance) for local miscellaneous members only.
   g. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance) for local safety members and those local miscellaneous members entering membership on or prior to October 20, 1981.
   h. Section 21325 (One-Time 3% to 15% Increase For Local Miscellaneous Members and Local Safety Members Who Retired or Died Prior to January 1, 1974). Legislation repealed said Section effective January 1, 2002.
   i. Section 20475 (Different Level of Benefits Provided for New Employees). Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance) are not applicable to local miscellaneous members entering membership after October 20, 1981.
   j. Section 21322 (One-Time 4% Increase For Local Miscellaneous Members and Local Safety Members Who Retired or Died Prior to January 1, 1981). Legislation repealed said Section effective January 1, 2002.
k. Section 21317 (One-Time 15% Increase for Certain Local Safety Members Who Retired for Service Retirement). Legislation repealed said Section effective January 1, 2002.

l. Section 21024 (Military Service Credit as Public Service), Statutes of 1976.

m. Section 21574.5 (Indexed Level of 1959 Survivor Benefits) for local safety members only.

9. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on March 28, 1978. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.

10. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.

11. Public Agency shall also contribute to said Retirement System as follows:

   a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574.5 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.

   b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.

   c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

12. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
13. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of ________________, ______

BOARD OF ADMINISTRATION  CITY COUNCIL
PUBLIC EMPLOYEES' RETIREMENT SYSTEM  CITY OF MODESTO

BY
KENNETH W. MARZION, CHIEF
ACTUARIAL & EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY
PRESIDING OFFICER

Witness Date

Attest:

Clerk
CERTIFICATION OF COMPLIANCE WITH
GOVERNMENT CODE SECTION 7507

I hereby certify that in accordance with Section 7507 of the Government Code the future annual costs as determined by the System Actuary and/or the increase in retirement benefit(s) have been made public at a public meeting of the

City Council (governing body)

City of Modesto (public agency)

on May 7, 2002 which is at least two weeks prior to the adoption of the

Resolution / Ordinance.

Jean Zahr, City Clerk/Auditor

Date May 15, 2002
CERTIFICATION OF GOVERNING BODY'S ACTION

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the

City Council

(governing body)

City of Modesto

(public agency)

on May 7, 2002

(date)

Jean Zahr, City Clerk/Auditor

Title
A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

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

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

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

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

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

Paralegal

As a result of a new position created in the 2001/02 budget cycle assigned to the City Attorney’s Office.

The specification for this confidential position of Paralegal, (Range 425) as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of the City of Modesto.
SECTION 2. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Fire Marshal

This classification is being amended as a result of the needs of the position assigned to the Fire Department. The specification for the classification of Fire Marshal, as shown on the attached Exhibit “B” which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after May 7, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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
Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

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

SUPERVISION RECEIVED AND EXERCISED

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

May exercise technical supervision over clerical staff.

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

Essential Functions:

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

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

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

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

Act as a liaison between attorneys and client/witnesses.

Provide logistical support, including filing legal documents or collect legal documents at a variety of venues.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – (continued)

Essential functions:

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

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

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

Respond to inquiries from the public

Monitor the progress of cases/projects as appropriate.

Prepare correspondence and reports.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

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

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

Use and application of general legal principles and processes.

Principles of legal writing; basic communication skills.

Ethics of law practices.

General familiarity with State and Federal Trial Court practices.
QUALIFICATIONS

Knowledge of:
Personal computers and related software.

Ability to:
Provide paralegal support during administrative hearings, in court and while performing related duties.
Make independent judgments within established guidelines.
Prepare legal documents, including pleadings, motions, and discovery documents.
Organize work, set priorities, meet critical deadlines and follow-up on assignments with a minimum of directions.
Research and summarize case law and other legal documents.
Monitor progress of cases and projects as appropriate.
Follow verbal and written instructions.
Establish and maintain effective working relationships with those contacted in the course of work.
Use a computer and related office equipment.

Experience and Training Guidelines

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

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

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

License or Certificate

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

See “training” section above for specific details.

Additional Special Requirements

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

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

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

WORKING CONDITIONS

   Environmental Conditions:

   Office environment.
Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time, bending and stooping to retrieve files and using a personal computer and other office equipment.
FIRE MARSHAL

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

DEFINITION

Under direction to manage and coordinate the activities of the Fire Prevention Bureau, including supervisory and complex technical work related to fire inspection and prevention activities; and to provide highly complex assistance to the Support Services Division Chief.

SUPERVISION RECEIVED AND EXERCISED:

Receives direction from the Support Services Division Chief. Exercises direct and indirect supervision over Fire Prevention Bureau staff, including staff performing related duties while assigned to other departments.

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

Essential Functions:

Schedule and supervise fire prevention activities including inspection of existing structures, construction and remodel sites for compliance with applicable laws and regulations. Structures include: residential, commercial, industrial, institutional, public assembly and public lodging facilities.

Perform the most complex inspections involving unusual technical and enforcement problems.

Schedule and supervise the inspection of hydrants, automatic fire sprinkler systems and elements of a fire protection system.

Calculate water fire flows for building requirements.

Supervise maintenance of records of fire losses, inspections, fire deaths and injuries.

Supervise activities related to plan checking of building suppression and detection systems; review of annexations and subdivisions.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – (continued)

Provide for public education in fire prevention for schools, community groups and other organizations or institutions.

Issue warnings and citations for fire code violations; issue burn permits.

Select, supervise and evaluate Bureau employees.

Supervise the preparation of statistical reports.

Direct the development, implementation and coordination of training programs and standards for Bureau personnel to learn and maintain technical competency.

Develop and administer Bureau budget.

Marginal functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Applicable Federal, State and local laws and ordinances and fire safety standards.

Fire prevention principles, procedures, techniques and equipment.

Building, electrical, mechanical and fire codes.

Principles and practices of supervision, training and personnel management.

Budget preparation and administration.

Ability to:

Recognize fire hazards such as structural conditions and hazardous materials and recommend techniques for correcting them.
QUALIFICATIONS — (continued)

Ability to:

Effectively apply standard fire prevention techniques.

Meet and deal tactfully, and establish and maintain cooperative working relationships with the public, news media, and other governmental agencies.

Plan, organize, coordinate and supervise the work of Bureau employees.

Communicate effectively, both orally and in writing.

Make sound decisions in a manner consistent with job duties and departmental or City policies.

Experience and Training Guidelines:

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

Experience:

Five years of increasingly responsible technical experience in fire prevention. Part of the required experience must include supervisory and administrative functions.

Training:

Equivalent to an Associate of Arts Degree from an accredited college or university in fire science, fire prevention, fire protection engineering or a closely related field.

License or Certificate:

Possession of, or ability to obtain, a valid, appropriate California driver’s license.
WORKING CONDITIONS

Environmental Conditions:
Office and field environment.

Physical Conditions:
Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time, using a personal computer, and traveling from site to site.
A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2001-270 TO AMEND THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ESTABLISH THE SALARY RANGE FOR THE CLASSIFICATION OF PARALEGAL, EFFECTIVE MAY 7, 2002.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2001-270,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2001-270. Exhibit "A" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 19, 2001", is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective May 7, 2002, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" establishes the salary range for Paralegal at Range 425.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after, May 7, 2002.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING AN AMENDMENT TO A SERVICE AGREEMENT WITH THE GOODWIN CONSULTING GROUP AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT TO AGREEMENT

WHEREAS, on the 26th day of June 2001 the Council of the City of Modesto approved an agreement with the Goodwin Consulting Group in the amount of $57,800 to undertake an Infrastructure Financing Study for the Village One.

WHEREAS, it is desirable to increase the scope of the study to include a comparison, on a consistent basis, of the Village One financial burdens to other Central Valley projects in the regional marketplace.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amendment to Agreement with Goodwin Consulting Group in the amount of $20,000.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute said amendment to the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion was 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. 2002-216

A RESOLUTION ACCEPTING THE BID OF AGEE CONSTRUCTION CORPORATION IN THE AMOUNT OF $8,992,823.30 FOR THE PROJECT TITLED "KANSAS-NEEDHAM OVERHEAD" (Project 2002-09)

WHEREAS, the bids received for "KANSAS-NEEDHAM OVERHEAD" were opened at 11:00 a.m. on April 23, 2002, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $8,992,823.30 received from AGEE CONSTRUCTION CORPORATION be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $8,992,823.30 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

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

05/07/02/E&T/K Becker 2002-216

WHEREAS, bicycle commuting is an effective means to reduce air pollution, and
WHEREAS, bicycle commuting is an effective means to conserve energy, and
WHEREAS, bicycle commuting helps improve the “livability” of communities by reducing traffic noise and congestion, and
WHEREAS, bicycle transportation is an integral part of the “multi-modal” transportation system planned for by Federal, State, regional, and local transportation government agencies, and
WHEREAS, local bicycle commute promotions, often known as “Bike to Work Days” have been successful at encouraging bicycle commuting, and
WHEREAS, the California Bicycle Coalition, the American Lung Association of California and many public and private groups and individuals have worked together to promote a single week of bicycle commuting, and
WHEREAS, the month of May is “Clean Air Month” as part of the American Lung Association of California’s efforts to promote air quality, and
WHEREAS, the month of May is National Bike Month to promote the bicycle as a means of transportation and recreation, and
WHEREAS, May 18, 2002, will be celebrated with the “Modesto Family Cycling Festival & Criterium,”
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Modesto City Council urges all citizens to recognize the importance and benefits of bicycling as a zero-polluting transportation alternative, and hereby proclaims May 13-18, 2002, as “California Bike Commute Week 2002.”

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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 ACCEPTING IMPROVEMENTS IN VILLAGE HIGHLANDS PHASE 3 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Inland Village, a General Partnership, subdividers of Village Highlands Phase 3 subdivision, have filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $793,600 and $396,800, respectively, and,

WHEREAS, Inland Village, a General Partnership, has filed a warranty bond in the amount of $79,360 to guarantee improvements in Village Highlands Phase 3 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:

1. The improvements in Village Highlands Phase 3 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $793,600 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 $396,800 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 $79,360 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 7th day of May, 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. 2002-219

A RESOLUTION APPROVING THE FINAL MAP OF CLARATINA ESTATES SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, FLORSHEIM BROS., a California General Partnership, by Florsheim Properties, a California Corporation, Partner, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 41.4 acres, known as Claratina Estates in the Coffee-Claratina Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 6th day of August, 2001, and

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

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

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

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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: Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: JEAN P. ZAHN
JEAN P. ZAHN, City Clerk

APPROVED AS TO FORM:

By MICHAELE D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-220

A RESOLUTION ACCEPTING THE PROJECT TITLED
"PELANDALE/MCHENRY INTERSECTION IMPROVEMENTS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director
that the project titled Pelandale/McHenry Intersection Improvements has been completed
by Fagundes & Son, Inc., in accordance with the contract agreement dated February 13,

NOW, THEREFORE, BE IT RESOLVED that the Pelandale/McHenry
Intersection Improvements project be accepted from said contractor, Fagundes & Son, Inc.,
that the notice of completion be filed with the Recorder of Stanislaus County and
that payment of amounts due in the amount of $477,415.26 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 7th day of May, 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

(SEAL)

APPROVED AS TO FORM:

By ___________________________
MICHAEL D. MILICH, City Attorney

05/07/02 E&T/ T Parmer

2002-220
A RESOLUTION ACCEPTING THE BID OF RICHARD A. HEAPS FOR THE PROJECT TITLED “UPGRADE TRAFFIC SIGNALS – STATE”

WHEREAS, the bids received for the signals at the intersections of Needham at K and L Streets, and 11th and K Street were opened at 11:00 a.m. on April 2, 2002, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $113,748 received from Richard A. Heaps, Electrical Contractor be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $113,748, be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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 ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE CITY MANAGER TO DISTRIBUTE A FORMAL REQUEST FOR PROPOSALS (RFP) TO POTENTIAL HOUSING POLICY ANALYST SERVICE PROVIDERS SEEKING ASSISTANCE WITH THE REVISION AND UPDATE OF THE CITY OF MODESTO HOUSING ELEMENT OF THE URBAN AREA GENERAL PLAN.

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 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 will require the services of a Housing Policy Analyst Service Provider, and
WHEREAS, the City Council’s Community Development and Housing Committee received a staff report on March 20, 2002, outlining the housing element update work program and recommended that the City Council authorize recruitment of a Housing Policy Analyst Service Provider,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does hereby authorize the distribution of a formal Request For Proposals (RFP) for the purpose of receiving assistance with the revision and update of the Housing Element of the City of Modesto Urban Area General Plan.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto, held on the 7th day of May, 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 Zahd/City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-223

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT FOR A GRANT IN THE AMOUNT OF $50,000 BETWEEN THE CITY OF MODESTO AND AMERICAN GI FORUM FOR THE WORKFORCE DEVELOPMENT PROGRAM, CONTRACTOR SUPPORT CENTER, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO AGREEMENT.

WHEREAS, the City Council of the City of Modesto has supported the efforts of the Workforce Development Program, and

WHEREAS, the Workforce Development Program has four components: Pre-Construction Training Program, Contractor Support Center, Affordable Housing and Policy Changes, and

WHEREAS, the Pre-Construction Training Program began in October, 2000, and has successfully graduated three classes, and

WHEREAS, the City Council supports the continued expansion of the Workforce Development program through the creation of the Contractor Support Center,

WHEREAS, the City Council approved the funding request for the Contractor Support Center on September 25, 2001, and

WHEREAS, the Agreement for Services with American GI Forum expired on March 31, 2002, and

WHEREAS, to date, American GI Forum has received a total of $17,855 and has not completed the Program Workplan Objectives, and

WHEREAS, City and American GI Forum desire to extend the term of the Agreement through June 30, 2002,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that an Amendment to the Agreement for Services, entered into September 25, 2001, for a grant in the amount of $50,000 from Community Development Block Grant Funds to AMERICAN GI FORUM for the Workforce Development Contractor Support Center is hereby approved.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the Amendment to the Agreement for Services between the City of Modesto and American GI Forum.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 7th day of May, 2001, 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
Michael D. Milich, City Attorney
A RESOLUTION APPROVING CONCEPTUAL PLANS FOR THE INSTALLATION OF A MURAL ON CITY OF MODESTO WATER TOWER IN CELEBRATION OF THE HUNDREDTH ANNIVERSARY OF THE CALIFORNIA GOLDEN POPPY AS THE STATE FLOWER AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE A RIGHT OF ENTRY AGREEMENT FOR FINAL APPROVAL BY THE CITY COUNCIL.

WHEREAS, the hundredth anniversary of the California Golden Poppy as the State Flower will be celebrated on April 6, 2003, and

WHEREAS, in celebration of this event, the native Daughters of the Golden West and the California Poppy Project have requested consideration of conceptual plans to install a mural on the City-owned water tower at Tenth and D Streets, and

WHEREAS, such plans call for the mural to depict Golden Poppies and Lupines along with the name of the jurisdiction, and

WHEREAS, all work related to this project shall be funded through private donations, and

WHEREAS, implementation of this plan will require the development of a Right of Entry Agreement after the conceptual plan is finalized,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves conceptual plans for the installation of a mural on the City water tower at Tenth and D Streets in celebration of the hundredth anniversary of the California State Flower.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to negotiate a Right of Entry Agreement for City Council approval.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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

(SEAL)

APPROVED AS TO FORM:

By: _________________________________

MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FOURELS INVESTMENT CO. FOR THE INSTALLATION OF LANDSCAPING ON PROPERTY LOCATED AT THE NORTHEAST CORNER OF SISK ROAD AND WEST BRIGGSMORE AVENUE AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT.

WHEREAS, the City of Modesto has expressed an interest in landscaping areas around the community in an effort to enhance the community’s appearance, and

WHEREAS, Fourels Investment Co. owns certain real property at the northeast corner of Sisk Road and West Briggsmore Avenue, and

WHEREAS, City desires to install an irrigation system and landscaping at this location and to provide for the maintenance of such improvements, and

WHEREAS, Fourels Investment Company agrees to allow the City use of the area for the purpose of placing, inspecting, maintaining, and replacing landscaping, except for the turf and shrub areas, and

WHEREAS, Fourels agrees to bear all the costs for maintaining the turf and shrub areas, and

WHEREAS, the City of Modesto agrees to bear all the costs for maintaining the hardscaped areas, and

WHEREAS, the Community Development & Housing reviewed and approved the project on March 20, 2002,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Fourels Investment Co. for the installation of landscaping on property located at the northeast corner of Sisk Road and West Briggsmore Avenue is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duty 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

MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO IRRIGATION DISTRICT FOR THE INSTALLATION OF LANDSCAPING AND SIGNAGE ON PROPERTY LOCATED AT THE NORTHEAST CORNER OF SISK ROAD AND WEST BRIGGSMORE AVENUE AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT.

WHEREAS, the City of Modesto has expressed an interest in developing beautification projects around the community in an effort to enhance the community’s appearance, and

WHEREAS, the Modesto Irrigation District owns property at the northeast corner of Sisk Road and West Briggsmore Avenue, and

WHEREAS, the aforementioned property owned by the Modesto Irrigation District has been identified by the City of Modesto as an attractive site for landscaping and a welcoming sign to the community, and

WHEREAS, the Modesto Irrigation District has agreed to allow for the installation and maintenance of landscaping, an irrigation system, and signage on said property, and

WHEREAS, the Community Development & Housing Committee reviewed and approved the project on March 20, 2002,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Modesto Irrigation District for the installation of landscaping and signage on property located at the northeast corner of Sisk Road and West Briggsmore Avenue is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duty seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-227

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALY SOLICIT A REQUEST FOR BIDS FOR SOFTWARE LICENSING/UPGRADES AND A TAPE BACK-UP SYSTEM.

WHEREAS, the Police Department has requested the purchase of software licensing/upgrades and a tape back-up system, and

WHEREAS, the software licensing/upgrades and tape back-up system are required for compliance with software licensing and more reliable system back-ups, and

WHEREAS, the anticipated cost of a software licensing/upgrades and tape back-up system will be approximately $70,000.00, and

WHEREAS, funding for said purchases is from the 2001 Local Law Enforcement Block Grant, and

WHEREAS, by soliciting competitive bids for the software licensing/upgrades and tape back-up system, the Finance Department-Purchasing Division will comply with the Modesto Municipal Code, Section 8-3.204, regarding formal bid procedures,

WHEREAS, at its meeting on February 28, 2002, the Financial Policy Committee reviewed and supported this item,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the formal solicitation of bids for the software licensing/upgrades and tape back-up system is hereby approved as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the software licensing/upgrades and tape back-up system to be opened in the office of the City Clerk, 1010 10TH Street, in the City of Modesto. The City Clerk shall be directed to give notice invoking such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 7th day of May, 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)
MODESTO CITY COUNCIL  
RESOLUTION NO. 2002-228  

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT A REQUEST FOR BIDS FOR CONCRETE PICNIC TABLES.

WHEREAS, the Operations and Maintenance Department is responsible for maintaining the City park sites, and
WHEREAS, the Operations and Maintenance Department has requested the purchase of 188 new concrete picnic tables, and
WHEREAS, the tables will be used to replace existing tables which are deteriorating and add new tables to the Graceada and Davis Park pavilions, and
WHEREAS, the anticipated cost of concrete picnic tables will be approximately $90,000.00, and
WHEREAS, by soliciting competitive bids for the concrete picnic tables, the Finance Department-Purchasing Division will comply with the Modesto Municipal Code, Section 8-3.204, regarding formal bid procedures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the formal solicitation of bids for new concrete picnic tables is hereby approved as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for concrete picnic tables to be opened in the office of the City Clerk, 1010 10TH Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-229

A RESOLUTION APPROVING A FIVE-YEAR AGREEMENT WITH MV TRANSPORTATION, INC. TO OPERATE THE MODESTO AREA EXPRESS (MAX) BUS SERVICE AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE AGREEMENT.

WHEREAS, the existing agreement with Laidlaw Transit Services to operate the Modesto Area Express (MAX) bus service expires May 31, 2002, and

WHEREAS, the City wishes to continue providing bus service to the citizens of Modesto, and

WHEREAS, the City Council authorized staff to solicit proposals for a new five-year contract to be effective June 1, 2002, and

WHEREAS, four proposals were received for the contract, and

WHEREAS, MV Transportation, Inc. submitted the lowest price for the five-year contract, and

WHEREAS, certain Councilmembers, having personally experienced the service levels of Laidlaw, found them less than satisfactory, and

WHEREAS, the RFP (pg. A-2, para. c) reserved to the City Council the right to award a contract to the proposer best suiting the City’s needs as determined by the Council, whether or not the City Council’s choice is consistent with staff’s recommendation for the award, and

WHEREAS, the City reserved the right to be the sole judge of the responsibility and suitability of any proposer, and

WHEREAS, the City Council determined that MV Transportation, Inc. would provide an acceptable level of service,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the negotiation of a five-year operations contract with MV Transportation, Inc. on behalf of the City of Modesto.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Fisher, Keating

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, CITY ATTORNEY
A RESOLUTION APPROVING SPECIFIC PLAN AMENDMENT NO. SPA 2001-003 TO THE VILLAGE ONE SPECIFIC PLAN TO MOVE 4.1 ACRES LOCATED AT THE NORTHEAST CORNER OF HILLGLEN AND ESTA AVENUES FROM PRECISE PLAN AREA NO. 6 TO PRECISE PLAN AREA NO. 7 (K-D LAND & CATTLE INVESTMENTS, INC.).

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

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A adopted the Village One Specific Plan, to guide the development 1,780 acres located in northeast Modesto, and

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

WHEREAS, the City Council on June 18, 1991, by Resolution No. 91-405, adopted Specific Plan Amendment No. 1 to the Village One Specific Plan to adopt an amended Affordable Housing Program, and

WHEREAS, the City Council on May 5, 1992, by Resolution No. 92-222, adopted Specific Plan Amendment No. 2 to the Village One Specific Plan to improve technical correctness, readability, and comprehension, and

WHEREAS, the City Council on February 1, 1994, by Resolution No. 94-72, adopted Specific Plan Amendment No. 3 to the Village One Specific Plan to rewrite and reorganize the Plan to be more implementation oriented, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-297, certified the Final Supplemental EIR for Village One (SCH No. 90020181) which provided environmental analysis for the revisions in Specific Plan Amendment No. 4, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-298, adopted Specific Plan Amendment No. 4 to the Village One Specific Plan to widen Floyd Avenue from three-to-five lanes, realign the Claus/Sylvan intersection, delete the non-
potable water supply for public landscaping, and integrate mitigation monitoring into the Specific Plan, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-372, adopted Specific Plan Amendment No. 5 to the Village One Specific Plan to revise the Residential Design Policies for cul-de-sacs, alleys, garage orientation, and plan processing, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-373, adopted Specific Plan Amendment No. 6 to the Village One Specific Plan to revise the school and park sites within the Specific Plan and redistribute residential units among the Village One Precise Plan Areas, and

WHEREAS, the City Council on October 10, 1995, by Resolution No. 95-487, adopted Specific Plan Amendment No. 7 to the Village One Specific Plan to reduce costs and to implement recommendations to increase the marketability of development within the Village One area, and

WHEREAS, the City Council on May 14, 1996, by Resolution No. 96-245, adopted Specific Plan Amendment No. 7.1 to the Village One Specific Plan to delete the multiple-family development designation from Precise Plan Areas Nos. 8 and 33, and Resolution No. 26-246 to amend the Design Standard portion of the Village One Specific Plan pertaining to single-family dwelling setbacks and three-car garages, limited to Precise Plan Areas Nos. 8, 32, and 33, and

WHEREAS, the City Council on June 4, 1996, by Resolution No. 96-295, adopted Specific Plan Amendment No. 8 to the Village One Specific Plan to incorporate changes previously approved in Specific Plan Amendment No. 7 into the Specific Plan document itself, to make minor editorial changes to the Specific Plan, and to incorporate changes resulting from development of a revised Village One Facilities Master Plan, and

WHEREAS, the City Council on August 13, 1996, by Resolution No. 96-453, adopted Specific Plan Amendment No. 9 to the Village One Specific Plan to modify the standards for dwelling setbacks and three-car garages for the entire Specific Plan area, and

WHEREAS, the City Council on May 6, 1997, by Resolution No. 97-225, adopted Specific Plan Amendment No. 10 to the Village One Specific Plan to eliminate redun-
dancy with the General Plan Housing Element policies and to eliminate language that was too restrictive, and

WHEREAS, the City Council on June 3, 1997, by Resolution No. 97-300, adopted Specific Plan Amendment No. 11 to the Village One Specific Plan to exempt public facilities from precise plan requirements, to streamline the Specific Plan amendment process, and to provide minor clarification to various policies and diagrams, and

WHEREAS, the City Council on October 21, 1997, by Resolution No. 97-602, adopted Specific Plan Amendment No. 12 to the Village One Specific Plan to allow changes in public service providers, delete the requirement for a business park market study, revise Amtrak station language, revise the business park precise plan diagram, and allow regional commercial uses in the business park, and

WHEREAS, the City Council on February 17, 1998, by Resolution No. 98-97, adopted Specific Plan Amendment No. 13 to the Village One Specific Plan to redesignate 9.8 acres in Precise Plan Area No. 3 from Multi-Family Residential to Village Residential, and

WHEREAS, the City Council on August 17, 1999, by Resolution No. 99-416, adopted Specific Plan Amendment No. 14 to the Village One Specific Plan to modify the mix of land uses allowed in the southeast quadrant of Precise Plan Area No. 20, and

WHEREAS, K-D Land & Cattle Investments, Inc., filed an application to amend the Village One Specific Plan to move 4.1 acres located at the northeast corner of Hillglen and Esta Avenues from Precise Plan Area No. 6 to Precise Plan Area No. 7, and

WHEREAS, on February 25, 2002, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, regarding the Specific Plan Amendment No. 2001-003, and

WHEREAS, after said public hearing, the City of Modesto Planning Commission, by Resolution No. 2002-12, recommended to the City Council approval of Specific Plan Amendment No. 2001-003 to the Village One Specific Plan to move 4.1 acres, located at the northeast corner of Hillglen and Esta Avenues from Precise Plan Area No. 6 to Precise Plan Area No. 7, and
WHEREAS, said matter was set for a public hearing of the City Council to be held on May 7, 2002, at 5:15 p.m. in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the Village One Specific Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that Specific Plan Amendment No. 2001-003 to the Village One Specific Plan to move 4.1 acres located at the northeast corner of Hillglen and Esta Avenues from Precise Plan Area No. 6 to Precise Plan Area No. 7 is consistent with the Modesto Urban Area General Plan.

BE IT FURTHER RESOLVED by the Council that it hereby approves Specific Plan Amendment No. 2001-003 to the Village One Specific Plan as set forth in Exhibit “A” attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to send certified copies of this resolution and said amendment to the Village One Specific Plan to the Board of Supervisors of the County of Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Keating, 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, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: J. ZAHN

JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

05/07/02/CED/BWALL 4 2002-230
PRECISE PLAN AREA #6
(Figure III-7)

1. **Acreage:**
   - 36.0 Acres
   - (of which 0.0 acres is devoted to noise setback area)

2. **Land Use Intensity**
   - a. Very Low Density Residential: 36.0 Acres
   - (of which 0.0 acres is devoted to noise setback area)
   - b. Village Residential: 4.1 Acres

3. **Special Considerations**

   The Precise Plan shall incorporate the following policies:

   - a. Within Sub-area “A”, single-family residential uses with a ½-acre minimum lot size shall be allowed. A maximum of 72 total single-family dwelling units shall be allowed.

   - b. Within Sub-area “B”, only single-family residential uses shall be allowed.
     - i. The average number of dwelling units is 20.

   - c. Further development within sub-area “A” shall conform to the R-1 standards except that the minimum lot size shall be ½ acre.

   - d. Existing lots fronting on Sylvan Avenue may continue to receive direct access on to Sylvan Avenue. However, any new subdivision of these lots must provide alternative access.

4. **Principal Underlying Zone(s)**

   5. Sub-area “A” – R-1, Low-Density Residential, ½-acre minimum lot size.

   6. Sub-area “B” – R-1, Low-Density Residential
Figure III - 7
Precise Plan Area #6
PRECISE PLAN AREA #7
(Figure III-8)

1. **Acreage:**
   
   32.1 Acres
   
   (of which 0.0 acres is devoted to noise setback area)

2. **Land Use Intensity**
   
   a. Village Residential:
   
   32.1 Acres
   
   (of which 0.0 acres is devoted to noise setback area)

3. **Special Considerations**

   The Precise Plan shall incorporate the following policies:

   a. Within the Precise Plan Area, only single-family residential uses shall be allowed.
      
      i. The average number of dwelling units is 160.

   b. Development in this Precise Plan Area shall conform to the "Noise Mitigation for Residential Precise Plan Areas" policy presented in Section III-D (12).

   c. The Precise Plan shall provide pedestrian access to the High School/Community Park to the north via a pedestrian over-crossing. The pedestrian over-crossing design should minimize impact to existing residences in Precise Plan Area #6 yet provide access for students from surrounding residential areas.

4. **Principal Underlying Zone(s)**

   a. Sub-area "A"— R-1, Low-Density Residential
Figure III - 8
Precise Plan Area #7
A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: SPECIFIC PLAN AMENDMENT NO. 2001-003 TO THE VILLAGE ONE SPECIFIC PLAN TO MOVE 4.1 ACRES FROM PRECISE PLAN AREA NO. 6 TO PRECISE PLAN AREA NO. 7, PROPERTY LOCATED AT THE NORTHEAST CORNER OF HILLGLLEN AND ESTA AVENUES. (K-D LAND & CATTLE INVESTMENTS, INC.)

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

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

WHEREAS, an application has been filed by K-D Land & Cattle Investments, Inc. for an amendment to the Village One Specific Plan, to move 4.1 acres from Precise Plan Area No. 6 to Precise Plan Area No. 7, property located at the northeast corner of Hillglen and Esta Avenues, and

WHEREAS, the City's Community Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and
WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/CDD 2001-84, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 2002-12, adopted on February 25, 2002, and City staff, by a report dated April 16, 2002, from the Community Development Department, recommended to the City Council approval of Specific Plan Amendment No. 2001-003 to the Village One Specific Plan to move 4.1 acres from Precise Plan Area No.6 to Precise Plan Area No.7, property located at the northeast corner of Hillglen and Esta Avenues, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on May 7, 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 Environmental Assessment No. EA/CDD 2001-84, entitled "City of Modesto Initial Study Amendments to the Village One Specific Plan & Precise Plan Area No. 7, and Vesting Tentative Subdivision Map", for the proposed project, and the Council hereby makes the following findings:

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

2. The project will have no new effects that were not examined in the Program EIR, as amended by the Village One Supplemental EIR, and no new mitigation measures would be required.
3. There are no substantial changes proposed in the project that will require major revisions of the Program EIR as amended by the Village One Supplemental EIR.

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

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

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

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

8. The initial study, Environmental Assessment No. EA/CDD 2001-84, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/CDD 2001-84, entitled "City of Modesto Initial Study Amendments to the Village One Specific Plan & Precise Plan Area No. 7, and Vesting Tentative Subdivision Map", is attached hereto as Exhibit "A", and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2002, by Councilmember Keating, 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, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT "A"

INITIAL STUDY

EA/CDD NO. 2001-84
City of Modesto

Initial Study

Amendments to the Village One Specific Plan & Precise Plan Area No. 7, and Vesting Tentative Subdivision Map

EA/CDD 2001-84
December 17, 2001

I. PURPOSE

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

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

Sections 15168(c) and 15182 of the CEQA Guidelines allow the approval of subsequent projects within the scope of the Program EIR without further environmental review, provided the following findings are made:

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

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

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

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

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

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

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

A. Project title: Amendments to the Village One Specific Plan & Precise Plan No. 7, and associated Vasting Tentative Subdivision Map

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

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

D. Project Location: The project is located at the northeast corner of Esta Avenue and Hillglen Avenue.

E. Project Sponsor: O'Dell Engineering, 1101 M Street, Modesto CA 95354

F. General Plan Designation: Village Residential (VR)

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

H. Description of Proposed Project: This is an amendment to the Village One Specific Plan, and Precise Plan Area No. 7, to redesignate 4.1 acres from Precise Plan Area No. 6 to Precise Plan Area No. 7, and to subdivide this area into 19 lots for single-family residential development.

I. Surrounding land uses: The project is bounded on the west and south by existing ranchette parcels, and on the north and east by single-family residential subdivisions.

J. Other public agencies whose approval is required: None

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

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

A. Traffic and Circulation

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

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

C. Generation of Noise

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

D. Vegetation and Wildlife

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

E. Land Use

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

F. Population, Employment and Housing

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

G. Urban Design and Visual Quality

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

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

I. Hydrology

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

J. Public Services

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

K. Fiscal Impacts

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

L. Cumulative Impacts

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

M. Growth Inducing Impacts

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

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

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

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

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

V. MITIGATION MEASURES

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

VI. CONCLUSIONS/DETERMINATIONS OF FINDINGS

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

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

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

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

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

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

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

Signature:

Brad Wall,
Associate Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-232

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: AMENDING THE PRECISE PLAN FOR AREA NO. 7 TO MOVE 4.1 ACRES FROM PRECISE PLAN AREA NO. 6 TO PRECISE PLAN AREA NO. 7, PROPERTY LOCATED AT THE NORTHEAST CORNER OF HILGLLEN AND ESTA AVENUES. (K-D LAND & CATTLE INVESTMENTS, INC.)

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

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

WHEREAS, an application has been filed by K-D Land & Cattle Investments, Inc., for an amendment to Precise Plan No. 7, to move 4.1 acres from Precise Plan Area No. 6 to Precise Plan Area No. 7, property located at the northeast corner of Hillglen and Esta Avenues, and

WHEREAS, the City's Community Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/CDD 2001-84, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and
WHEREAS, the Planning Commission, by Resolution No. 2002-13, adopted on February 25, 2002, and City staff, by a report dated April 8, 2002, from the Community Development Department, recommended to the City Council approval of an amendment to Precise Plan No. 7 as set forth in said Resolution No. 2002-13, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 16, 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 Environmental Assessment No. EA/CDD 2001-84, entitled "City of Modesto Initial Study Amendments to the Village One Specific Plan & Precise Plan Area No. 7, and Vesting Tentative Subdivision Map", for the proposed project, and the Council hereby makes the following findings:

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

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

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

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

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

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

8. The initial study, Environmental Assessment No. EA/CDD 2001-84, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/CDD 2001-84, entitled "City of Modesto Initial Study Amendments to the Village One Specific Plan & Precise Plan Area No. 7, and Vesting Tentative Subdivision Map", 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 16th day of April, 2002, by Councilmember Keating, 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, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST:

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

INITIAL STUDY

EA/CDD NO. 2001-84
City of Modesto
Initial Study.

Amendments to the Village One Specific Plan & Precise Plan Area No. 7, and Vesting Tentative Subdivision Map

EA/CDD 2001-84
December 17, 2001

I. PURPOSE

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

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

Sections 15168(c) and 15182 of the CEQA Guidelines allow the approval of subsequent projects within the scope of the Program EIR without further environmental review, provided the following findings are made:

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

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

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

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

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

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

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

A. Project title:
   Amendments to the Village One Specific Plan & Precise Plan No. 7, and associated Vesting Tentative Subdivision Map

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

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

D. Project Location:
   The project is located at the northeast corner of Esta Avenue and Hillglen Avenue.

E. Project Sponsor:
   O'Dell Engineering, 1101 M Street, Modesto CA 95354

F. General Plan Designation:
   Village Residential (VR)

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

H. Description of Proposed Project:
   This is an amendment to the Village One Specific Plan, and Precise Plan Area No. 7, to redesignate 4.1 acres from Precise Plan Area No. 6 to Precise Plan Area No. 7, and to subdivide this area into 19 lots for single-family residential development.

I. Surrounding land uses:
   The project is bounded on the west and south by existing ranchette parcels, and on the north and east by single-family residential subdivisions.

J. Other public agencies whose approval is required: None

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

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

A. Traffic and Circulation

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

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

C. Generation of Noise

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

D. Vegetation and Wildlife

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

E. Land Use

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

F. Population, Employment and Housing

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

G. Urban Design and Visual Quality

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

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

I. Hydrology

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

J. Public Services

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

K. Fiscal Impacts

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

L. Cumulative Impacts

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

M. Growth Inducing Impacts

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

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

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

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

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

V. MITIGATION MEASURES

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

VI. CONCLUSIONS/DETERMINATIONS OF FINDINGS

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

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

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

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

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

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

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

Signature:

Brad Wall,
Associate Planner
A RESOLUTION AUTHORIZING THE APPOINTMENT OF COUNCILMEMBER WILL O’BRYANT AND COUNCILMEMBER JANICE KEATING TO THE JPA GOVERNING BOARD FOR TENTH STREET PLACE

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto,

WHEREAS, the recent election left vacancies on several boards and committees.

WHEREAS, the Tenth Street Place JPA Agreement calls for the creation of a governing board which includes two members of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements.

WHEREAS, the term of offices for the councilmembers serving on these committees have expired,

NOW, THEREFORE, be it resolved, that Councilmember WILL O’BRYANT and Councilmember JANICE KEATING are appointed as the City Council representative to the Tenth Street Place Joint Powers Agency.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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, City Clerk
A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR SABATINO AND COUNCILMEMBER DENNY JACKMAN TO THE JPA GOVERNING BOARD FOR THE TUOLUMNE RIVER REGIONAL PARK

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto,

WHEREAS, the recent election left vacancies on several boards and committees.

WHEREAS, the Tuolumne River Regional Park JPA Agreement calls for the creation of a governing board which includes two members of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements.

WHEREAS, the term of offices for the councilmembers serving on these committees have expired,

NOW, THEREFORE, be it resolved, that Mayor CARMEN SABATINO and Councilmember DENNY JACKMAN are appointed as the City Council representative to the Tuolumne River Regional Park Joint Powers Agency.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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: [Signature]
JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-235

A RESOLUTION AUTHORIZING THE APPOINTMENT OF MAYOR SABATINO AND COUNCILMEMBER TIM FISHER and COUNCILMEMBER JANICE KEATING AS ALTERNATE TO THE JPA GOVERNING BOARD FOR THE WASTE TO ENERGY

WHEREAS, the City Councilmembers serve on various boards and committees and act as representative on behalf of the City of Modesto,

WHEREAS, the recent election left vacancies on several boards and committees.

WHEREAS, the Waste to Energy JPA Agreement calls for the creation of a governing board which includes two members of the Modesto City Council to act in an advisory capacity to staff in carrying out the provisions of the agreements and also act in an advisory capacity to the legislative bodies of the parties of these agreements.

WHEREAS, the term of offices for the councilmembers serving on these committees have expired,

NOW, THEREFORE, be it resolved, that Mayor CARMEN SABATINO and Councilmember TIM FISHER are appointed as the City Council representative and Councilmember JANICE KEATING as alternate to the Waste to Energy Joint Powers Agency.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 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
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
APPOINTING MEMBERS TO THE ECONOMIC DEVELOPMENT (ED)
COMMITTEE FOR THE "STANISLAUS COUNTY ECONOMIC
DEVELOPMENT STRATEGY AND MARKETING PLAN".

WHEREAS, as a continuation of the regional, County-wide efforts for the expansion of
economic development, the City of Modesto has joined with Stanislaus County, SCEDCO, the
WIB and seven county cities to embark on an economic development project, and

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

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

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

WHEREAS, staff is recommending an Economic Development Committee be
appointed by the City Council and be comprised of members of the local government,
local public agencies and the private sector. Said ED Committee membership list is
attached as "EXHIBIT A" and made a part hereof by this reference.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of
Modesto hereby appoints said ED Committee pursuant to the attached "Exhibit A" as
well as an appointment made by each Councilmember.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 7th day of May, 2002, by Councilmember Fisher, 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: Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST

Jean Zahr, City Clerk

APPROVED AS TO FORM:

By

Michael D. Milich, City Attorney
PROPOSED
ESI Economic Development Study
Modesto Economic Development Committee

City of Modesto staff:
1. Mayor Carmen Sabatino (or designee) - Modesto City Council
2. George W. Britton, Deputy City Manager, City of Modesto
3. Brad Kilger, Community & Economic Development Director, City of Modesto
4. Linda Boston, Business Development Manager, City of Modesto

Other Agencies:
5. Stan Little - Stanislaus Partners in Education (SPIE), Executive Director
6. Chris Mayer - Modesto Irrigation District, Assistant General Manager, Planning & Marketing
7. Gary Dickson - Stanislaus Council of Governments (StanCOG), Director
8. George Boodrookas - Modesto Junior College, Dean of Economic Development
9. Gary Plummer - Modesto Chamber of Commerce, Director
10. David Boring - Downtown Improvement District (DID), DID Board Vice-chair
11. Carletta Steele - Calif. Employment Development Department, Manager
12. Jim Sweeney - San Joaquin Valley Unified Air Pollution Control Dist, Permits Svcs Mgr

Private Sector:
13. Dave Olson - Octat, Inc., Vice-President
14. Randy Brekke - Brekke Real Estate, Inc., Owner
15. Brian Velthoen - Velthoen Associates Commercial Brokers, Owner
16. Evans Hammond - DOT Foods, Plant Manager
17. Dennis Wilson - Horizon Consulting Services, Co-owner
18. Lorne Truscott - Panelized Structures, Vice-president of Finance
19. Cliff Oilar - Foster Farms - Dairy Division, Human Resources Director
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-237

A RESOLUTION AUTHORIZING STAFF TO ISSUE A 30-DAY WRITTEN NOTICE OF DEFAULT AND OPPORTUNITY TO CURE TO DESARROLLO LATINO AMERICANO, INC.

WHEREAS, in 1999, the City used Community Development Block Grant funds to purchase four lots in the Airport Neighborhood, and

WHEREAS, on December 20, 2000, the City deeded these lots to Desarrollo Latino Americano, Inc. (DLA) for development of new low-income single-family homes, and

WHEREAS, the property transfer agreement contained many terms and conditions that both City and DLA agreed upon, and

WHEREAS, DLA has failed to comply with terms of the agreement, and

WHEREAS, staff is now recommending that a 30-day written Notice of Default and Opportunity to Cure be issued to Desarrollo Latino Americano, Inc., and

WHEREAS, the Citizens Housing and Community Development Committee met on February 22, 2002, and supported the recommendation to issue DLA the 30-day Notice of Default and Opportunity to Cure,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to issue a 30-day written Notice of Default and Opportunity to Cure to Desarrollo Latino Americano, Inc.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 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
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-238

A RESOLUTION APPROVING A TWO (2) YEAR EXCLUSIVE AGREEMENT BETWEEN THE CITY OF MODESTO AND DITTO'S (PINNACLE SOLUTIONS INC., MODESTO, CA ) ALLOWING DITTO'S TO BUILD AND MAINTAIN AN ONLINE CITY OF MODESTO STORE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, Citizens of Modesto have inquired as to where they could purchase City of Modesto logo clothing, and
WHEREAS, the City Manager has requested that the Purchasing Division of the Finance Department investigate the feasibility of an online City of Modesto store to sell logo clothing and promotional items, and
WHEREAS, the online store is a cost effective, eCommerce business solution for making City of Modesto logo clothing and other promotional items available to City of Modesto employees and citizens, while eliminating the need to use City resources for warehousing and shipping of said items, and
WHEREAS, the online store is directly in line with Action Plan IV.A.4 of the Strategic Plan, “To increase awareness of, and exposure to, technology, for all Modestans”, and
WHEREAS, the online store shall be built and maintained by Dittos (Pinnacle Solutions Inc., Modesto CA.), and
WHEREAS, Dittos has agreed to bear all apparel-related inventory costs, and
WHEREAS, the estimated first year startup and maintenance costs shall be approximately $3,600.00 with following years’ ongoing maintenance costs estimated to be approximately $1,500.00, and
WHEREAS, by Resolution No 2002-27, Council authorized the City Manager to negotiate an agreement with Dittos (Pinnacle Solutions Inc., Modesto, CA) for Dittos to build and maintain an online City of Modesto store,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a two (2) year exclusive agreement with Dittos (Pinnacle Solutions Inc., Modesto, CA), for Dittos to build and maintain an online City of Modesto store.

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 14th day of May, 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. 2002-239

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT A REQUEST FOR BIDS FOR VARIABLE FREQUENCY DRIVES.

WHEREAS, the Operations and Maintenance Department is responsible for maintaining the City water systems, and

WHEREAS, the Operations and Maintenance Department has requested the purchase of variable frequency drives which are used to stabilize water pressure within the water system, and

WHEREAS, the variable frequency drives will be used to replace existing drives which are failing, and

WHEREAS, the anticipated cost of variable frequency drives will be approximately $75,000.00 annually, and

WHEREAS, by soliciting competitive bids for the variable frequency drives, the Finance Department-Purchasing Division will comply with the Modesto Municipal Code, Section 8-3.204, regarding formal bid procedures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the formal solicitation of bids for new variable frequency drives is hereby approved as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for variable frequency drives to be opened in the office of the City Clerk, 1010 10TH Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 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
2002-240
WAS NOT USED
A RESOLUTION APPROVING AN AGREEMENT WITH RRM DESIGN GROUP TO PROVIDE ARCHITECTURAL SERVICES FOR THE DESIGN OF FIRE STATION NO. 11 AT THE SOUTHWEST CORNER OF PELANDALE AVENUE AND CARVER ROAD

WHEREAS, there has been rapid growth in the northwest portion of the City, and
WHEREAS, the City wishes to maintain an effective emergency response system, and
WHEREAS, the City has met with the immediate neighbors to the proposed fire station and the proposal received a favorable response, and
WHEREAS, the Public Safety Committee approved the proposed location on January 4, 2001, and
WHEREAS, City staff does not have the expertise nor the person hours available to complete the design of Fire Station No. 11 in a timely manner, and
WHEREAS, A selection committee has:
   Requested statements of qualifications from over 70 architectural firms
   Reviewed statements of qualifications from 11 firms
   Requested proposals from 3 architectural firms
   Reviewed proposals, conducted interviews, and ranked the 3 firms, and
WHEREAS, Staff has negotiated a contract with the top ranked firm,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with RRM Design Group to provide architectural services for the design of Fire Station No. 11.

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 14th day of May, 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
A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 93042004) RELATING TO THE APPROVAL OF THE PELANDALE/SNYDER SPECIFIC PLAN: DESIGN AND CONSTRUCT FIRE STATION NO. 11

WHEREAS, on January 16, 1996, by Resolution No. 96-22, the City Council of the City of Modesto certified the Final Environmental Impact Report “EIR” (SCH No. 93042004) for the Pelandale/Snyder Specific Plan, and

WHEREAS, Section 21166 of the Public Resources Code provides that the lead agency not require a subsequent or supplemental EIR for a project where an EIR has already been certified, unless the lead agency finds that substantial changes are proposed that will require major revisions of the EIR, substantial changes have occurred with respect to the circumstances under which the project is being undertaken, or new information becomes available that would change the conclusions of the EIR, and

WHEREAS, the Engineering and Transportation Department, by Initial Study, EA/CDD 2002 - 05, reviewed the proposed design and construction of Fire Station No. 11, and made the determination that there are no substantial changes proposed in the project which will require major revisions in the Final EIR, that no substantial changes have occurred in the circumstances under which the project is being undertaken, and that there is no new information that would change the conclusions of the Final EIR, and

WHEREAS, on May 14, 2002, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed design and construction of Fire Station No. 11, 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. There are no substantial changes proposed in the project, which will require major revisions of the Pelandale/Snyder Specific Plan.

2. 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 Pelandale/Snyder Specific Plan.
3. No new information, which was not known and could not have been known at the time the Pelandale/Snyder Specific Plan was certified as complete, has become available.

4. This initial study, EA/CDD 2002-05 provides substantial evidence to support finds 1, 2, and 3 above.

5. The proposed project is consistent with the Modesto Urban Area General Plan and the Pelandale-Snyder Specific Plan.

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) days with the Stanislaus County Clerk pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 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
City of Modesto
Initial Study
DESIGN AND CONSTRUCT FIRE STATION No. 11

EA/CDD 2002- 05
April 5, 2002

I. PURPOSE

On January 16, 1996, the Modesto City Council certified a Final Environmental Impact Report for the Pelandale/Snyder Specific Plan (SCH# 93042004). This EIR provides analysis of the impacts of build-out of the Pelandale/Snyder Specific Plan, which includes the area in which the Fire Station No. 11 (project) is proposed. This EIR analyzed the environmental impacts of the planned development of the Pelandale/Snyder Specific Plan area which includes construction of a Fire Station.

Section 15162 of the CEQA Guidelines states that when an EIR has been certified for a project no subsequent EIR shall be prepared for that project, if the following findings can be made:

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

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

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

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

II. PROJECT DESCRIPTION

A. Project title:
Design and Construct Fire Station No.11

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353
C. Contact person and phone number:
Norman Buus, City of Modesto, Engineering and Transportation Department, (209) 577-5399

D. Project Location:
The Pelandale/Snyder Specific Plan area, at the southwest corner of Carver Road and Pelandale Expressway.

E. Project Sponsor:
City of Modesto, 1010 Tenth Street, Modesto, CA 95354

F. General Plan Designation:
Village Residential (VR)

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

H. Description of Proposed Project:
Growth in the northwest portion of Modesto has made it desirable to construct a new fire station in the area. The City of Modesto acquired property at the southwest corner of Pelandale Avenue and Carver Road for the construction of the Pelandale Expressway. The remaining portion of the property can be utilized to construct a new fire station Expressway (see attached location map). The fire station will initially house a single engine company, but will be capable of housing an additional truck or ambulance. Three on-duty personnel will initially staff the Fire Station, but the living quarters will be designed for up to 8 on-duty staff.

I. Surrounding land uses:
The project is adjoined on the north by a currently-developing single-family subdivision, on the east by vacant parcels with approved tentative subdivision maps, and to the south and west by agricultural parcels designated in the Village One Specific Plan for residential development.

J. Other public agencies whose approval is required:
None
III. ANALYSIS OF CONFORMANCE WITH SECTION 15162 FINDINGS

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

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Final Environmental Impact Report for the Pelandale/Snyder Specific Plan:

Land Use

Impacts to Land Use, Consistency with Plans and Policies and Agriculture are discussed on pages 33 through 36 of the Pelandale/Snyder Final EIR. The proposed Fire station’s land use is consistent with the Specific Plan. Figure 5, the Specific Plan’s Land Use Diagram, page 2-2 shows a fire station planned for the area. Specific Plan Policy F.1.a states: “A ¼ acre fire station site shall be reserved in the vicinity of the intersection of the Pelandale Expressway and Tully Road. Utilization of the remnant parcel resulting from the Expressway alignment shall be considered for said use.” The proposed site is at an intersection with the Pelandale Expressway and is a remanant parcel from the Expressway alignment.

Compatibility with the adjacent single-family residential uses will be ensured through appropriate building and site design. Fire Department outreach to the existing neighborhood has resulted in design input to minimize the effect of ongoing fire dept. maintenance activities. The proposed Fire Station No. 11 is consistent with the Specific Plan’s land use policies. Therefore, impacts to Land Use for this project are consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.

Population, Employment & Housing

Impacts to Population, Employment, and Housing is discussed on Pages 42 through 45 of the Pelandale/Snyder Specific Plan Final EIR. Since the fire station would generate only 3 to 8 employees living on-site, the proposed land use does not generate a significant amount of population, employment, or housing. The Fire Station is consistent with the Pelandale/Snyder Specific Plan. Therefore, impacts to Population, Employment and Housing for this project are consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.

Traffic and Circulation

Impacts to traffic and circulation are discussed on pages 45 through 94 of the Pelandale/Snyder Final EIR. Appropriate traffic control and safety measures would be installed to ensure that the level of service on Pelandale Expressway and Carver Road is maintained. Therefore, impacts to traffic and circulation for this project are consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR and Kiernan Business Park and Carver-Bangs Specific Plans EIR.
Noise

Noise Impacts to receptors from Specific Plan development are discussed on pages 95 through 109 of the Pelandale/Snyder Final EIR. The fire station proposed for design and construction is consistent with the Pelandale/Snyder Specific Plan in land use type and intensity. The site for the fire station will be located next to a high traffic and noise level Expressway. Residential units adjacent the expressway will receive appropriate noise mitigating construction to maintain City noise standards for interior and exterior living areas. An 8-foot masonry wall will be installed around the perimeter of the fire station to block any noise from its operation from surrounding residential areas. Also, screen tree plantings will be placed around the fire station site to provide additional noise buffer to the adjacent residential area. Therefore, impacts to Noise for this project are consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR and Kieman Business Park and Carver-Bangs Specific Plans EIR.

Air Quality

Impacts to air quality are analyzed on pages 110 through 126 of the Pelandale/Snyder Final EIR. Air quality impacts for this project are directly related to traffic impacts. Because the traffic impacts for development of the Fire Station are consistent with those in the Pelandale/Snyder Specific Plan, air quality impacts are also consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR Specific Plan EIR.

Biology

Impacts to Biological Resources including loss of Sensitive Wildlife and Plant Habitat are analyzed on pages 127 through 129 of the Pelandale/Snyder Final EIR. Because the Fire Station proposed for design and construction is consistent with that described in the Pelandale/Snyder Specific Plan, resulting Biological Resources impacts and Loss of Sensitive Wildlife and Plant Habitat impacts are also consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.

Geology/Soils

Impacts to geology and soils are analyzed by the Pelandale/Snyder Final EIR on pages 143 through 144. The fire station proposed to be designed and constructed by this project is consistent with the Pelandale/Snyder Specific Plan in terms of land use and intensity. Therefore, the impacts to geology and soils of this project are consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.
Hydrology, Drainage, Flooding and Water Quality

Hydrology, drainage, flooding and water quality impacts are analyzed on pages 137 through 141 of the Pelandale/Snyder Specific Plan Final EIR. The fire station proposed for design and construction is consistent with the Pelandale/Snyder Specific Plan in terms of land use, intensity and supporting infrastructure. Therefore, the impacts to hydrology and drainage, flooding and water quality of this project are consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.

Public Services

Impacts to public services are analyzed on pages 131 through 136 of the Pelandale/Snyder Final EIR. The Fire Station No. 11 proposed to be designed and constructed is consistent with the Pelandale/Snyder Specific Plan in terms of land use, intensity and its supporting infrastructure, and would not create any additional demand for public services that are in excess of those analyzed by the Pelandale/Snyder Final EIR. The EIR identified the need for a fire station to address specific plan development. Page 133 DEIR - "Impact 4.8-3: the project will result in the need for an additional fire station". Also, Specific Plan policy F.1.a indicates:

A ¾ acre fire station site shall be reserved in the vicinity of the intersection of the Pelandale Expressway and Tully Road. Utilization of the remnant parcel resulting from the Expressway alignment shall be considered for said use."

Analysis in the Pelandale/Snyder Final EIR was based on the above assumption that a fire station would be constructed in the vicinity of Pelandale Expressway and on land purchased for right of way, as is proposed by the Fire Station No. 11 project. Therefore, the impacts to public services of this project are consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.

Increased Demand for Water Supplies

Impacts to Increased demand for water supplies was analyzed on page 132 of the Pelandale/Snyder Final EIR. The Fire Station No. 11 proposed to be designed and constructed is consistent with the Pelandale/Snyder Specific Plan in terms of land use and intensity, and would not create any additional demand for water supplies that are in excess of those analyzed by the Pelandale/Snyder Final EIR. Therefore, the impacts to increased demand for water supplies of this project are consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.
Increased Demand for Sanitary Sewer Services

Impacts to increased demand for sanitary sewer services are analyzed on pages 131 through 132 of the Pelandale/Snyder Final EIR. The Fire Station No. 11 proposed to be designed and constructed is consistent with the Pelandale/Snyder Specific Plan in terms of land use and intensity, and would not create any additional demand for sanitary sewer services that are in excess of those analyzed by the Pelandale/Snyder Final EIR. Therefore, the impacts to increased demand for sanitary sewer services of this project are consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.

Increased Demand for Storm Drainage

Impacts to increased demand for storm drainage facilities are analyzed on pages 137 through 139 of the Pelandale/Snyder Final EIR. The Fire Station No. 11 proposed to be designed and constructed is consistent with the Pelandale/Snyder Specific Plan in terms of land use and intensity, and would not create any additional demand for storm drainage facilities in excess of those analyzed by the Pelandale/Snyder Final EIR. Therefore, the impacts to increased demand for storm drainage facilities of this project are consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.

Increased Demand for Schools

Impacts to increased demand for schools is analyzed on pages 134 and 135 of the Pelandale/Snyder Specific Plan EIR. The Fire Station No. 11 proposed to be financed by this Community Facilities District is consistent with the Pelandale/Snyder Specific Plan in terms of land use and intensity, and would not create any additional impacts to increased demand for schools that are in excess of those analyzed by the Pelandale/Snyder Final EIR. Therefore, the impacts to increased demand for schools of this project is consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.

Increased Demand for Parks and Open Space

Impacts to increased demand for Parks and Open Space is analyzed on page 133 of the Pelandale/Snyder Specific Plan EIR. The Fire Station No. 11 development and infrastructure proposed to be financed by this Community Facilities District is consistent with the Pelandale/Snyder Specific Plan in terms of land use and intensity, and would not create any additional impacts to increased demand for schools that are in excess of those analyzed by the Pelandale/Snyder Final EIR. Therefore, the impacts to increased demand for of this project is consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.
Cumulative Impacts

Cumulative impacts are analyzed in the General Plan Master EIR for the Pelandale/Snyder area. The land uses for development contained in the Pelandale/Snyder Specific Plan are consistent with the Land Uses contained in the General Plan and General Plan Master EIR, and thus, the analysis contained in the General Plan Master EIR. The Fire Station No. 11 that is proposed for design and construction is consistent with the land use designations in the specific plan. Therefore, the cumulative impacts of this project are consistent with the analysis presented in the General Plan Master EIR.

Growth Inducing Impacts

Growth inducing impacts are analyzed by the Pelandale/Snyder Final EIR on page 142. The development of Fire Station No. 11 proposed for design and construction by this project is consistent with the Pelandale/Snyder Specific Plan in terms of land use and intensity. Therefore, the growth-inducing impacts of this project are consistent with the analysis presented in the Pelandale/Snyder Specific Plan EIR.

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

On January 16, 1996, the Modesto City Council certified a Final Environmental Impact Report for the Pelandale/Snyder Specific Plan (SCH# 93042004). Since then, there have been no substantial changes with respect to the planned development or infrastructure proposed for the Pelandale/Snyder Specific Plan project under which this project is being undertaken which will require major revisions in either Pelandale/Snyder Specific Plan EIR.

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

On January 16, 1996, the Modesto City Council certified a Final Environmental Impact Report for the Pelandale/Snyder Specific Plan (SCH# 93042004). Since then, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Pelandale/Snyder Specific Plan EIR.
C. No new information of substantial importance, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

On January 16, 1996, the Modesto City Council certified a Final Environmental Impact Report for the Pelandale/Snyder Specific Plan (SCH# 93042004). Since then, there is no new information of substantial importance, which was not known at the time the Pelandale/Snyder Specific Plan EIR was certified, that has become available, that would change the conclusion of the EIR.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Pelandale-Snyder Specific Plan Final EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Pelandale-Snyder Specific Plan Final EIR.

C. No new information of substantial importance, which was not known and could not have been known at the time the Pelandale-Snyder Specific Plan Final EIR was certified as complete, has become available.

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

Signature

Steve Nish
Acting Senior Planner
FIRE STATION No. 11
LOCATION

POSSIBLE FUTURE DRIVEWAY LOCATION

8' MASONRY WALL
A RESOLUTION APPROVING AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING (MOU) AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY EMPLOYEES’ ASSOCIATION (MCEA) FOR IMPLEMENTATION OF A CITYWIDE CLERICAL CLASSIFICATION STUDY.

WHEREAS, representatives of the City of Modesto (CITY) and the Modesto City Employees’ Association (MCEA) have met and conferred in good faith concerning a citywide study of clerical job classifications, and

WHEREAS, pursuant to an Agenda Report dated May 7, 2002, a copy of which report is on file in the office of the City Clerk, the CITY and MCEA utilized the Interest-Based Negotiation ("IBN") process in reaching this agreement, and

WHEREAS, the agreement creates seven new job classifications and their corresponding Salary Ranges, adopted under separate City Council Resolutions, and

WHEREAS, the agreement provides for individual placement in the new Salary Ranges that most closely provides for a 5% increase if the Range is higher than the one to which the employee is currently assigned, and

WHEREAS, the agreement provides for a second 5% increase six months from the date of Council adoption for those positions assigned to a Salary Range that is 10%, or more, above the employee’s current Salary Range, and

WHEREAS, the agreement provides for a Y-rating process for individual placement in the new Range if the Range is lower than the one to which the employee is currently assigned, and

WHEREAS, the agreement provides for assignment rotations for employees in the classification of Police Clerk II,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment to the Memorandum Of Understanding agreement implementing the Clerical Classification Study between the City of Modesto and the Modesto City Employees’ Association.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 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, O'Bryant, Mayor Sabatino

NOES: Councilmembers: Keating

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

ATTEST: JEAN ZAHN, City Clerk

05/14/02/C Platt 2 2002-243
MODESTO CITY COUNCIL  
RESOLUTION NO. 2002-244  

A RESOLUTION GRANTING CLASSIFICATION AND SALARY CHANGES TO CONFIDENTIAL EMPLOYEES IN THE CLASSIFICATIONS OF SECRETARY, ADMINISTRATIVE TECHNICIAN, ADMINISTRATIVE CLERK II, AND POLICE CLERK FOR IMPLEMENTATION OF A CITYWIDE CLERICAL CLASSIFICATION STUDY AND AMENDING EXHIBIT “A” OF RESOLUTION 2001-270.

WHEREAS, representatives of the City of Modesto (CITY) and the Modesto City Employees’ Association (MCEA) have met and conferred in good faith concerning a citywide study of clerical job classifications, and

WHEREAS, pursuant to an Agenda Report dated April 23, 2002, a copy of which report is on file in the office of the City Clerk, the City Council adopted an amendment to the Memorandum Of Understanding between the City of Modesto and Modesto City Employees’ Association (MCEA) for implementation of a Citywide Clerical Classification Study, and

WHEREAS, the City desires to extend this agreement to cover Confidential employees in the Classifications noted above, and

WHEREAS, City desires to provide for individual placement in the new Salary Ranges that most closely provides for a Five Percent (5%) increase, if the Range is higher than the one to which the employee is currently assigned, and

WHEREAS, City desires to provide for a second Five Percent (5%) increase six months from the date of Council adoption for those positions assigned to a Salary Range that is Ten Percent (10%), or more, above employee’s current Salary Range,

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

SECTION 1. AMENDMENT TO RESOLUTION 2001-270. Exhibit “A” entitled “City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 19, 2001,” is hereby amended as shown on the Amended Exhibit “A” entitled, “City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective May 7, 2002,” which is attached hereto and made a part hereof as though set forth in full herein. Said Amended Exhibit “A” establishes the salary range for Administrative Office Assistant I (Range 403), Administrative Office Assistant II
(Range 407), Administrative Office Assistant III and Police Clerk II (Range 411), and Senior Administrative Office Assistant (Range 415), and abolishes the salary ranges for, Police Clerk (Confidential).

SECTION 2. SALARY/OTHER PROVISIONS.

1. Confidential employees identified in this resolution, who will be placed in a new Salary Range that is lower than the Salary Range to which the employee is currently assigned, retain their current Job Title, current Salary Range and current Step placement without a Y-Rating for five years, to end June 25, 2007. This would allow the employee to receive any Across-the-Board increases and/or Step increases to which they are entitled during the five-year timeframe. This shall not apply to positions vacant at the date of adoption of this resolution.

By June 25, 2007, the affected employee shall have submitted a job analysis, and a job class committee will convene to appropriately classify the employee, using a point-factor analysis. On June 26, 2007, the employee will be reclassified to that job classification determined by the Committee and Step placement will be determined in the following manner:

Providing for individual placement in the new Range that most closely provides for a 5% increase if the Range is higher than the one to which the employee is currently assigned.

Providing for a second 5% increase six months (13 pay periods) from the date of the first increase for those positions assigned to a Salary Range that is 10%, or more, above the employee’s current Salary Range.

Providing for individual placement at Step 9 in the new Range if the Range is lower than the one to which the employee is currently assigned.
2. Confidential employees shall be placed in the new Salary Ranges that most closely provide a Five Percent (5%) increase, if the Range is higher than the one to which the employee is currently assigned.

3. Confidential employees whose positions are assigned to a Salary Range that is Ten Percent (10%), or more, above the employee’s current Salary Range shall receive a second Five Percent (5%) increase six months from the date of Council adoption of this resolution.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after May 7, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 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, O’Bryant, Mayor Sabatino

NOES: Councilmembers: Keating

ABSENT: Councilmembers: None

ATTEST:
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
CITY OF MODESTO  
CLASS RANGE TABLE  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective May 7, 2002

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<tr>
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<tbody>
<tr>
<td>403</td>
<td>Administrative Office Assistant I (Confidential)</td>
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| 407   | Administrative Clerk II (Confidential)  
       | Administrative Office Assistant II (Confidential) |
| 408   |       |
| 409   |       |
| 410   |       |
| 411   | Administrative Office Assistant III (Confidential)  
       | Police Clerk II (Confidential) |
| 412   |       |
| 413   | Senior Personnel Clerk  
       | Administrative Technician (Confidential) |
| 414   |       |
| 415   | Secretary  
       | Senior Administrative Office Assistant (Confidential) |
| 416   |       |
| 417   |       |
| 418   | Legal Secretary |
| 419   | Police Training and Records Technician (Confidential)  
       | Public Information Technician (Confidential) |
| 420   | Accountant I (Confidential)  
       | Deputy City Clerk  
       | Employee Benefits Coordinator  
       | Executive Secretary  
       | Legal Services Technician  
       | Systems Technician  
<pre><code>   | Workers’ Compensation Claims Examiner I |
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<td>422</td>
<td>Office Supervisor Utility Dispatch Supervisor</td>
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<td>Custodian Supervisor</td>
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<td>424</td>
<td>Assistant Planner Buyer Workers' Compensation Claims Examiner II</td>
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<td>Administrative Analyst I Executive Assistant Paralegal</td>
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<td>426</td>
<td>Police Support Services Supervisor Stores Manager</td>
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<td>427</td>
<td>Assistant City Clerk/Auditor Legal Services Administrator</td>
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<td>Accountant II Budget Analyst Customer Services Specialist Customer Services Supervisor Senior Buyer</td>
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<td>430</td>
<td>Associate Planner Events Supervisor I Junior Civil Engineer Senior Crime Analyst Social Services Program Supervisor</td>
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| 431   | Administrative Analyst II  
Assistant Risk Manager  
Geographic Information Systems Analyst  
Personnel Analyst  
Recycling Program Coordinator  
Senior Budget Analyst  
Senior Community Development Program Specialist  
Systems Analyst |
| 432   | Communications Specialist  
Industrial Waste Supervisor  
Neighborhood Preservation Supervisor  
Operations and Maintenance Supervisor  
Plant Maintenance Supervisor  
Recreation Supervisor II  
Secondary Treatment Facilities Supervisor  
Senior Accountant  
Water Quality Control Operations Supervisor  
Youth Program Supervisor |
| 433   | Organizational Development Specialist |
| 434   | Arborist  
Assistant Civil Engineer  
Assistant Traffic Engineer  
Electrical Supervisor  
Events Supervisor II  
Geographic Information Systems Coordinator  
Operations Supervisor  
SCADA Supervisor  
Senior Housing Rehabilitation Specialist  
Senior Programmer Analyst |
| 435   | Business Analyst  
Cultural Services Manager  
Integrated Waste Specialist  
Management Analyst  
Senior Personnel Analyst |
<p>| 436   | Senior Planner |</p>
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<tr>
<td>437</td>
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<td>Budget Officer</td>
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<td>Financial/Investment Officer</td>
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<td>Community Facilities Districts Administrative Officer</td>
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<td>Airport Manager</td>
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<td>Customer Services Division Manager</td>
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<td>Manager of Budget and Financial Analysis</td>
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<td>Supervising Building Inspector</td>
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| 443   | Supervising Construction Inspector  
|       | Senior Deputy City Attorney I |
| 444   | Business Development Manager  
|       | Deputy Chief Building Official  
|       | General Services Manager  
|       | Principal Planner |
| 445   | Accounting Division Manager  
|       | Housing and Neighborhoods Division Manager |
| 446   | Water Quality Control Superintendent |
| 447   | Assistant to City Manager  
|       | Chief Building Official  
|       | Planning Division Manager  
|       | Senior Civil Engineer  
|       | Traffic Engineer |
| 448   | |
| 449   | Senior Deputy City Attorney II |
| 450   | |
| 451   | |
| 452   | Deputy Director – Cultural and Enterprise Services  
|       | Deputy Director – Engineering & Transportation  
|       | Deputy Director of Finance  
|       | Deputy Director – Operations and Maintenance  
|       | Deputy Director – Recreation and Neighborhoods |
| 453   | |
| 455   | Assistant City Attorney |