MODESTO CITY COUNCIL
RESOLUTION NO. 2002-1

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF RODNEY DECRISTOFARO FROM THE PLANNING COMMISSION EFFECTIVE JANUARY 2, 2002

WHEREAS, RODNEY DECRISTOFARO was appointed a member of the Planning Commission on December 5, 1995; and

WHEREAS, RODNEY DECRISTOFARO has tendered his resignation from the Planning Commission, effective January 2, 2002; and

WHEREAS, RODNEY DECRISTOFARO has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of RODNEY DECRISTOFARO from the Planning Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to RODNEY DECRISTOFARO for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahra, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-2

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF CHRIS DAVIDSON FROM HOUSING REHABILITATION LOAN COMMITTEE, EFFECTIVE JANUARY 2, 2002

WHEREAS, CHRIS DAVIDSON was appointed a member of the Housing Rehabilitation Loan Committee in 1995; and
WHEREAS, CHRIS DAVIDSON has tendered her resignation from the Housing Rehabilitation Loan Committee, effective January 2, 2002; and
WHEREAS, CHRIS DAVIDSON has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of CHRIS DAVIDSON from the Housing Rehabilitation Loan Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to CHRIS DAVIDSON for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk
A RESOLUTION APPROVING THE SUBMITTAL OF MODESTO CITY-COUNTY AIRPORT'S IMPROVEMENT PROGRAM APPLICATION IN THE AMOUNT OF $14,735,000 TO THE FEDERAL AVIATION ADMINISTRATION (FAA), AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE APPLICATION AND ANY GRANT OFFER EXTENDED BY THE FAA ON BEHALF OF THE CITY.

WHEREAS, Modesto City-County Airport is a commercial service airport, and it is eligible for federal Airport Improvement Program entitlement and discretionary funds, and

WHEREAS, the United States Congress has allocated for this fiscal year $3.3 billion dollars to airports for their airport improvements, and

WHEREAS, the FAA has requested the City to submit its revised Airport Capital Improvement Plan (ACIP) by December 10, 2001, and its request for project funding by January 1, 2002, and

WHEREAS, the City Council approved an ACIP in the amount of 15.005 million at their December 11, 2001, meeting, and the ACIP in the amount of $14.735 million has been submitted to the FAA, and

WHEREAS, the federal application includes the following projects: reconstruct Runway 10L/28R (RW10L/28R), upgrade the airport’s security system, expand the terminal passenger parking lot, rehabilitate general aviation hangar area taxilanes, acquire property in the County unincorporated area, and extend RW10L/28R and Taxiway A (TWA), and

WHEREAS, the Council approved a federal funding application for the FAR Part 150 Noise Program Update in the amount of $270,000 at their December 11, 2001, meeting, which is being submitted separately to the FAA, and

WHEREAS, the Airport Advisory Committee has previously recommended the City request funding for projects listed on the Modesto City-County Airport’s ACIP, and

WHEREAS, the Council’s Transportation Policy Committee considered approving the application for federal Airport Improvement Program funds at their December 20, 2001, meeting and are recommending the application be submitted to the FAA,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submitting an application for Airport Improvement Program funds in the amount of $14.735 million to the FAA.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the application and any grant offers extended by the FAA for any of the projects listed on the ACIP and the federal grant application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd of January, 2002 by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, 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 AUTHORIZING THE CITY TO ACCESS STATE AND LOCAL SUMMARY CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT, LICENSING OR CERTIFICATION PURPOSES.

WHEREAS, California Penal Code Sections 11105(b)(10) and 13300(b)(10) authorize cities, counties and districts to access state and local summary criminal history information for employment, licensing or certification purposes, and

WHEREAS, California Penal Code Sections 11105(b)(10) and 13300(b)(10) require that there be an exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject of the record, and

WHEREAS, California Penal Code Sections 11105(b)(10) and 13300(b)(10) require the city council, board of supervisors or governing body of a city, county or district to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes, and

WHEREAS, the City of Modesto Personnel and Police Departments access such information for certain prospective employees (including volunteers) as authorized or required by California law, and

WHEREAS, the City of Modesto Police Department accesses such information for certain citizens for licensing and certification purposes as authorized or required by California law,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City is hereby authorized to access state and local summary criminal history information for employment (including volunteers), licensing or certification purposes.

BE IT FURTHER RESOLVED, that the City of Modesto shall not consider a person who has been convicted of a felony or misdemeanor involving moral turpitude eligible for employment (including volunteers), or licensing except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment, volunteerism or license in question.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES:  Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
          JEAN ZAHIR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MEMORIAL HOSPITALS ASSOCIATION FOR THE INSTALLATION OF A PERMANENT IRRIGATION SYSTEM AND LANDSCAPING AND THE MAINTENANCE OF LANDSCAPING ON PROPERTY OWNED BY THE CITY AND ADJACENT TO MEMORIAL HOSPITAL 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 City of Modesto owns right-of-way fronting on westbound East Briggsmore Avenue which is adjacent to the Memorial Hospital and measures approximately thirteen (13) feet in width and six hundred forty (640) feet in length, and
WHEREAS, both the City and the Memorial Hospitals Association are desirous of beautifying this planter area with permanent irrigation and landscaping, and
WHEREAS, the City agrees to provide funds, not to exceed $4,225, for the purchase and installation of a permanent irrigation system and for installation of sod or hydra-seed in the planter area, and
WHEREAS, Memorial Hospitals Association agrees to provide maintenance of the planter area,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Memorial Hospitals Association for the installation of an irrigation system and landscaping on property located on East Briggsmore adjacent to Memorial Hospital 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 2nd day of January, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-6

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE
SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT
(SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN
FOR AREA NO. 28 AND CONCURRENT REZONING FROM SP-H TO SP-O,
PROPERTY LOCATED ON THE NORTH SIDE OF MERLE AVENUE EAST OF
DERMOND ROAD IN THE VILLAGE ONE SPECIFIC PLAN AREA (FLORSHEIM
BROTHERS)

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 Florsheim Brothers for a Precise Plan for
Area No. 28 of the Village One Specific Plan, property located on the north side of Merle
Avenue east of Dermond Road, and

WHEREAS, the applicant has applied for approval of a rezoning from Specific Plan-
Holding Zone, SP-H, to a Specific Plan-Overlay Zone, SP-O, 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 2001-78, 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. 2001-73, adopted on
December 3, 2001, and City staff, by a report dated December 11, 2001, from the Community
Development Department, recommended to the City Council approval of the Precise Plan for
Area No. 28 of the Village One Specific Plan as set forth in said Resolution No. 2001-73, and
recommended approval of an Amendment to Section 13-3-9 of the Zoning Map to rezone from
Specific Plan-Holding Zone, SP-H to Specific Plan-Overlay Zone, SP-O, Precise Plan Area No.
28, property located on the north side of Merle Avenue east of Dermond Road, and
WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on January 2, 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 2001-78, entitled "City of Modesto Initial Study Precise Plan No. 28, and Polakis Property 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 which were not examined in the Program EIR and no new mitigation measures would be required.

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

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

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

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

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

8. The initial study, Environmental Assessment No. EA/CDD 2001-78, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/CDD 2001-78, entitled "City of Modesto Initial Study Precise Plan No. 28, and Polakis Property Vesting Tentative Subdivision Map", is attached hereto as Exhibit "A", and incorporated herein by reference.

01/02/02/CDD/S Mitchell

2002-6
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:    Councilmembers: Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES:    Councilmembers: None

ABSENT:  Councilmembers: Conrad, Fisher

ATTEST:  

JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

MICHAEL D. MILICH, City Attorney
EXHIBIT "A"
INITIAL STUDY
EA/CDD NO. 2001-78
City of Modesto
Initial Study

Precise Plan No. 28 and
Polakis Property Vesting Tentative Subdivision Map

EA/CDD 2001-78
November 13, 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 allows the approval of subsequent projects within the scope of the Project EIR without further environmental review, provided the following findings are made:

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

B. The project will have no new effects which 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 which 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 which are appropriate to the project shall be incorporated in the project.

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

A. Project title:
Precise Plan No. 28, and Polakis Property 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:
Steve Mitchell, Community Development Department, (209) 577-5287

A. Project Location:
The project is located on the north side of Merle Avenue east of Dermond Road.

E. Project Sponsor:
Florsheim Brothers, 1701 W. March Ln., Ste. D, Stockton, CA 95207

F. General Plan Designation:
Village Residential (VR)

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

H. Description of Proposed Project:
This is a precise plan and subdivision map in the Village One Specific Plan. The precise plan is to allow approximately 200 single-family units, in addition to an existing church on the project site, on 44.4 acres. The subdivision map is a subset of the precise plan for 180 lots on 35.9 acres.

I. Surrounding land uses:
The project is bounded on the north by approved and currently developing single-family subdivisions, on the east by vacant land designated for a neighborhood park and a middle school by the Village One Specific Plan, and on the south and west by existing single-family 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
The project is consistent with the Village One Specific Plan in land use and intensity. It also provides a circulation system in accordance with the Specific Plan. Therefore, impacts to traffic and circulation for this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

B. Degradation of Air Quality

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

C. Generation of Noise

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The project is consistent with the Village One Specific Plan in land use and intensity, and the project is not adjacent to any arterial streets that require additional noise mitigation. Therefore, the noise impacts of this project are within the scope of the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

D. Vegetation and Wildlife

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

E. Land Use

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

F. Population, Employment and Housing

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

G. Urban Design and Visual Quality

Impacts to urban design and visual quality are analyzed on pages III-101 through III-
103 of the Supplemental EIR. The development proposed by this precise plan is consistent with the Village One Specific Plan in terms of land use, intensity and urban design. 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 which 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 which were not examined in the Village One Specific Plan Program EIR, as amended by the Village One Suplemental EIR ("Program EIR") and no new mitigation measures would be required.

3. There are no substantial changes proposed in the project which will require major revisions of the Village One 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 which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.

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

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

Signature:

Steve Mitchell,
Principal Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-7

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 21-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(552), PROPERTY LOCATED ON THE NORTH SIDE OF EAST COOLIDGE AVENUE OPPOSITE ILA WAY. (ARCHITECTURE PLUS, INC.)

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

WHEREAS, Architecture Plus, Inc., has proposed that the zoning designation for the property located on the north side of East Coolidge Avenue opposite Ila Way be amended to rezone from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(552), in the City of Modesto (the project), to allow a two- and three-story apartment development, and

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

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study No. EA/CDD 2001-76 reviewed the proposed amendment to the Zoning Map and rezone to P-D(552) project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(552) project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:
1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.

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

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2002, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
EXHIBIT A

Initial Study

EA/CDD 2001-76
City of Modesto

Initial Study

EA/CDD 2001-76
November 2, 2001

I. PURPOSE

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

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

II. PROJECT DESCRIPTION

A. Project title:
Application of Architecture Plus, Inc. to Rezone from R-3 to P-D for 40 two-and-three-story apartments on E. Coolidge Ave. at Ila Way.

B. Lead agency name and address:
City of Modesto, 1010 Tenth St., Modesto, CA 95353

C. Contact person, address and phone number:
Bob Cannell, Community Development Department, (209) 577-5274

D. Project Location:
The property is located on the north side of East Coolidge Ave. opposite Ila Way.

E. Project sponsor:
Architecture Plus, Inc.

F. General Plan Designation:
Mixed Use (MU) designation

G. Zoning:
R-3, Medium-High Density Residential
H. **Description of Proposed Project:**
   This is a rezoning from the current R-3 to a Planned Development zone in order to pursue three story construction of a few of the units. Except for this feature, the current zoning could accommodate the proposed apartment complex.

I. **Surrounding land uses:**
   The project is bounded on the west by a medical office/clinic (Imaging Center), on the northeast and east by one-and two-story R-3 apartments, and on the south by a mixture of low-and-medium density residential uses. The north is currently underdeveloped.

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

III. **ANALYSIS OF CONFORMANCE WITH THE MASTER EIR**

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

   **A. Traffic and Circulation**
   
   The proposed multi-housing complex will contribute to increased traffic in the neighborhood. However, the proposed development is consistent with the Traffic and Circulation needs section of the MEIR. Also, the traffic generated by development will be no greater than that under ministerial development under current zoning in this portion of Baseline Developed Area. Therefore, this proposal would not generate any increased traffic from what was projected in the Master Environmental Impact Report, and the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are still valid.

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

   **C. Generation of Noise**
   
   Since the proposed rezoning will not result in any significant increase in intensity of development, it will not create additional noise impacts, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.
D. **Loss of Productive Agricultural Land**

This area is located in a fully urbanized residential area. The proposed Amendment will not result in the loss of any agricultural land. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. **Increased Demand for Water Supplies**

Since the proposed rezoning will not result in any significant increase in intensity of development, it will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are therefore still valid.

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

Since the proposed rezoning will not result in any significant increase in intensity of development, it will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

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

This area is located in an area currently developed for residential uses. The proposed rezoning will not result in the loss of any sensitive wildlife and plant habitat not already analyzed in both the General Plan Master Environmental Impact Report and the Pelandale-Snyder EIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

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

Figure 8-1 of the MEIR indicates that the area is also outside the Archaeological Resource Study Area, and therefore doesn't require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

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

Since the proposed rezoning will not result in any significant increase in intensity of development, and development in the Baseline Developed Area in the General Plan is providing storm drainage facilities in accordance with the mitigation measures presented in the Master Environmental Impact Report, the Amendment will not present any new impacts to drainage, flooding and water quality that have not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed
in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

**J. Increased Demand for Storm Drainage**

Since the proposed rezoning will not result in any significant increase in intensity of development, and development in the Baseline Developed Area of the General Plan is providing storm drainage facilities in accordance with the mitigation measures presented in the Master Environmental Impact Report, the Amendment will create no additional demand for storm drainage not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are still valid.

**K. Increased Demand for Parks and Open Space**

Since the proposed rezoning will not result in any significant increase in intensity of development and development in the Baseline Developed Area is providing for parks in accordance with the General Plan, the rezoning will create no additional demand for parks and open space not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are therefore still valid.

**L. Increased Demand for Schools**

Since the proposed rezoning will not result in any significant increase in intensity of development and development in the Baseline Developed Area is providing for schools in accordance with the General Plan, the rezoning will create no additional demand for schools not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

**M. Increased Demand for Police Services**

Since the proposed rezoning will not result in any significant increase in intensity of development, it will create no additional demand for police services not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are therefore still valid.

**N. Increased Demand for Fire Services**

Since the proposed rezoning will not result in any significant increase in intensity of development, it will create no additional demand for fire services not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are therefore still valid.
O. **Generation of Solid Waste**

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

P. **Generation of Hazardous Materials**

Since the proposed rezoning will not result in any significant increase in intensity of development, it will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are therefore still valid.

Q. **Landslides and Seismic Activity**

Since the proposed rezoning will not result in any significant increase in intensity of development, it will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-17-11) are therefore still valid.

R. **Energy**

This rezoning will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are still valid.

IV. **CONCLUSIONS/DETERMINATIONS OF FINDINGS**

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

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

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

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

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

Bob Cannell
Senior Planner
A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(552). (ARCHITECTURE PLUS, INC.)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Architecture Plus, Inc., on September 13, 2001, to reclassify from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(552), to allow a two- and three-story apartment development, property located on the north side of East Coolidge Avenue opposite Ilia Way, described as follows:

R-3 to P-D(552)

The East 165 feet of the West 315 feet of the South half of Lot 4 COOLIDGE COLONY as per Map filed on November 15, 1910, in Vol. 5 of Maps, at page 17, Stanislaus County Records;

Including Parcel 2 as shown on that Parcel Map filed December 13, 1965, in Book 1, Page 17 of Parcel Maps in the Office of the County Recorder of Stanislaus County, being a portion of Lots 3 and 4 of COOLIDGE COLONY;

Also including the northerly 30 feet of E. Coolidge Avenue immediately adjacent to said Parcel 2 as shown on that Parcel Map filed December 13, 1965, in Book 1, Page 17 of Parcel Maps in the Office of the County Recorder of Stanislaus County

and

WHEREAS, after a public hearing held on November 19, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-68, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The requested zone change is required by public convenience or necessity and will result in an orderly planned use of resources for the following reasons:

   a. The proposed Planned Development Zone, by reason of its site design and conditions of approval is compatible with existing and potential surrounding development.

   b. The requested Planned Development Zone for a multi-family development and uses as permitted in the R-3, Medium-High-Density Residential Zone, is within an area designated by the General Plan for Mixed Uses (MU).
2. The proposed rezoning is consistent with the Modesto Urban Area General Plan, because the General Plan designates this site for Mixed Uses (MU), which permits apartment complexes.

WHEREAS, said matter was set for a public hearing of the City Council to be held on January 2, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Architecture Plus, Inc., for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-68 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3243-C.S. on the 2nd day of January, 2002, reclassifying the above-described property from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(552).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(552), is hereby approved subject to the following conditions:

1. All development shall conform to the plans entitled: “Coolidge Apartments” as amended in red and stamped approved by the City Council on January 2, 2002.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Chief Building Official. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
   a. Six-feet-high wood fence with decorative masonry pilasters at 16 feet on centers. OR
   b. Six-feet-high wrought iron fence along entire north and east property lines except where such fencing has previously been constructed and is being maintained.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.
6. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety or traffic problem in the area.

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

8. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and Engineering and Transportation Director.

9. Trash bins shall be kept in enclosures in accordance with the approved plan and in accordance with plans approved by the Operations and Maintenance Department director. Enclosures shall be constructed of building materials consistent with those used in major buildings as approved by the Community Development Department Director.

10. Prior to the issuance of a building permit, the developer shall show on the plans submitted to Building Inspection and shall be subject to the following Fire Department requirements:
   a. All buildings with 5000 square feet or more of floor area must have fire sprinkler systems.
   b. Fire Department access must be designed to support a 60,000-pound imposed load.
   c. Fire access road must be 20 feet wide with a 13’ 6” vertical clearance.
   d. Fire access road must meet the City standard for turning radius.
   e. All sides of all buildings must be within 150 feet walking distance of a fire truck parking location for hose to lay (200 feet if buildings are equipped with fire sprinkler systems).

11. All signs shall comply with the sign requirements of the R-3 Zone.

12. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If defend, indemnify, or hold City harmless.
SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(552):

The entire construction program be accomplished in one phase, construction to begin on or before November 19, 2003, and completion to be not later than November 19, 2004.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(552), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2002, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

APPROVED AS TO DESCRIPTION:

By: Community Development Department Planning Division
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-9

A RESOLUTION DESIGNATING COUNCILMEMBER CONRAD TO SERVE AS VICE MAYOR FOR THE ENSUING YEAR PURSUANT TO SECTION 603 OF THE CHARTER OF THE CITY OF MODESTO.

BE IT RESOLVED by the Council of the City of Modesto that Councilmember Conrad is hereby designated to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter 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 2nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, 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. 2002-10

A RESOLUTION OPPOSING ANY AND ALL STATE REDUCTIONS IN TRADITIONAL CITY REVENUE SOURCES

WHEREAS, the State of California is projecting a major budget deficit for Fiscal Year 2002-2003; and

WHEREAS, historically, the State of California has used monies normally directed to California cities, to balance the State budget; and

WHEREAS, this approach negatively impacts the City of Modesto, as well as all other California cities, by impairing the City’s ability to provide adequate public safety, recreation, parks services, and capital improvement projects; and

WHEREAS, the State has committed to insuring that sufficient replacement dollars would be directed to each California city; and

WHEREAS, the City of Modesto adamantly requests all State legislators and legislative bodies seek other options to balance the State budget and to keep funds designated for municipalities as committed by the State.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto does hereby oppose any and all State reductions in traditional City revenue sources and furthermore encourages all California cities and residents to contact legislators and candidates to urge that they oppose any efforts to balance the State budget with local government revenue sources.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2002, by Councilmember Conrad, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
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 OR THE CLASSIFICATION OF DEPUTY DIRECTOR OF FINANCE.

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 January 8, 2002", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" revises the Class Range Table to establish a salary range for Deputy Director of Finance (Range 452).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after January 8, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January 8, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, 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
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<td>Police Clerk (Confidential)</td>
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       Senior Personnel Clerk |
| 414   | |
| 415   | Secretary |
| 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  
       Workers’ Compensation Claims Examiner I |
| 421   | |

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<tr>
<td>422</td>
<td>Office Supervisor Utility Dispatch Supervisor</td>
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<td>Custodian Supervisor</td>
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<tr>
<td>424</td>
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<td>425</td>
<td>Administrative Analyst I Executive Assistant</td>
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<tr>
<td>426</td>
<td>Police Support Services Supervisor Stores Manager</td>
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<tr>
<td>427</td>
<td>Assistant City Clerk/Auditor Legal Services Administrator</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  | 9 |</p>
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<td>437</td>
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|       | Communications and Marketing Manager  
|       | Development and Operations Coordinator  
|       | Financial/Investment Officer  
|       | Housing Program Supervisor  
|       | Land Surveyor  
|       | Property Agent  
|       | Purchasing Supervisor  
|       | Systems Engineer  
|       | Transportation Planner |
| 439   | Administrative Services Officer |
| 440   | Associate Civil Engineer  
|       | Associate Traffic Engineer |
| 441   | Airport Manager  
|       | Assistant Personnel Director  
|       | Building Maintenance Superintendent  
|       | Deputy City Attorney II  
|       | Fire Marshal  
|       | Fleet Manager  
|       | Golf Services Manager  
|       | Parks Operations Superintendent  
|       | Parks Planning and Development Manager  
|       | Police Records Manager  
|       | Recreation Superintendent  
|       | Risk Manager  
|       | Solid Waste Program Manager  
|       | Streets Engineer  
|       | Transit Manager  
|       | Urban Forestry Superintendent  
|       | Wastewater Collections Superintendent  
<p>|       | Water Superintendent |</p>
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| 442   | Customer Services Division Manager  
       | Information Services Manager  
       | Manager of Budget and Financial Analysis  
       | Supervising Building Inspector  
       | Supervising Construction Inspector |
| 443   | 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 and Transportation  
       | **Deputy Director of Finance**  
       | Deputy Director – Operations and Maintenance  
<pre><code>   | Deputy Director – Recreation and Neighborhoods |
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<td>Assistant City Attorney</td>
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MODESTO CITY COUNCIL
RESOLUTION NO. 2002-12

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

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

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

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

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

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

Deputy Director of Finance

As a result of a new position created in the 2001/02 budget cycle assigned to the Finance Department.

The specification for the classification of Deputy Director of Finance, Range 452 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 Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after January 8, 2002.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(S 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

To assist the Finance Director in the planning, directing, coordinating and the administration of departmental functions and financial activities; and to provide highly responsible and complex administrative support to the Finance Director.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Director of Finance.

Exercises direct supervision over professional, technical, and clerical staff.

Exercises responsible charge of assigned administration, budget and fiscal analysis, treasury, accounting, customer service and purchasing and stores functions.

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

Essential Functions:

Assist in the development, planning, and implementation of department goals and objectives; recommend and administer policies and procedures.

Meet with division supervisors/managers to discuss needs, problems, programs, policy and budgets; give direction where necessary.

Coordinate department activities with those of other departments and outside agencies and organizations; prepare and present staff reports and other necessary correspondence.

Appear before the City Council, boards, commissions and other civic organizations representing the Department.

Provide administrative support to the Director; assist with special projects as assigned; prepare complex and sensitive reports for various State and Federal agencies.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to improve performance; implement discipline procedures as necessary.

EXHIBIT "A"
Examples of Duties (Continued)

Marginal Functions:
Perform related duties as assigned.

Qualifications

Knowledge of:

Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs.

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

Principles of budget preparation and expenditure control.

Program analysis and revenue forecasting.

Principles and practices of organization, administration, supervision, training, and personnel management.

Governmental fund accounting principles and practices.

General legal authority and parameters for carrying out bonds, grants, and other financial transactions.

Treasury and cash management principles and practices.

Principles and practices of purchasing and inventory functions.

Ability to:

Analyze problems, identify alternative solutions, and project consequences of proposed actions and implement recommendations in support of organizational goals.

Assist with the preparation and administration of departmental operating and capital improvement budgets and control budget expenditures.

Effectively manage assigned areas of the departmental program.
Qualifications (Continued)

Ability to:

Supervise, evaluate, train and coach assigned staff.

Interpret and apply pertinent laws, rules and regulations.

Prepare and analyze technical and administrative reports, statements and correspondence.

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

Communicate clearly and concisely, both orally and in writing.

Gain cooperation through discussion and persuasion.

Experience and Training Guidelines

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

Experience:

Six years of increasingly responsible program management experience in public accounting or governmental setting and financial work including at least two years of administrative and supervisory responsibility.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in accounting, finance, business administration or a related field. A Master's degree in Business Administration or Public Administration is highly desirable.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license. Possession of a Certified Public Accountant (CPA) certificate is highly desirable.

WORKING CONDITIONS:

Environmental Conditions:

Office environment.
WORKING CONDITIONS (Continued)

Physical Conditions:

Essential and marginal functions may require maintaining physical condition for sitting for prolonged periods of time; attending meetings; and using a personal computer and related office equipment.
A RESOLUTION APPROVING A SECOND AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND MINAGAR & ASSOCIATES IN THE AMOUNT OF $7,121 FOR TRAFFIC ENGINEERING SERVICES FOR THE CITY OF MODESTO TRAFFIC SIGNAL RETIMING PROJECT OUTSIDE MODESTO'S CENTRAL BUSINESS DISTRICT

WHEREAS, on May 1, 2001, the City entered into a Traffic Engineering Services Agreement between the City of Modesto and Minagar & Associates for traffic engineering services for the City of Modesto Traffic Signal Retiming Project Outside Modesto’s Central Business District, and

WHEREAS, said agreement required Minagar & Associates to undertake and complete the traffic engineering services in accordance with a scope of work described in the original Agreement as “Exhibit A”, and

WHEREAS, on July 24, 2001, a First Amendment to the agreement was approved, adding an additional $18,510 and twelve traffic signals to the project, and

WHEREAS, subsequent to executing the original Agreement and First Amendment to the Agreement between the City and Minagar & Associates, an additional scope of work was identified by the City as needing to be included in Minagar & Associates’ contract consisting of four additional intersections, and

WHEREAS, Minagar & Associates in a proposal dated November 1, 2001, identified the level of effort and cost required to add the additional scope of work to the contract, and

WHEREAS, the City is desirous of contracting with Minagar & Associates to perform the additional scope of work,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment to the Agreement with Minagar & Associates in an amount not-to-exceed $7,121 for continued traffic engineering services through project closeout.

BE IT FURTHER RESOLVED that Exhibit A in the original Agreement which specifies the original scope of services by Minagar & Associates is hereby modified to add the additional scope of work as set forth in Minagar & Associates’ November 1, 2001, proposal attached hereto as Exhibit C.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute the Second Amendment to the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2002 by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, CITY ATTORNEY

ATTEST: 

JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE PROJECT TITLED "TRAFFIC SIGNAL AT HATCH ROAD AND DALLAS STREET" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Traffic Signal at Hatch Road and Dallas Street, has been completed by Tennyson Electric, Inc., in accordance with the contract agreement dated March 7, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Traffic Signal at Hatch Road and Dallas Street project be accepted from said contractor, Tennyson Electric, Inc., and that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $142,770.00 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 8th day of January, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

[Signature]
MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING THE PROJECT TITLED "WATER MAIN CONSTRUCTION ON CHURCH STREET IN EMPIRE" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Water Main Construction on Church Street in Empire, has been completed by W. M. Lyles Co., in accordance with the contract agreement dated July 24, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Water Main Construction on Church Street in Empire Project be accepted from said contractor, by W. M. Lyles Co., and that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $223,078.00 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 8th day of January, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-16

A RESOLUTION ACCEPTING THE PROJECT TITLED “CAPE SEAL AND RESTRIPE BUS YARD” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Cape Seal and Restripe Bus Yard, has been completed by California ISS, Inc., in accordance with the contract agreement dated June 6, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Cape Seal and Restripe Bus Yard Project be accepted from said contractor, by California ISS, Inc., and that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $40,594.45 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 8th day of January, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____________________________
MICHAEL D. MILICH, City Attorney

12/18/01/E&T Construction/T. Farmer
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-17

A RESOLUTION ACCEPTING THE PROJECT TITLED “INSTALLATION OF TRAFFIC SIGNAL AT 9TH STREET AND CARVER ROAD” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Installation of Traffic Signal at 9th Street and Carver Road, has been completed by Tennyson Electric, Inc., in accordance with the contract agreement dated January 11, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Installation of Traffic Signal at 9th Street and Carver Road project be accepted from said contractor, Tennyson Electric, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $186,202.00 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 8th day of January, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, 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. 2002-18  

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 ANNUAL BUDGET TO ESTIMATE ADDITIONAL FEDERAL FUNDS AND APPROVING AN APPROPRIATION TRANSFER FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT 9TH STREET AND CARVER ROAD PROJECT  

WHEREAS, on February 17, 2000, the City Council awarded a $181,472.00 contract to Tennyson Electric, Inc. to install a traffic signal at the 9th Street and Carver Road intersection within the City of Modesto, and  

WHEREAS, staff successfully applied for an increase to the Federal Congestion Mitigation and Air Quality (CMAQ) grant for the project, and  

WHEREAS, the Federal grant increase allows funds transferred previously to fully fund the project to be transferred back to the original account, and  

WHEREAS, said funds can be utilized for future traffic signal projects.  

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the 2001-02 Annual Budget is hereby amended to recognize additional revenue of $42,000.00 to the project Account Number 141-160-H977, “Traffic Signal 9th and Carver,” and that an appropriation transfer of $38,000.00 from Account Number 141-160-H977, “Traffic Signal 9the and Carver,” to Account Number 1410-160-M194, “New Traffic Signals” is hereby authorized.  

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:  

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, 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 UNION PACIFIC RAILROAD IN THE AMOUNT OF $32,763 FOR THE PURCHASE OF 14,117 SQUARE FEET OF LAND FOR CONSTRUCTION OF THE KANSAS NEEDHAM OVERCROSSING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT DEED ON THE PROPERTY.

WHEREAS, on December 4, 2001, the City Council adopted a Resolution of Necessity to acquire the remaining property interests for the Kansas-Needham Overcrossing project, and
WHEREAS, Union Pacific Railroad agreed to sell this parcel to the City, and
WHEREAS, the total cost of $32,763 for this land acquisition is reasonable, and
WHEREAS, this property is necessary for construction of the project,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement between the City and Union Pacific Railroad in the amount of $32,763 for the purchase of 14,117 square feet of land for construction of the aforesaid project.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute the necessary Grant Deed for purchase of the aforesaid property.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(Seal)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

01/08/02/E&I/K Becker 2002-19
A RESOLUTION APPROVING A RIGHT OF ENTRY AGREEMENT BETWEEN THE CITY OF MODESTO AND UNION PACIFIC RAILROAD FOR THE PURPOSE OF CONSTRUCTING THE FOUNDATION AND OVERHEAD FOR THE KANSAS NEEDHAM OVERCROSSING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE RIGHT OF ENTRY AGREEMENT ON BEHALF OF THE CITY.

WHEREAS, on December 4, 2001, the City Council adopted a Resolution of Necessity to acquire the remaining property interests for the Kansas-Needham Overcrossing project, and

WHEREAS, the Kansas-Needham Overcrossing project is funded by a grant for separating train and vehicle traffic, and

WHEREAS, access to this property is necessary for construction of the foundation and overhead for the Kansas-Needham Overcrossing,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Right of Entry Agreement between the City and Union Pacific Railroad for the purpose of City entering the right-of-way to construct the foundation and overhead for the Kansas-Needham Overcrossing.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute said Right of Entry Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, 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 A $520,000.00 CONTRACT INCREASE TO FULLY FUND THE PHASE II CONSTRUCTION AND MAINTENANCE (C & M) RAILROAD AGREEMENT WITH UNION PACIFIC RAILROAD FOR THE 9TH STREET RAILROAD PROJECT

WHEREAS, on August 8, 1998, City Council approved the Phase II Railroad Agreement with Union Pacific Railroad for $4,600,000 to install various track spurs, switches, a crew quarters building, and removal of tracks, and

WHEREAS, the Union Pacific Railroad has already exceeded the amount estimated in the agreement by $356,268.42, and

WHEREAS, an additional $150,000 in Union Pacific Railroad work is anticipated to remove track in the Virginia corridor, and

WHEREAS, the agreement stipulates the city must pay 95% of all Union Pacific Railroad costs, and

WHEREAS, the Federal Demonstration Grant has approved funds for the Union Pacific Railroad work,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes that the Union Pacific Railroad Construction and Maintenance Agreement be increased by $520,000, from $4,600,000 to 5,120,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2002, by Councilmember Friedman, 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, Friedman, Frohman, Serpa

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith, Sabatino

ATTEST: JEAN Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

2002-20
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SALIDA SANITARY DISTRICT, FOR THE PURPOSE OF UTILIZING CITY STAFF AND EQUIPMENT TO PROVIDE EMERGENCY SEWER SYSTEM MAINTENANCE AND EQUIPMENT REPAIR, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the Salida Sanitary District (“District”) owns, maintains, and operates a sewage collection system serving the unincorporated town of Salida, California, and

WHEREAS, the District has limited resources regarding specialized sewer maintenance equipment and the ability to service and repair this specialized sewer maintenance equipment, and

WHEREAS, there may be times when sewer collection system blockages occur requiring urgent action to clear them before public health is adversely affected, and

WHEREAS, the District’s resources and equipment may not be operable at such an urgent time, and

WHEREAS, the City of Modesto with its larger system, work force, and equipment pool, in the interest of furthering protection of public health, is willing to provide, at cost, assistance to the District at such times as the District’s equipment is inoperable or if the nature of the blockage is greater than the District’s equipment is capable of clearing, and

WHEREAS, the City operates a full service equipment maintenance shop and employs skilled mechanics familiar with the repair of sewer maintenance equipment, and

WHEREAS, the Utility Services & Franchises Committee reviewed and approved this recommendation at their meeting of November 28, 2001,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Salida Sanitary District for the purpose of utilizing City staff to provide emergency support services to the District 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 8th day of January, 2002, by Councilmember Friedman, who moved its adoption, which motion being duty seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, 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. 2002-22

A RESOLUTION ESTABLISHING A BAIL SCHEDULE (FINE) FOR VIOLATION OF
SECTION 3-2.2001, et seq. OF THE MODESTO MUNICIPAL CODE REGARDING PARKING
OF OVERSIZED VEHICLES AND TRAILERS IN RESIDENTIAL AREAS

WHEREAS, the Court of Stanislaus County has delegated to local jurisdictions within the County
of Stanislaus the power to establish bail schedules for parking violations within said jurisdictions, subject
to Court approval, and

WHEREAS, the Council of the City of Modesto now desires to establish a parking violation bail
(commonly called fine) for parking of oversized vehicles and trailers in residential areas pursuant to
Section 3-2.2001, et seq. of the Modesto Municipal Code, and

WHEREAS, a study of parking violation bails has been conducted by the Modesto Police
Department that indicates a bail of $50.00 to $75.00 for this violation is consistent and fair, and

WHEREAS, the City of Modesto’s current fine for large trucks parking in residential areas is
$50.00 per violation, and

WHEREAS, the Financial Policy Committee at its meeting on
September 27, 2001, and the Public Safety Committee at its meeting on October 4, 2001,
recommended a bail of $75.00 for parking oversized vehicles and trailers in residential areas in violation of

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby
adopts the bail of $75.00 for parking of oversized vehicles and trailers in residential areas in violation of
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, 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. 2002-23

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, PUBLIC AUCTION OR AS SCRAP FOR THE PERIOD OF JANUARY 1, 2002, THROUGH DECEMBER 31, 2002, ON THE CONDITION THAT SAID ITEMS ARE FIRST OFFERED TO OTHER CITIES WITHIN THE COUNTY.

WHEREAS, the City Manager is authorized by City Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, the City’s surplus items consist of (1) obsolete traffic signal heads; (2) lost, stolen, unclaimed and/or seized property, and excess property accumulated by the City; unclaimed bicycles accumulated at the Police Department Evidence and Property Room; (3) and surplus City vehicles, and

WHEREAS, the City Council desires to offer surplus items to other Cities in the County prior to commencing the bid process, and

WHEREAS, it is the intent of the City’s Purchasing Division to seek City Council approval for annual approval for disposition of surplus property in accordance with Section 801 of the City Charter, and

WHEREAS, by approving an annual staff report for disposition of surplus property, without returning to City Council for subsequent approval, the City will save substantial staff and processing time, and

WHEREAS, the estimated gross revenue to be received from the sale of surplus property from January 1, 2002, through December 30, 2002, is between $25,000 to $50,000, and

WHEREAS, by Resolution No. 2001-423, City’s current auction agreement entered into on August 14, 2001, provides for auctioneering services by Roger Ernst and Associates at their facility located at 824 W. Kiernan Avenue, in Modesto, and

WHEREAS, the City’s Purchasing Division has recommended on occasion that specific surplus property could best be sold on a sealed bid basis; however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates, and

WHEREAS, should the sealed bid process or the public auction process not bring the desired result, City staff proposes that the property should be sold for scrap, and

WHEREAS, the list of items to be sold at auction or surplus will be on file in the office of the City Clerk, and
WHEREAS, the Central Stores Manager would be permitted to call Roger Ernst and Associates to coordinate pick-up of surplus property (such as vehicles) after the appropriate surplus property forms have been approved by the Purchasing Division, and

WHEREAS, after an auction is held, the Purchasing Division will prepare a recap memorandum to account for the items sold and the proceeds obtained for the auction, and

WHEREAS, the Purchasing Division will submit said recap memorandum to the Finance Director and will have the proceeds deposited to the proper accounts.

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

SECTION 1. The City Council hereby authorizes the City’s Purchasing Division to seek City Council approval in December of each year for annual approval for the disposition of surplus property in accordance with Section 801 of the City Charter.

SECTION 2. The City Council hereby directs that prior to the commencement of the bid process for surplus items, the City Purchasing Division shall first offer said surplus items to other cities within the County.

SECTION 3. The City Manager or his designated representatives are hereby authorized and directed to sell on a sealed bid basis to the highest bidder any surplus properties, which remain after said surplus items have been offered to other cities in the County, as set forth on the list on file in the City Clerk’s office, which are found surplus.

SECTION 4. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on August 14, 2001, and which was approved by Council Resolution NO. 2001-423, which provides for auctioneering services to be provide by Roger Ernst and Associated, subject to the appropriate insurance being on file in the office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the list of items to be offered for sale can be inspected in the office of the City Clerk.

SECTION 5. If said property cannot be sold on a sealed bid process or the public auction process, then said property may be sold for scrap.

SECTION 6. The City’s Central Stores Manager is hereby authorized to contact Roger Ernst and Associated to coordinate pick-up of surplus property after then necessary surplus property forms have been approved by the Purchasing Division.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2002, by Councilmember Serpa, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk
A RESOLUTION OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2000-2 (COFFEE-CLARATINA) AND AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #1)

WHEREAS, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), proceedings for annexation of additional territory to an existing community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2000-629, adopted on, December 12, 2000 (the "Resolution of Formation") establish Community Facilities District No.2000-2 ("the District"), and

WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation, pursuant to Section 53339 of the Act, of certain territory to the District, and

WHEREAS, the territory to be annexed is within the City limits,

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

SECTION 1. The above recitals are true and correct.

SECTION 2. Certain territory is proposed to be annexed to the District (the "Annexed Territory") under the terms of the Act.

SECTION 3. The original boundaries of the District are shown on a map entitled “Proposed Boundaries of Community Facilities District No.2000-2 of the City of Modesto, County of Stanislaus, State of California” on file with the County Recorder of the County of Stanislaus, at Volume 3 of Maps of Assessment and Community Facilities Districts, at Page 42.

SECTION 4: The Annexed Territory is described in Exhibit “A” to this Resolution.

The boundaries of the Annexed Territory are also shown on the maps thereof, entitled “Annexation No. 1 to Coffee-Claratina CFD No. 2000-2”, on file in the office of the City Clerk, and hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than 10 days after the adoption of this Resolution, file a copy of the map with the County
Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code; including a reference to the title, book, page and recording date of the original boundary map of the District.

SECTION 5. The type of services authorized to be provided to the District are set forth in the Public Report, dated November 13, 2000, a copy of which is attached hereto as Exhibit “B”. These same types of services will be provided to the Annexed Territory.

SECTION 6. The Maintenance Special Tax component of the special tax to be levied in the Annexed Territory shall be the same as the Maintenance Special Tax currently levied in the original District, as set forth in the Resolution of Formation. It is the intention of the City Council that in the event all of the subject taxes are not approved by the qualified electors of the Annexed Territory at an election to be held subsequent to the approval of this Resolution of Intention, that then, and in that sole event, the annexation of the Annexed Territory shall be a nullity, and void from the date of the public hearing on this resolution where it is approved.

Pursuant to the Public Report, the maximum Annual Special Tax shall be adjusted annually. The tax rate in effect as of July 1, 2001, is $2,467.12 per acre.

SECTION 7. A public hearing upon this Resolution shall be held at 5:15 p.m., or as soon thereafter as practicable, on Tuesday, February 12, 2002, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than thirty (30) or more than sixty (60) days following the adoption thereof.

SECTION 8. At the hearing, any interested persons for or against the annexation of the Annexed Territory to the District, and the levy of the special tax therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 9. The City Clerk is directed to publish, not later than seven (7) days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard.
SECTION 10. If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Annexed Territory, or the owners of one-half or more of the area of land in the District and not exempt from the special tax, or the owners of one-half or more of the Annexed Territory, file written protests against the proposed annexation of the Annexed Territory to the District, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Annexed Territory, or to levy the District special tax therein, shall be taken for a period of one year from the date of the election of the Council on the issues discussed at the hearing.

At the conclusion of the hearing, if the Council determines to annex the Annexed Territory, it shall then submit the levy of the District special tax to the qualified electors of the Annexed Territory in a special election.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
Exhibit "A"
(Territory To Be Annexed)
COMMUNITY FACILITIES DISTRICT NO. 2000-2

PROPOSED BOUNDARIES OF ANNEXATION #1 TO CFD DISTRICT NO. 2000-2 (COFFEE-CLARATINA) CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA

BASIS OF BEARINGS:

In accordance with Section 50591 of the Government Code, the proposed boundaries of the annexation are as follows:

1. Beginning at the northwest corner of the property
2. Proceeding south along Avenue A
3. Proceeding east along Clarke Street
4. Proceeding north along Avenue B
5. Returning to the starting point

The annexation is subject to the approval of the City Council and the County Board of Supervisors.

JAN JENSEN, City Clerk

Tanggal 01, 2006

EAREN AHRENS, County Recorder of the County of Stanislaus, State of California

SHEET 1 OF 1
Exhibit "B"
(Public Report)
November 13, 2000

Prepared For:

CITY OF MODESTO

Prepared By:

DAVID TAUSSIG & ASSOCIATES, INC.
425 University Avenue, Suite 110
Sacramento, California 95825
(916) 920-1109
Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
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</tr>
<tr>
<td>II. Structure of Community Facilities District No. 2000-2</td>
<td>1</td>
</tr>
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<td>B. Boundaries of Coffee-Claratina CFD</td>
<td>1</td>
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<tr>
<td>C. CFD Special Tax Structure</td>
<td>2</td>
</tr>
<tr>
<td>III. Description of Services and Expenses to be Funded by CFD No. 2000-2</td>
<td>2</td>
</tr>
</tbody>
</table>

APPENDICES:

Appendix A: CFD Boundary Map
Appendix B: Calculation of Maximum Special Tax
Appendix C: Rate and Method of Apportionment of Special Tax
Appendix D: Services to be Funded by CFD 2000-2
I. **INTRODUCTION**

The Coffee-Claratina site is located within a “Comprehensive Planning District (CPD)”, which, pursuant to the City of Modesto General Plan, necessitates adoption of a specific plan prior to development within the area. The Coffee-Claratina Specific Plan was adopted by the Modesto City Council setting forth a plan for development which includes 130 acres designated for a maximum of 1,000 residential dwelling units, 40 acres designated “Regional Commercial”, and 15 acres of “Mixed Community Commercial” development. The Coffee-Claratina CPD is located on the south side of Claratina Avenue, bound by Coffee Road on the east, McHenry Avenue on the west, and the Modesto City limits to the south.

Tentative maps approved for development within the Specific Plan area require, as a condition of development, that the property be included within a Mello-Roos Community Facilities District (CFD) to fund maintenance of median, bikeway, round-about and miscellaneous planting areas. In addition, the CFD will generate funding for maintenance and repair of a storm drain basin and dual-use flood control/recreation facility.

II. **STRUCTURE OF COMMUNITY FACILITIES DISTRICT NO. 2000-2**

A. **Introduction**

A Mello-Roos CFD may provide for the purchase, construction, expansion or rehabilitation of any real or tangible property, including public facilities and infrastructure improvements, with an estimated useful life of five (5) years or longer, which is necessary to meet increased demands placed upon local agencies as a result of development or rehabilitation occurring within the CFD. In addition, a CFD may pay for various public services and maintenance of public improvements, including parkways and open space.

The Resolution of Intention to Establish CFD No. 2000-2 was adopted by the City Council on October 17, 2000. After a public hearing and a successful election by the landowners within the CFD, the CFD will be formed and the levy of a special tax will be authorized.

B. **Boundaries of Coffee-Claratina CFD**

The initial boundaries of the CFD include six assessor’s parcels and a total of 78.10 gross acres. Nine additional assessor’s parcels are anticipated to annex into CFD No. 2000-2 when development is triggered on the parcels; ultimately, the CFD will include approximately 131 gross acres and an estimated 78 net developable acres. A copy of the boundary map for CFD No. 2000-2 is included as Appendix A of this CFD Report. Appendix B identifies the assessor’s parcels that are ultimately expected to be included with the boundaries of CFD No. 2000-2 and the maximum special tax that can be collected within the CFD based on the estimated net developable acreage of these parcels.
C. CFD Special Tax Structure

Each year a special tax will be levied and collected from parcels within the CFD to pay costs associated with the maintenance and repair of a storm drain basin and a dual-use flood control/recreation facility, and the ongoing maintenance of median, bikeway, round-about and miscellaneous planting areas within the Specific Plan. The Rate and Method of Apportionment of Special Tax ("RMA"), which describes in detail how the tax will be allocated among properties in the CFD, is included as Appendix C of this report.

As explained in the RMA, an “Annual Special Tax” will be levied to pay for authorized maintenance expenses, in an amount not to exceed $2,468 per acre in fiscal year 2001-02 dollars. This maximum tax will escalate each year by applying the greater of (i) the percentage increase, if any, in the Engineering News Record construction cost index for the San Francisco region for the prior twelve month period, or (ii) four percent. The Annual Special Tax will first be levied on “Developed Property”, which is defined, for a particular fiscal year, as any parcel for which a final building permit inspection was conducted or certificate of occupancy issued by June 1 of the preceding fiscal year. After the maximum Annual Special Tax has been collected from Developed Property, the remaining amount needed for authorized expenses in the fiscal year will be collected from “Undeveloped Property”, which includes all parcels that have not had a final building permit inspection conducted or certificate of occupancy issued.

In addition to the Annual Special Tax, an “Annexation One-Time Special Tax” will be collected from all parcels that annex into CFD No. 2000-2 in future fiscal years. The Annexation One-Time Special Tax will be calculated pursuant to the formula set forth in Section E of the RMA and will be collected to reimburse the landowner who made the initial deposit to the City to pay the costs of forming CFD No. 2000-2. The Annexation One-Time Special Tax must be paid prior to approval by the City Council of the resolution approving the annexation.

III. DESCRIPTION OF SERVICES AND EXPENSES TO BE FUNDED BY CFD NO. 2000-2

The individual line-item service costs to be funded by CFD No. 2000-2 are identified in Appendix D of this report.
APPENDIX A

COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2
OF THE CITY OF MODESTO

CFD BOUNDARY MAP
COFFEE-CLARATINA CFD NO. 2000-2

PROPOSED BOUNDARIES OF CFD DISTRICT NO. 2000-2
CITY OF MODESTO, COUNTY OF STANISLAUS
STATE OF CALIFORNIA

I, ____________________________, do hereby certify that this map was approved by the City Council of the City of Modesto at a regular meeting thereof, held on the __________ day of ______________, 2000, by the resolution passéd by the City Council of the City of Modesto.

______________________________
Chm, City Clerk

This plan was filed in the Office of the City Clerk of the City of Modesto in recordable form this __________ day of __________, 2000.

______________________________
Chm, City Clerk

BASIS OF BEARINGS:

The bearing of each line is from 3°39'17" N of UTM line to 3°39'17" of UTM line between points within the limits of the City of Modesto, Stanislaus County, State of California. The arrows shown on the plan represent true north, 3°39'17" N of UTM line. The plan is drawn at a scale of 1" = 200'.
APPENDIX B

COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2
OF THE CITY OF MODESTO

CALCULATION OF MAXIMUM SPECIAL TAX
CITY OF MODESTO
COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2

CALCULATION OF MAXIMUM ANNUAL SPECIAL TAX

| Annual Maintenance Costs (2000 $) (including 10% administration) | $182,462 |

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<th>Net Developable Acreage/²</th>
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<tbody>
<tr>
<td>APN</td>
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<tr>
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<tr>
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<td>082-08-23</td>
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<tr>
<td>Net Developable CFD Acreage</td>
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<tr>
<td>Buffer for Maximum Tax Calculation</td>
</tr>
<tr>
<td>Estimated Net Taxable Acreage in CFD</td>
</tr>
</tbody>
</table>

1. The maximum Annual Special Tax will escalate each year at the greater of (i) the percentage increase in the ENR Index for the San Francisco region, or (ii) four percent.

2. Source: Benchmark Engineering, Inc.
APPENDIX C

COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2
OF THE CITY OF MODESTO

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX
CITY OF MODESTO
COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A special tax applicable to each Assessor's Parcel in Coffee-Claratina Community Facilities District No. 2000-2 (herein "CFD No. 2000-2") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2000-2, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2000-2 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

"Annual Special Tax" means a special tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement.

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

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

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2000-2.

"Developed Property" means, in any Fiscal Year, all Taxable Property for which a final building permit inspection was conducted or a certificate of occupancy issued prior to June 1 of the preceding Fiscal Year.
“District Administrator” means the individual(s) designated by the City Council to administer the CFD in accordance with the authority and powers granted by the City Council to said individual(s).

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

“Maintenance Special Tax Requirement” means the amount necessary in any Fiscal Year to (i) pay for authorized maintenance expenses, (ii) pay administrative expenses of CFD No. 2000-2, (iii) cure any delinquencies in the payment of Annual Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Annual Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected, and (iv) maintain a reasonable reserve, as determined by the District Administrator, for unforeseen expenses, cost overruns, etc.

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

"Proportionately" means, for Developed Property, that the ratio of the actual Annual Special Tax levied in any Fiscal Year to the Maximum Annual Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual Annual Special Tax to the Maximum Annual Special Tax is equal for all Assessor’s Parcels of Undeveloped Property.

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

"Taxable Property" means all of the Assessor’s Parcels within the boundaries of CFD No. 2000-2 which are not exempt from the Annual Special Tax pursuant to law or Section E below.

"Undeveloped Property" means, in any Fiscal Year, all Taxable Property that is not Developed Property.

B. CATEGORIZATION OF PARCELS

Each Fiscal Year, the District Administrator shall identify the current Assessor’s Parcel number for each Assessor’s Parcel within the CFD, and shall categorize each Parcel of Taxable Property as Developed Property or Undeveloped Property. The District Administrator shall also identify the current Acreage of each Parcel by reference to the Stanislaus County Assessor’s Parcel Maps.

C. MAXIMUM ANNUAL SPECIAL TAX

The Maximum Annual Special Tax for all Parcels of Taxable Property within CFD No. 2000-2 for Fiscal Year 2001-02 is $2,468 per Acre. Beginning in January 2002, the Maximum Annual Special
Tax shall be adjusted annually by applying the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Maximum Annual Special Tax shall become effective on the subsequent July 1.

D. **METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX**

Each Fiscal Year, the District Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Special Tax shall then be levied on all Parcels of Taxable Property as follows:

**Step 1:** The Annual Special Tax shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Annual Special Tax for Taxable Property for such Fiscal Year determined pursuant to Section C;

**Step 2:** If additional revenues are needed to meet the Maintenance Special Tax Requirement after Step 1, the Annual Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Special Tax for Taxable Property for such Fiscal Year determined pursuant to Section C.

The Annual Special Tax for CFD No. 2000-2 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes provided, however, that CFD No. 2000-2 may (under the authority of Government Code Section 53340) in any particular case bill the taxes directly to the property owner, off the County tax roll, and the Annual Special Tax will be equally subject to foreclosure if delinquent.

E. **ANNEXATION ONE-TIME SPECIAL TAX**

A one-time Special Tax shall be levied on property that annexes into CFD No. 2000-2 after the CFD is formed. This “Annexation One-time Special Tax” shall be used to reimburse the landowner who made the initial deposit to the City to cover the costs of forming the CFD. The Annexation One-time Special Tax shall be calculated for each annexing property as follows:

**Step 1.** Add the estimated net developable acres for the annexing property to the estimated net developable acreage for property already within the CFD at the time of annexation;

**Step 2.** Divide the net developable acres within the annexation area by the sum determined in Step 1 to determine the annexing property’s share of the total net developable acreage within the CFD;
Step 3. Multiply the quotient determined in Step 2 by either (i) $64,500 in 2000 dollars, which shall increase on January 1, 2001 and on each January 1 thereafter by applying the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) such lower number as shall be determined by the City as the amount that was actually expended to cover the costs of formation of CFD No. 2000-2.

The Annexation One-time Special Tax must be paid prior to approval by the City Council of the resolution approving the annexation. If for any reason the Annexation One-time Special Tax has not been paid for property that has been annexed into the CFD, the Annexation One-time Special Tax shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the City Council adopted the resolution approving the annexation and on the first day of each month thereafter. Any such delinquent special taxes shall, at the City’s discretion, be placed on the next secured property tax roll along with the Annual Special Tax levied pursuant to Section D above. The amount placed on the roll shall include the 10% penalty and interest charges through the following December 1.

F. LIMITATIONS

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

G. ENFORCEMENT

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

COFFEE-CLARATINA COMMUNITY FACILITIES DISTRICT NO. 2000-2
OF THE CITY OF MODESTO

DETAIL OF EXPENSES TO BE FUNDED BY CFD
## Coffee-Claratina CFD No. 2000-2
### Overview - Storm Drain Basin Expenses

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<th>Annual Expense</th>
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<tbody>
<tr>
<td><strong>Median Plantings (25,396 s.f. @ $.61 + 20% contingency)</strong></td>
<td>$18,589.87</td>
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<tr>
<td><strong>Bikeway Plantings (36,167 s.f. @ $.61 + 20% contingency)</strong></td>
<td>$26,474.24</td>
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<tr>
<td><strong>Round About Plantings (1,591 s.f. @ $.61 + 20% contingency)</strong></td>
<td>$1,164.61</td>
</tr>
<tr>
<td><strong>Back Up Lot Plantings (2,849 s.f. @ $.61 + 20% contingency)</strong></td>
<td>$2,085.47</td>
</tr>
<tr>
<td><strong>MID power costs ($20/mo. per location * 6 locations * 12 mos.)</strong></td>
<td>$1,440.00</td>
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### West Basin

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<th>Description</th>
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<tbody>
<tr>
<td>Crew Leader (12 one-hour visits @ $20.73/hr + 32% benefits)</td>
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</tr>
<tr>
<td>Supervisor (4 one-hour visits @ $26.02/hr + 32% benefits)</td>
<td>$137.39</td>
</tr>
<tr>
<td>Superintendent (2 one-hour visits @ $33.23/hr + 32% benefits)</td>
<td>$87.73</td>
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#### Equipment

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<tr>
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</thead>
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<tr>
<td>1/2 Ton Full Size Pick-Up - Crew Leader (12 hrs x $2.37)</td>
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<tr>
<td>1/2 Ton 4/4 Full Size Pick-up - Supervisor (4 hrs x $2.50)</td>
<td>$10.00</td>
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<tr>
<td>1/2 Ton Full Size Pick-Up - Superintendent (2 hrs x $2.37)</td>
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<table>
<thead>
<tr>
<th>Description</th>
<th>Annual Expense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fence Repair</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Maintenance - interior of basin</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>Annual lab tests</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>Silt excavation, erosion repair for annual improvement maintenance to basin</td>
<td>$9,000.00</td>
</tr>
<tr>
<td>Maintenance of landscaping (at build-out) (includes monthly water charges)</td>
<td>$11,807.51</td>
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### East Basin

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Crew Leader (12 one-hour visits @ $20.73/hr + 32% benefits)</td>
<td>$328.36</td>
</tr>
<tr>
<td>Supervisor (4 one-hour visits @ $26.02/hr + 32% benefits)</td>
<td>$137.39</td>
</tr>
<tr>
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#### Equipment

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<tr>
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<td>Annual lab tests</td>
<td>$1,200.00</td>
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<tr>
<td>Silt excavation, erosion repair for annual improvement maintenance to basin</td>
<td>$9,000.00</td>
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<tr>
<td>Maintenance of landscaping (9.5 acres @ $8,181/acre) (includes monthly water charges)</td>
<td>$77,719.50</td>
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Administration (10% of total cost) | $16,587.45

**TOTAL** | **$182,461.97**
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-25

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 84-362 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PREZONED PLANNED DEVELOPMENT ZONE, P-PD(353). (ELWIN YOUNG)" (SAVE MART SUPERMARKETS).

WHEREAS, the Modesto City Council, by Ordinance No. 2262-C.S., which was introduced on June 12, 1984, finally adopted on June 19, 1984, and which became effective on July 19, 1984, prezoned Planned Development Zone, P-PD(353), to allow development of a neighborhood shopping center allowing C-1 Zone uses, property located on the southwest corner of Standiford Avenue and Prescott Road, and

WHEREAS, City Council Resolution No. 84-362 adopted by the City Council on June 12, 1984, approved the development plan for prezoned Planned Development Zone, P-PD(353), and contained the conditions of approval thereof, and

WHEREAS, the subject property was subsequently annexed to the City of Modesto, said annexation becoming effective on July 29, 1985, and was subsequently developed in accordance with the requirements of Planned Development Zone, P-D(353), and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(353), was filed by James Watt, Save Mart Supermarkets, on October 3, 2001, to allow C-2 Zone, General Commercial Zone, uses in the shopping center and to delete two conditions of approval limiting hours of operation for both the retail operations and loading dock activity, and

WHEREAS, after a public hearing held on December 3, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-72, that amendment of P-D(353) as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The Standiford Square and other adjoining commercial areas are in conformance with the General Plan.

2. The commercial area around the intersection of Standiford Avenue and Prescott Road contains nearly 20 acres and serves more than neighborhood needs. The traffic patterns of the adjoining principal and minor arterial streets also give rise to a need for greater-hour customer service during extended hours.

3. There have been other individual C-2 Zone uses approved in the Standiford/Prescott area including mini-storage and some alcoholic beverage service, not allowed in the C-1 Zone.
4. The presence of Hetch Hetchy right-of-way provides an extra buffer from lower-density residential areas. The right-of-way and the setbacks, walls, screen landscaping and conditions of approval serve to assure compatibility with the adjoining multi-family development.

WHEREAS, said matter was set for a public hearing of the City Council to be held on January 8, 2002, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of James Watt, Save Mart Supermarkets for an amendment to P-D(353) should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-72 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3244-C.S. on the 8th day of January, 2002, amending Section 2 of Ordinance No. 2262-C.S to allow General Commercial Zone, C-2, uses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Modesto City Council Resolution No. 84-362 entitled "A Resolution Approving a Development Plan for Prezoned Planned Development Zone, P-PD(353). (Elwin Young)" is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Prezoned Planned Development Zone, P-D(353), is hereby approved in accordance with the following conditions:

1. All development shall conform to the plot plan title “Pacific Design Associates” as amended in red, stamped approved by the Planning Commission on April 16, 1984.

2. The applicant shall submit revised plot plans showing all changes required by the Planning Commission prior to the City Council hearing. All development shall conform to these revised plans as amended in red, stamped approved by the Planning Commission on April 16, 1984.

3. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Director of Parks and Recreation in accordance with Section 10-2.1515 of the Modesto Municipal Code. Screen landscaping shall be installed along the southeast and southwest property lines.

4. Fencing shall be constructed prior to occupancy and shall be as follows: Eight-foot decorative masonry wall along the southwest property line and six-foot decorative masonry wall along the southeast property line.

5. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
6. The developer shall dedicate and/or improve sufficient right-of-way as required by the Director of Engineering Services to complete Standiford Avenue and Prescott Road to major street standard prior to occupancy or upon demand by the City, whichever occurs first. The entire right-of-way dedication for Prescott Road shall be made and Prescott Road development shall be connected through from its dead-end to the south up to Standiford Avenue including the crossing of Hetch-Hetchy right-of-way in a manner required by the Director of Engineering Services.

7. Drainage shall be provided as required by the Director of Engineering Services.

8. All outdoor lighting shall be shielded from adjacent residential properties as required by the Director of Engineering Services.

9. Trash bins shall be kept in enclosures in accordance with the approved plan, and shall be constructed of the same building materials used in the major buildings as determined by the Director of Planning and Community Development.

10. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Director of Engineering Services.

11. The loading dock area on the south side of the shopping center may not be used for outside storage of any type of material.

12. Two freestanding shopping center identification signs shall be permitted, one each on the Prescott Road and Standiford Avenue frontages. These signs shall not exceed 72 square feet in area and 20 feet in height. All other signs in the shopping center shall comply with the sign requirements of the C-3 Zone.

13. Prior to issuance of a building permit for any structure, a parcel map shall be recorded.

14. Prior to issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees, the number as determined by the Director of Engineering Services.

15. All curb cuts serving two-way driveways shall be widened to 41 feet in width.

16. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
17. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless."

SECTION 1 CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 2. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2002, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-26

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE
SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL
PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017):
AMENDING PLANNED DEVELOPMENT ZONE, P-D(353), PROPERTY LOCATED ON
THE SOUTHWEST CORNER OF STANDIFORD AVENUE AND PRESCOTT ROAD,
TO ALLOW GENERAL COMMERCIAL ZONE, C-2 USES AND DELETE
CONDITIONS OF APPROVAL RELATING TO HOURS LIMITATIONS. (SAVE MART
SUPERMARKETS)

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

WHEREAS, Save Mart Supermarkets has proposed an amendment to Planned
Development Zone, P-D(353), property located on the southwest corner of Standiford Avenue and
Prescott Road, in the City of Modesto to allow C-2, General Commercial Zone, uses and to delete
two conditions of approval limiting hours of operation for both the retail operations and loading
dock activity, ("the project"), and

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

WHEREAS, the City's Community Development Department by Environmental
Assessment Initial Study CDD 2001-77 reviewed the proposed amendment to Planned
Development Zone, P-D(353), project to determine whether the project is within the scope of the
project covered by the Modesto Urban Area General Plan Master EIR, and made the determination
that the proposed project will have no additional significant effect on the environment that was not
identified in the Master EIR and, further, that no new or additional mitigation measures or
alternatives are required, and that, therefore, the proposed project is within the scope of the project
covered by the Master EIR,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to Planned Development Zone, P-D(353), project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

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

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

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

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

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

6. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 2002, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT A

Initial Study

EA/CDD 2001-77
I. PURPOSE

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

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

II. PROJECT DESCRIPTION

A. Project title:
Application of James Watt, Save Mart Supermarkets for amendment to Planned Development zone P-D(353), the Standiford Square shopping center at the southwest corner of Standiford Ave. and Prescott Rd.

B. Lead agency name and address:
City of Modesto1010 Tenth St., Modesto, CA 95353

C. Contact person, address and phone number:
Bob Cannell, Community Development Department, (209) 577-5274

D. Project Location:
The property is located on the southwest corner of Standiford Ave. and Prescott Rd.

E. Project sponsor:
Save Mart Supermarkets, Attn: Jim Watt

F. General Plan Designation:
Mixed Use (MU) designation

G. Zoning:
Planned Development zone, P-D(353)

H. Description of Proposed Project:
This is a proposed amendment to P-D(353) to remove business hours and delivery hours limitations and to allow General Commercial, C-2 uses in the shopping center at the S/W corner of Standiford Ave. and Prescott Rd.
I. Surrounding land uses:
The project is bounded on the west by a two and three story apartment complex, on the south by the 110 ft wide Hetch Hetchy right of way. The subject property is bounded by a principal arterial street and a minor arterial on the north and east, respectively, with mixed commercial adjoining.

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

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. Traffic and Circulation

The proposed P-D(353) zone amendment will not contribute to increased traffic in the neighborhood. The proposed amendment is consistent with the Traffic and Circulation needs section of the MEIR since the traffic generated by the amendment will be no greater than that under current zoning in this portion of the Baseline Developed Area. Therefore, this proposal would not generate any increased traffic from what was projected in the Master Environmental Impact Report, and the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are still valid.

B. Degradation of Air Quality

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

C. Generation of Noise

Since the proposed amendment will not result in any significant increase in intensity of development, it will not create additional noise impacts, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.
D. **Loss of Productive Agricultural Land**

This area is located in a fully urbanized residential area. The proposed Amendment will not result in the loss of any agricultural land. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. **Increased Demand for Water Supplies**

Since the proposed amendment will not result in any significant increase in intensity of development, it will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are therefore still valid.

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

Since the proposed amendment will not result in any significant increase in intensity of development, it will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impact Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

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

This area is located in an area currently developed for commercial uses. The proposed amendment will not result in the loss of any sensitive wildlife and plant habitat not already analyzed in both the General Plan Master Environmental Impact Report and the Pelandale-Snyder EIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

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

Figure 8-1 of the MEIR indicates that the area is also outside the Archaeological Resource Study Area, and therefore doesn't require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

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

Since the proposed amendment will not result in any significant increase in intensity of development, and development in the Baseline Developed Area in the General Plan is providing storm drainage facilities in accordance with the mitigation measures presented in the Master Environmental Impact Report, the Amendment will not present any new impacts to drainage, flooding and water quality that have not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.
J. Increased Demand for Storm Drainage

Since the proposed amendment will not result in any significant increase in intensity of development, and development in the Baseline Developed Area of the General Plan is providing storm drainage facilities in accordance with the mitigation measures presented in the Master Environmental Impact Report, the Amendment will create no additional demand for storm drainage not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are still valid.

K. Increased Demand for Parks and Open Space

Since the proposed amendment will not result in any significant increase in intensity of development and development in the Baseline Developed Area is providing for parks in accordance with the General Plan, the amendment will create no additional demand for parks and open space not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are therefore still valid.

L. Increased Demand for Schools

Since the proposed amendment will not result in any significant increase in intensity of development and development in the Baseline Developed Area is providing for schools in accordance with the General Plan, the amendment will create no additional demand for schools not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

M. Increased Demand for Police Services

Since the proposed amendment will not result in any significant increase in intensity of development, it will create no additional demand for police services not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are therefore still valid.

N. Increased Demand for Fire Services

Since the proposed amendment will not result in any significant increase in intensity of development, it will create no additional demand for fire services not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are therefore still valid.

O. Generation of Solid Waste

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

P. Generation of Hazardous Materials

Since the proposed amendment will not result in any significant increase in intensity of development, it will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are therefore still valid.

Q. Landslides and Seismic Activity

Since the proposed amendment will not result in any significant increase in intensity of development, it will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-17-11) are therefore still valid.

R. Energy

This amendment will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

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

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

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

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

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

Signature: 
Bob Cannell  
Senior Planner
A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DITTOS (ACME PRINTING COMPANY, MODESTO, CA) TO SET UP AND MANAGE AN ONLINE LOGO CLOTHING AND PROMOTIONAL ITEMS STORE FOR THE CITY OF MODESTO

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 set up and managed by Dittos (Acme Printing Company, 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 $3,500.00 with following years’ ongoing maintenance costs estimated to be approximately $1,500.00, and

WHEREAS, the Financial Policy Committee has recommended approval of a resolution authorizing the City Manager to enter into an agreement with Dittos (Acme Printing Company, Modesto, CA) to set up and manage an online City of Modesto store,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to negotiate an agreement with Dittos (Acme Printing Company, Modesto, CA), to set up and manage an online City of Modesto store. The City Manager is directed to bring the contract to City Council for its review and approval.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of January, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-28

A RESOLUTION WAIVING FORMAL BID PROCEDURES BY FIVE (5) AFFIRMATIVE VOTES AND AUTHORIZING THE PURCHASE OF MICROSOFT OFFICE SOFTWARE LICENSES IN THE AMOUNT OF $68,419.

WHEREAS, the City currently needs to purchase 254 Microsoft software licenses to ensure that all City departments are in compliance with Microsoft software licensing agreements, and

WHEREAS, the cost to purchase the new software licenses is $68,419, and

WHEREAS, pursuant to Modesto Municipal Code Section 8-3.301 the formal bid procedure shall not be required when the purchase is waived by at least five (5) affirmative votes of Council, and

WHEREAS, the purchase of additional Microsoft licenses was considered and recommended for approval by the Financial Policy Committee at its special meeting held on January 7, 2002,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the formal request for bids for Microsoft software licenses is hereby waived by five (5) affirmative votes.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby directed to purchase Microsoft software licenses on behalf of the City in an amount not to exceed $68,419.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of January, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION ACCEPTING THE BID OF DETRICK CORPORATION FOR THE
PROJECT TITLED “EAST BROADWAY AVENUE / STATE ROUTE 219 WATERLINE
RELINING”

WHEREAS, the bids received for East Broadway Avenue/State Route 219 Waterline
Relining were opened at 11:00 a.m. on December 11, 2001, 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 $79,216 received from Detrick 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 Detrick Corporation 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 15th day of January, 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, Friedman, Frohman, Serpa, Smith,
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. 2002-30

A RESOLUTION OF INTENTION OF THE MODESTO CITY COUNCIL TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 2002-1, AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE PROPOSED DISTRICT (NORTHPOINTE)

WHEREAS, pursuant to Chapter 25 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (hereinafter the “Act”), proceedings for the establishment of a community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to establish the community facilities district, and

WHEREAS, this Council, as the legislative body of the City of Modesto (hereinafter the “City”), determines that it is in the best interests of the City that this Council institute proceedings for the establishment of a community facilities district pursuant to Section 53313.5 of the Act in order to pay for certain facilities (hereinafter “Facilities”) and services (hereinafter “Services”), more particularly described in Exhibit “A”, and

WHEREAS, in the event the community facilities district (hereinafter “District”) is established, it is the intention of the Council to finance the cost of the Facilities and Services through the levy of a special tax therein to be approved at an election to be held within the boundaries of the District, and

WHEREAS, there have been submitted to the Council proposed local goals and policies concerning the use of the Act,

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

SECTION 1. The above recitals are true and correct. The documents entitled “Policies And Procedures For The Formation, Annexation, And Administration Of Community Facilities Districts Created Pursuant To The Provisions Of The Mello-Roos Community Facilities Act of 1982” (hereinafter referred to as “Policies & Procedures”, a copy of which is on file with the City Clerk), adopted by the City Council on September 3, 1996, and most recently amended by the Council on October 12, 1999, was adopted by the Council pursuant to Section 53312.7 of the Act, as the local goals and policies concerning the use of the Act by this Council. It is the intention of the Council that its Policies & Procedures be adhered to, to the greatest extent practicable with respect to both the formation and administration of the District, and that such administration be vested in the District Administrator as the governing board of a local agency within the meaning of Section 53317(g) and (h) of the Act, and in accordance with the provisions of the Policies & Procedures as they may be amended from time to time.

SECTION 2. A community facilities district is proposed to be established under the terms of the
Act. The name proposed for the community facilities district is "Community Facilities District No. 2002-1" and is referred to in this resolution as the District.

SECTION 3.

(1) The boundaries of the District are shown on a map entitled "Proposed Boundaries of CFD District No. 2002-1, City of Modesto, County of Stanislaus, State of California", a copy of which is attached hereto as Exhibit "B". Pursuant to Sections 3110 and 3111 of the California Streets and Highways Code, the City Clerk shall certify on the original and one copy of the map evidencing the date and adoption of this resolution, file the original in the City Clerk's office, and within fifteen (15) days after the adoption of this resolution and not later than fifteen (15) days prior to the date of the public hearing referred to in Section 7, file a copy of the map with the County Recorder of the County of Stanislaus.

(2) The Council finds that no land proposed to be included in the District is devoted primarily to agricultural, timber, or livestock uses and being used for the commercial production of agricultural, timber or livestock products.

SECTION 4.

(1) The Facilities and Services proposed to be financed by the District are more particularly set forth in Exhibit "C" attached hereto and incorporated by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The proposed Facilities and Services are governmental services which a local public agency is authorized by law to provide to the extent that they are in addition to those provided in the territory of the District, before the District was created.

SECTION 5. The Council determines that the public interest will not be served by allowing property owners to enter into a contract in accordance with subdivision (c) of Section 53329.5 of the Act.

SECTION 6.

(1) It is the intention of the Council that, except where funds are otherwise available to pay for the Facilities and Services, including the incidental expenses thereof, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all nonexempt real property in the District, will be levied annually within the boundaries of the District. The rate, method of apportionment, and manner of collection of such proposed special tax is set forth in Exhibit "A". Exhibit "A" provides sufficient detail to allow each landowner or resident within the District to estimate the maximum amount that such person will have to pay for the Facilities and Services. It is the intention of the Council that in the event all of the subject taxes are not approved by the qualified electors.
of the District at an election to be held subsequent to the approval of a Resolution of Formation, that then, and in that sole event, the formation of the District approved therein shall be a nullity, and void from the date the Resolution of Formation is approved.

(2) As permitted by Section 53325.3 of the Act, the special tax as apportioned to each parcel pursuant to Exhibit "A" is based on the cost of making authorized Facilities and Services available to each parcel in the District and not on the ownership of real property.

SECTION 7. A public hearing on the establishment of the District and the proposed rate, method of apportionment, and manner of collection of the special tax shall be held at 5:15 p.m., or as soon thereafter as practicable, on Tuesday, February 26, 2002, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than thirty (30) or more than sixty (60) days following the adoption hereof.

SECTION 8. The District Administrator will be responsible for providing the proposed Facilities and Services to be financed by the District, if it is established. The District Administrator is directed to study the proposed District, and, at or before the time of the hearing on the Resolution of Formation of the District, cause to be prepared and filed with the Council a report containing:

(1) a brief description of the Facilities and Services by type which will, in the District Administrator's opinion, be required to adequately meet the needs of the District;

(2) an estimate of the cost of providing the Facilities and Services; and

(3) an estimate of the fair and reasonable cost of incidental expenses (as defined in Section 53317(e)) to be incurred in connection with providing the Facilities and Services, including said costs and advances or work-in-kind, including but not limited to planning and engineering, as provided in Section 53314.9, 53313.5(g) and 53318(d) of the Act.

The report shall be made a part of the record of the hearing to be held pursuant to Section 7 hereof.

SECTION 9. At the time and place set forth in this resolution for the public hearing, any interested persons, including taxpayers, property owners and registered voters residing within the boundaries of the proposed District, may appear and be heard, and the testimony of all interested persons for or against the establishment of the District, the extent of the District, the furnishing of the Facilities and Services, or the proposed rate, method of apportionment and manner of collection of the special tax will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.
SECTION 10. The City Clerk is directed to publish a notice (hereinafter the "Notice") of the hearing described in Section 7, in the form required by the Act, not later than seven (7) days prior thereto, in a newspaper of general circulation published in the area of the district, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code.

SECTION 11. The City Clerk may also send a copy of the Notice of the hearing not later than fifteen (15) days prior thereto, by first-class United Stated mail, postage prepaid, to each registered voter and to each landowner within the proposed District. The content of the mailed Notice shall be as nearly as practicable identical to the content of the published Notice.

SECTION 12.

(1) If fifty (50%) percent or more of the registered voters, or six (6) registered voters, whichever is more, residing within the territory proposed to be included in the District, or the owners of one-half (½) or more of the area of the land in the territory proposed to be included in the District and not exempt from the special tax, file written protests against the establishment of the District, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to create the District, or to levy the specified special tax, shall be taken for a period of one (1) year from the date of the decision of the Council.

(2) If the majority protests of the registered voters or the landowners are only against the furnishing of a specified type or types of the Facilities and Services within the District, or against levying a specified special tax, those types of Facilities and Services or the specified special tax shall be eliminated from the District proceedings.

At the conclusion of the hearing, if the Council determines to establish the District, it shall adopt a resolution of formation and then submit the levy of any special taxes to the qualified electors of the District in a special election.

SECTION 13.

(1) If, after the hearing described in Section 7, the Council adopts a resolution of formation establishing the District and submits the levy of the special tax to the qualified electors of the District in a special election, such election shall be held at least ninety (90) days, but not more than one hundred eighty (180) days following the adoption of the resolution of formation. The City Clerk shall, within three (3) business days after the adoption of the resolution of formation, provide a copy of the resolution of formation, a certified map of sufficient scale and clarity to show the boundaries of the District, and a sufficient description to allow the election official to determine the boundaries of the District, to the...
official conducting the election. Assessor's parcel numbers for the land within the District shall be included if it is a landowner election or the District does not conform to an existing District's boundaries and if requested by the official conducting the election.

(2) If the election is to be held less than one hundred twenty-five (125) days after the adoption of the resolution of formation, the concurrence of the election official conducting the election shall be required.

(3) Such time limits, or requirements pertaining to the conduct of the election, may be waived with the unanimous consent of the qualified electors of the District and the concurrence of the election official conducting the election.

(4) If at least twelve (12) persons, who need not necessarily be the same twelve (12) persons, have been registered to vote within the territory of the proposed District for each of the ninety (90) days preceding the closing of the hearing, the vote shall be by the registered voters of the proposed District, with each voter having one (1) vote.

(5) Otherwise, the vote shall be by the landowners of the proposed District and each landowner who is the owner of record at the close of the hearing, or the authorized representative thereof, shall have one (1) vote for each acre or portion of an acre of land that such landowner owns within the proposed District. The number of votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner.

(6) Ballots for the special election authorized may be distributed to qualified electors by mail with return postage prepared or by personal service by the election official. The official conducting the election may certify the proper mailing of ballots by an affidavit, which shall constitute conclusive proof of mailing in the absence of fraud. The voted ballots shall be returned to the election officer conducting the election not later than the hour specified in the resolution calling the election. However, if all the qualified voters have voted, the election shall be closed.

(7) Except as otherwise provided in the Act, the provisions of law regulating elections of the City, insofar as they may be applicable, will govern the election. Except as provided in the next sentence, there shall be prepared and included in the ballot material provided to each voter an impartial analysis and arguments and rebuttals, if any, as provided in the California Elections Code. If the vote is to be by the landowners of the proposed District, analysis and arguments may be waived with the unanimous consent of all the landowners, and shall be so stated in the order for the election.

(8) If the election is to be conducted by mail ballot, the election official conducting the
election shall provide ballots and election materials, together with all supplies and instructions necessary for the use and return of the ballot. The identification envelope for return of mail ballots used in landowner elections shall contain the following: (i) the name of the landowner; (ii) the address of the landowner; (iii) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope; (iv) the printed name and signature of the voter; (v) the address of the voter; (vi) the date of the signing and the place of execution of the declaration described in (iii) above; and (vii) a notice that the envelope contains the official ballot and is to be opened only by the canvassing board.

(9) The procedures set forth in this Section 13 for conducting the consolidated special election may be modified as the Council may determine to be necessary or desirable by a resolution subsequently adopted by the Council.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

MICHAEL D. MILICH, City Attorney
EXHIBIT “A”
EXHIBIT "B"

Proposed Boundaries for
Community Facilities District No. 2002-1
(NorthPointe)
CITY OF MODESTO
NORTHPOINTE
COMMUNITY FACILITIES DISTRICT NO. 2002-1

CFD REPORT

January 2, 2002

Prepared By:

Goodwin Consulting Group, Inc.
701 University Avenue, Suite 225
Sacramento, CA 95825
(916) 561-0890
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<th>Page</th>
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</thead>
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</tr>
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<td>Introduction</td>
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| CFD Special Tax Structure | 2 |

| III.    |      |
| Description of Services and Expenses to be Funded by CFD No. 2002-1 | 2 |

**Appendices**

- **Appendix A**: CFD Boundary Map
- **Appendix B**: Rate and Method of Apportionment of Special Tax
- **Appendix C**: Services to be Funded by CFD No. 2002-1
I. INTRODUCTION

On April 1, 1997, the City Council of the City of Modesto approved the Kiernan Business Park Specific Plan which sets forth a plan of development for approximately 614 acres that were, at that time, located adjacent to the City's northern border, east of Highway 99 and south of Kiernan Avenue in a portion of unincorporated Stanislaus County. To date, approximately 250 acres within the Specific Plan area have been annexed into the City, of which almost 55 of these acres are included within the NorthPointe project.

The intent of the Kiernan Business Park Specific Plan is to provide for the development of new business park and industrial uses, which will assist in implementing the City's long-range objectives to enhance its local economy, generate jobs for residents, and create a better jobs/housing balance. The NorthPointe project has already furthered these objectives by securing Costco and Lowe's as tenants.

II. STRUCTURE OF COMMUNITY FACILITIES DISTRICT NO. 2002-1

A. Introduction

A Mello-Roos CFD may provide for the purchase, construction, expansion or rehabilitation of any real or tangible property, including public facilities and infrastructure improvements, with an estimated useful life of five (5) years or longer, which is necessary to meet increased demands placed upon local agencies as a result of development or rehabilitation occurring within the CFD. In addition, a CFD may pay for various public services and maintenance of public improvements, including parkways and open space.

A resolution was adopted by the Modesto City Council stating its intention to form CFD No. 2002-1. After a public hearing and a successful election by the landowners within the CFD, the CFD will be formed and the levy of a special tax will be authorized.

B. Boundaries of NorthPointe CFD

The boundaries of the CFD include the two assessor's parcels on which Costco and Lowe's are located, as well as six additional assessor's parcels which are anticipated for future commercial and industrial development. Assessor's parcel number 078-14-43 is included within the boundaries of CFD No. 2002-1 but will not be subject to the levy of special taxes until a building permit for new construction on the parcel has been issued by the City. This Parcel is identified as "Zone 2" for purposes of the special tax levy, as discussed further below. The other parcels within the CFD make up Zone 1 for purposes of the Rate and Method of Apportionment of Special Tax. A copy of the boundary map for CFD No. 2002-1 is included as Appendix A of this Report.
C. **CFD Special Tax Structure**

Each year a special tax will be levied and collected from parcels within the CFD to pay costs associated with the installation and maintenance of landscaping of a storm drain basin, maintenance of the basin and access road, and replacement of a storm drain pump station. The Rate and Method of Apportionment of Special Tax ("RMA"), which describes in detail how the tax will be allocated among properties in the CFD, is included as Appendix B of this report.

As explained in the RMA, two different special taxes will be levied within the CFD. First, a "One-Time Special Tax" will be levied to pay for the initial installation of landscaping around the storm drain basin, installation of water service and meter, CFD formation costs, and administration and contingency associated with these costs. The One-Time Special Tax will be levied on all property in the CFD except property within Zone 2, which is currently identified by Assessor's Parcel number 078-14-43. The maximum One-Time Special Tax that can be levied within Zone 1 of the CFD is $3,859 per acre. In addition, an "Annual Special Tax" will be levied on all property in the CFD, including property in Zone 2 once a building permit for new construction has been issued for property within Zone 2. Each Fiscal Year, the Annual Special Tax will be levied up to the amount needed to pay authorized expenses of the CFD; such amount will be identified in a budget set forth by the District Administrator. The maximum Annual Special Tax for fiscal year 2001-02 is $2,005 per acre prior to a building permit being issued within Zone 2 and $1,273 per acre after a permit is issued in Zone 2.

A portion of the Annual Special Tax is being collected to create a sinking fund for replacement of the storm drain pump station. The sinking fund portion of the Annual Special Tax will not escalate in future years; the remainder of the Annual Special Tax will increase each year beginning January 2002 by applying the greater of (i) the percentage increase, if any, in the Engineering News Record construction cost index for the San Francisco region for the prior twelve month period, or (ii) four percent (4%).

III. **DESCRIPTION OF SERVICES AND EXPENSES TO BE FUNDED BY CFD NO. 2002-1**

The individual line-item service and improvement costs to be funded by CFD No. 2002-1 are identified in Appendix C of this report.
APPENDIX A

NORTHPOINTE COMMUNITY FACILITIES DISTRICT NO. 2002-1
OF THE CITY OF MODESTO

CFD BOUNDARY MAP
APPENDIX B

CITY OF MODESTO
NORTHPOINTE COMMUNITY FACILITIES DISTRICT NO. 2002-1

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A special tax applicable to each Assessor’s Parcel in NorthPointe Community Facilities District No. 2002-1 (herein “CFD No. 2002-1”) shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2002-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2002-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

“Acre or Acreage” means the land area of an Assessor’s Parcel as shown on an Assessor’s Parcel Map, or if the land area is not shown on an Assessor’s Parcel Map, the land area shown on the applicable final subdivision map or other parcel map recorded at the Stanislaus County Recorder’s Office.

“Annual Special Tax” means a special tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement.

“Assessor’s Parcel” means a lot or parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel number.

“Assessor’s Parcel Map” means an official map of the County Assessor of the County of Stanislaus designating parcels by Assessor’s Parcel number.

“City” means the City of Modesto.

“City Council” means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2002-1.

“Developed Property” means, in any Fiscal Year, that a building permit for new construction was issued on or prior to June 30 of the preceding Fiscal Year.
“District Administrator” means the individual(s) designated by the City Council to administer the CFD in accordance with the authority and powers granted by the City Council to said individual(s).

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

“Maintenance Special Tax Requirement” means the amount necessary in any Fiscal Year to (i) pay authorized maintenance expenses, (ii) create a sinking fund for replacement of facilities, (iii) pay administrative expenses of CFD No. 2002-1, (iv) cure any delinquencies in the payment of Annual Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Annual Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected, and (v) maintain a reasonable reserve, as determined by the District Administrator, for unforeseen expenses, cost overruns, etc.

“Maximum Special Tax” means the maximum Annual Special Tax and the maximum One-Time Special Tax, determined in accordance with Section C below that can be levied on Taxable Property in any Fiscal Year.

“One-Time Special Tax” means the special tax set forth in Section C below that will be levied once on all Parcels in the CFD, with the exception of Parcels within Zone 2.

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

“Taxable Property” means all of the Assessor’s Parcels within the boundaries of CFD No. 2002-1 which are not exempt from the One-Time Special Tax and Annual Special Tax pursuant to law or Section E below.

“Zone 1” means all Parcels within CFD No. 2002-1 that are not included within Zone 2, as defined below.

“Zone 2” means all property included within the geographic area identified by Assessor’s Parcel number 078-14-43 in Fiscal Year 2001-02.

B. STATUS OF DEVELOPMENT IN ZONE 2

On or about July 1 of each Fiscal Year, the District Administrator shall determine whether any property within Zone 2 has become Developed Property. To the extent the original Assessor’s Parcel included within Zone 2 has been subdivided, all of the subsequent Parcels shall be considered Developed Property if a building permit has been issued for any Parcel within Zone 2.
C. Maximum Special Tax

1. One-Time Special Tax

The maximum One-Time Special Tax that can be levied on Parcels of Taxable Property within Zone 1 is $3,859 per Acre. After the One-Time Special Tax has been levied on and collected from all Parcels within Zone 1, no additional One-Time Special Tax shall be levied within the CFD unless a separate One-Time Special Tax is approved for property that subsequently annexes into the CFD. No One-Time Special Tax shall be levied on property within Zone 2.

2. Annual Special Tax

Ultimately, all Taxable Property within the CFD shall be subject to an Annual Special Tax that will be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. Until Zone 2 becomes Developed Property, no Annual Special Tax shall be levied on any property within Zone 2. Once Zone 2 becomes Developed Property, all Parcels of Taxable Property within Zone 2 shall be subject to the Annual Special Tax levy in the then current and all future Fiscal Years.

The following maximum rates apply to all Parcels of Taxable Property within CFD No. 2002-1 for each Fiscal Year in which the Annual Special Tax will be levied. The appropriate Maximum Special Tax will be applied depending on whether property within Zone 2 has become Developed Property:

<table>
<thead>
<tr>
<th>Status of Development in Zone 2</th>
<th>Maximum Maintenance Portion of Annual Special Tax (fy 2001-02)</th>
<th>Maximum Sinking Fund Portion of Annual Special Tax</th>
<th>Total Maximum Annual Special Tax (fy 2001-02)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone 2 is not Developed Property</td>
<td>$1,879 per Acre</td>
<td>$126 per Acre</td>
<td>$2,005 per Acre</td>
</tr>
<tr>
<td>Zone 2 is Developed Property</td>
<td>$1,193 per Acre</td>
<td>$80 per Acre</td>
<td>$1,273 per Acre</td>
</tr>
</tbody>
</table>

Beginning in January 2002, the maintenance portion of the maximum Annual Special Tax shall be adjusted annually by applying the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as
published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maintenance portion of the maximum Annual Special Tax shall become effective on the subsequent July 1. The sinking fund portion of the maximum Annual Special Tax shall not escalate.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. One-Time Special Tax

The One-Time Special Tax shall be levied by the District Administrator through a direct billing or on the County tax roll. If levied through a direct billing, the District Administrator shall identify a date by which the One-Time Special Tax is due, and the One-Time Special Tax shall be immediately delinquent if not paid by such date.

2. Annual Special Tax

Each Fiscal Year, the District Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Special Tax shall then be levied on all Parcels of Taxable Property as follows:

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

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

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

Step 4: Levy the Annual Special Tax against all Parcels of Taxable Property in equal percentages up to 100% of the maximum Annual Special Tax determined pursuant to Section C above.

The Annual Special Tax for CFD No. 2002-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes provided, however, that CFD No. 2002-1 may (under the authority of Government Code Section 53340) in any particular case bill the taxes directly to the property owner off the County tax roll, and the Annual Special Tax will be equally subject to foreclosure if delinquent.
E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no One-Time Special Tax or Annual Special Tax shall be levied on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982. In addition, no One-Time Special Tax shall be levied in any Fiscal Year on Parcels in Zone 2, and no Annual Special Tax shall be levied on Parcels in Zone 2 until at least one Parcel within Zone 2 becomes Developed Property.

F. ENFORCEMENT

All delinquent One-Time Special Taxes, or delinquent Annual Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1½% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent special taxes shall, at the City’s discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.
APPENDIX C

NORTHPOINTE COMMUNITY FACILITIES DISTRICT No. 2001-1
OF THE CITY OF MODESTO

DETAIL OF EXPENSES TO BE FUNDED BY CFD
# NorthPointe CFD No. 2001-1

Overview - Storm Drain Basin Expenses
(Combination - Rebuild & Replace Pumps)

<table>
<thead>
<tr>
<th>Description</th>
<th>One-Time Expense</th>
<th>Annual Expense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weed Control &amp; Litter Pick-Up (excludes repair for fence)</td>
<td>$2,000.00</td>
<td></td>
</tr>
<tr>
<td>Landscape Perimeter - area between MID lateral and basin (7,380 sf x $2.50)</td>
<td>$18,450.00</td>
<td></td>
</tr>
<tr>
<td>Landscape Perimeter - Remainder of Basin Area (apprx 10000 sf x $2.50)</td>
<td>$25,000.00</td>
<td></td>
</tr>
<tr>
<td>Maintain Median (includes maint, replacement, repair) 11,000 sq ft x $.61</td>
<td>$6,710.00</td>
<td></td>
</tr>
<tr>
<td>Maintain Perimeter - area between MID lateral and basin (7,380 sf x $.61)</td>
<td>$4,501.80</td>
<td></td>
</tr>
<tr>
<td>Maintain Perimeter - Remainder of Basin Area (apprx 10000 sf x $.61)</td>
<td>$6,100.00</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal - Submitted by Recreation &amp; Neighborhoods</strong></td>
<td>$43,450.00</td>
<td>$19,311.80</td>
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<tr>
<td>Maintenance Mechanic</td>
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<td>$3,867.18</td>
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<tr>
<td>Crew Leader</td>
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<td>$3,283.36</td>
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<tr>
<td>Supervisor</td>
<td></td>
<td>$1,373.39</td>
</tr>
<tr>
<td>Electrician</td>
<td></td>
<td>$273.24</td>
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<tr>
<td>Equipment</td>
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<td></td>
</tr>
<tr>
<td>GRW Service Vehicle</td>
<td></td>
<td>$492.96</td>
</tr>
<tr>
<td>1/2 ton full size pick-up truck</td>
<td></td>
<td>$28.44</td>
</tr>
<tr>
<td>1/2 4x4 full size pick-up truck</td>
<td></td>
<td>$10.00</td>
</tr>
<tr>
<td>1 ton van w/ aerial lift</td>
<td></td>
<td>$44.37</td>
</tr>
<tr>
<td>Materials - turbine oil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Erosion repair &amp; silt excavation</td>
<td></td>
<td>$2,400.00</td>
</tr>
<tr>
<td>Fence Repair</td>
<td></td>
<td>$800.00</td>
</tr>
<tr>
<td>County Property Tax for 5.5 acres (Based on $315,000 paid for 2.5 acres)</td>
<td></td>
<td>$6,930.00</td>
</tr>
<tr>
<td>Annual lab tests</td>
<td></td>
<td>$1,747.00</td>
</tr>
<tr>
<td>WID Power Costs</td>
<td></td>
<td>$4,400.00</td>
</tr>
<tr>
<td>Removal of contaminated dirt</td>
<td></td>
<td>$1,140.00</td>
</tr>
<tr>
<td>Repair Berm/Irrigation Line</td>
<td></td>
<td>$1,900.00</td>
</tr>
<tr>
<td>Maintenance of Access Road</td>
<td></td>
<td>$1,200.00</td>
</tr>
<tr>
<td><strong>Subtotal - Submitted by Operations &amp; Maintenance</strong></td>
<td>$0.00</td>
<td>$25,323.94</td>
</tr>
<tr>
<td>Replacement - Storm Drain Pump Station (20 year life span) [includes pumps &amp; controls]</td>
<td></td>
<td>$4,125.00</td>
</tr>
<tr>
<td>Installation of water service and meter</td>
<td></td>
<td>$4,000.00</td>
</tr>
<tr>
<td>Maintenance of water service and meter</td>
<td></td>
<td>$10.00</td>
</tr>
<tr>
<td>Annual cost for water</td>
<td></td>
<td>$1,000.00</td>
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<tr>
<td><strong>Subtotal - Submitted by Engineering &amp; Transportation</strong></td>
<td>$4,000.00</td>
<td>$5,135.00</td>
</tr>
<tr>
<td>Administration (7% of total cost)</td>
<td>$3,321.50</td>
<td>$3,483.95</td>
</tr>
<tr>
<td>Contingency (25%)</td>
<td>$11,862.50</td>
<td>$12,442.68</td>
</tr>
</tbody>
</table>

**TOTAL** | $62,634.00 | $65,697.37 |

Prepared by TMR - August 21, 2001
Exhibit “B”
A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND VINTAGE LIMOUSINE AND ANSWERING SERVICE FOR AN OFFICE IN THE AIRPORT'S OLD ADMINISTRATION BUILDING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE.

WHEREAS, Vintage Limousine and Answering Service, a single ownership company, hereafter referred to as LESSEE, wishes to rent a vacant office in the airport’s old administration building from which the company can conduct general office activities, and

WHEREAS, vacant office space is available to rent in the old administration building at Modesto City-County Airport, and

WHEREAS, the rental rate for the leased property shall be the sum of TWO HUNDRED FOURTEEN DOLLARS ($214.00) per month plus TWENTY-FIVE DOLLARS ($25.00) per month per vehicle parking space, and

WHEREAS, LESSEE agrees to the terms of a lease agreement allowing the use of City of Modesto property on a month-to-month basis, and

WHEREAS, the policy under Modesto Municipal Code approved by the City Council is to enter into lease agreements at Modesto City-County Airport, and

WHEREAS, the Transportation Policy Committee considered the lease with the LESSEE at their meeting on December 20, 2001, and the committee is recommending the approval of the lease,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a lease with Vintage Limousine and Answering Service for an office for general office activities.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is authorized to execute the lease agreement on behalf of the City.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002 by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by MICHAEL D. MILICH, City Attorney
A RESOLUTION SUPPORTING LIMITED ACCESS ON STATE ROUTE SR219 (KIERNAN AVENUE) FROM SR99 TO SR108

WHEREAS, the State of California, Department of Transportation (Cal Trans) is the lead agency assigned to complete the design and construction of widening SR219 from State Route 99 to State Route 108 (McHenry Avenue) to a 4-lane conventional highway, and

WHEREAS, the Department of Transportation has requested the City of Modesto to support limited access and turning movements on the future 4-lane conventional highway, and

WHEREAS, all signalized intersections will have full turning movements that include right and left turns, and

WHEREAS, the City of Modesto Urban Area General Plan designates SR219 as a Class B Expressway defined as a partial access-controlled roadway with signalized intersections at major streets and right-turn only access to collector streets, and

WHEREAS, all remaining intersections will have right-turn only accessibility, and

WHEREAS, all existing driveway access can remain, but as development occurs only one access will be allowed per original parcel, and

WHEREAS, the Transportation Policy Committee met on July 19, 2001, and approved limiting access on SR219,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports Cal Trans restrictions to limit left turn movement to designated signalized intersections, and limiting driveway access on SR219.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, 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. 2002-33

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DAN THAYER FROM THE PLANNING COMMISSION EFFECTIVE JANUARY 22, 2002

WHEREAS, DAN THAYER was appointed a member of the Planning Commission on June 27, 1995; and
WHEREAS, DAN THAYER has tendered his resignation from the Planning Commission, effective January 22, 2002; and
WHEREAS, DAN THAYER has been a devoted and sincere public servant and has contributed greatly to our civic progress,
NOW, THEREFORE, BE IT RESOLVED that the resignation of DAN THAYER from the Planning Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to DAN THAYER for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO ISSUE A
PURCHASE ORDER TO ADT SECURITY SERVICES INC. OF MODESTO,
CALIFORNIA FOR VIDEO SECURITY SYSTEM FOR THE OPERATIONS AND
MAINTENANCE DEPARTMENT-PRIMARY AND SECONDARY WATER QUALITY
CONTROL (WQC).

WHEREAS, the Operations and Maintenance Department-Primary and Secondary Water Quality Control staff has requested the purchase of video security system consisting of Pelco color cameras and enclosures, multiplexes and video recorders, and

WHEREAS, in 1995 the Plant Security Employee Involvement Team recommended improving security at the 7007 Jennings Road and 1221 Sutter Avenue plants, and

WHEREAS, the video security system is used to protect personnel and city property, and

WHEREAS, the video security system installed at 1221 Sutter Avenue during the Administration Control Building Expansion-Remodeling Project in 1992-93 is now obsolete, and most of the system components are inoperable, and

WHEREAS, the Secondary Plant is an easy target for vandalism due to the remoteness and size of the site, and

WHEREAS, the new video security system will provide a visual deterrent to trespassers, thus discouraging unauthorized entry to both the Primary and Secondary Water Quality Control Plants, and

WHEREAS, The Purchasing Division solicited formal bids on Request for Proposal 0001-26, and

WHEREAS, of two (2) vendors who responded out of the eight (8) solicited, only ADT Security Services, Inc., met the requirements stated in the RFP, and ADT was declared the most responsible bidder for the total cost of $51,937.41, and

WHEREAS, the funding for a new video security system is budgeted in the following accounts, 6210-480-5213-5900 Primary Plant non-CIP capital $28,438.47 and 6210-480-5214-5900 Secondary Plant non-CIP capital $23,498.94,

Now, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Purchasing Supervisor is hereby authorized to issue a purchase order to ADT Security Services, Inc., of Modesto, California in the amount of $51,937.41
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHN, City Clerk
A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT BIDS FOR A PHARMACY BENEFITS MANAGER PROGRAM FOR THE CITY OF MODESTO WORKERS’ COMPENSATION PROGRAM

WHEREAS, the City of Modesto has deemed it necessary have a Pharmacy Benefits Manager Program for the City of Modesto, Workers’ Compensation Program, and
WHEREAS, a Pharmacy Benefits Manager Program traditionally has afforded significant cost savings to the City on Workers’ Compensation pharmacy claims, and
WHEREAS, the estimated cost for the Pharmacy Benefits Manager Program is $110,000.00 annually, and
WHEREAS, increased vendor competition dictates that staff solicit bid proposals, and
WHEREAS, the Risk Management Division of the Personnel Department fully supports solicitation of bids, and
WHEREAS, the Risk Management Division of the Personnel Department has been closely working with the Purchasing Division of the Finance Department in the writing of the bid specifications, and
WHEREAS, the Purchasing Supervisor will formally solicit bids for the Pharmacy Benefits Manager Program upon Council approval,
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the solicitation of bids for a Pharmacy Benefits Manager Program is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION FOR
GRANT FUNDS IN THE AMOUNT OF $400,000 FOR THE RIPARIAN AND RIVERINE
HABITAT GRANT PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS,
CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000
FOR THE DEVELOPMENT OF THE GATEWAY PARCEL OF THE TUOLUMNE
RIVER REGIONAL PARK AND AUTHORIZING THE CITY MANAGER TO
EXECUTE THE APPLICATION.

WHEREAS, the people of the State of California have enacted the Riparian and Riverine
Habitat Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal
Protection Bond Act of 2000, which provides funds to the State of California for grants to local
agencies and federally recognized California Indian tribes to increase public recreational access,
awareness, understanding, enjoyment, and protection of California’s irreplaceable rivers and
streams, and

WHEREAS, the California Department of Parks and Recreation has been delegated the
responsibility for the administration of the program and the grant project shown above within the
State, setting up necessary procedures, and

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

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

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

1. Approves the filing of an application for local assistance funds from the Riparian
   and Riverine Habitat Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and
   Coastal Protection Bond Act of 2000 in the amount of $400,000; and

2. Certifies that the City of Modesto has or will have sufficient funds to operate and
   maintain the Project; and

3. Certifies that the City of Modesto has reviewed, understands, and agrees to the
   General Provisions contained in the Contract shown in the Procedural Guide; and

4. Appoints the City Manager as agent to conduct all negotiations, execute and
   submit all documents including, but not limited to, Applications, agreements, payment requests
   and so on, which may be necessary for the completion of the Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

Approved as to form:

By: Michael D. Milich, City Attorney
A RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION FOR GRANT FUNDS IN THE AMOUNT OF $40,000 FOR THE RIPARIAN AND RIVERINE HABITAT GRANT PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000 FOR THE FURTHER DEVELOPMENT OF TRAILHEADS AND ACCESS POINTS TO THE PEGGY MENSINGER TRAIL IN DRY CREEK PARK AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION.

WHEREAS, the people of the State of California have enacted the Riparian and Riverine Habitat Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, which provides funds to the State of California for grants to local agencies and federally recognized California Indian tribes to increase public recreational access, awareness, understanding, enjoyment, and protection of California’s irreplaceable rivers and streams, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the program and the grant project shown above within the State, setting up necessary procedures, and

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

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

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

1. Approves the filing of an application for local assistance funds from the Riparian and Riverine Habitat Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 in the amount of $40,000; and

2. Certifies that the City of Modesto has or will have sufficient funds to operate and maintain the Project; and

3. Certifies that the City of Modesto has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and

4. Appoints the City Manager as agent to conduct all negotiations, execute and submit all documents including, but not limited to, Applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Approved as to form:

By: MICHAEL D. MILICH, City Attorney

Attest: JEAN ZAHR, City Clerk
Modesto City Council
Resolution No. 2002-38

WAS NOT USED
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-39

A RESOLUTION AMENDING POLICIES AND PROCEDURES FOR THE USE OF MELLO-ROOS COMMUNITY FACILITIES DISTRICTS

WHEREAS, on September 3, 1996, by Resolution No. 96-501, the City Council adopted "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 96-545, adopted on October 8, 1996, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-164, adopted on March 24, 1998, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-186, adopted on April 7, 1998, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 98-483, adopted on September 8, 1998, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution No. 99-405, adopted August 10, 1999, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, by Resolution NO. 99-500, adopted October 5, 1999, the City Council made certain amendments to its "Policies and Procedures" for the creation and administration of Mello-Roos Community Facilities Districts, and

WHEREAS, the City Council has determined that it is advisable to shift the CFD administration function from the City Clerk and the City Attorney to the City Manager,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that its "Policies and Procedures" relating to the application for, creation of and administration of Mello-Roos Community Facilities Districts, formerly adopted and amended by this Council, be further amended as set forth below:

1. That Section 2.0. of the Policies and Procedures read as follows:

2. Definitions.
CFD Team. An interdepartmental City working group consisting of a representative of the City Attorney’s Office, the District Administrator and such other staff as the District Administrator may designate. Its function shall be to process CFD applications and the formation of CFDs, including elections as appropriate.

2. That Section 2.p. of the Policies and Procedures read as follows:

2. Definitions.

District Administrator. A subgroup of the CFD Formation Group composed of a Deputy City Manager, selected by the City Manager. The District Administrator shall have the power to retain and consult with an outside consultant experienced in administering established CFDs in order to assure such administration is in accordance with City ordinances, resolutions, these Policies and Procedures as amended, and applicable law. The District Administrator shall also have the power to appoint an Acting District Administrator to serve in his or her absence.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-40

A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF MODESTO 2001-2002 ANNUAL ACTION PLAN.

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD), and

WHEREAS, the City Council, at its June 12, 2001, meeting approved the adoption of the 2001-2002 Annual Action Plan, and

WHEREAS, City staff has proposed amendments to the Annual Action Plan, and said proposed amendments are as set forth in Exhibit “A” attached hereto and incorporated herein by reference, and

WHEREAS, notice has been duly given to notify the community of proposed amendments to the Annual Action Plan, and to provide a 30-day comment period, which began December 3, 2001, and ended on January 8, 2002, and

WHEREAS, the Citizens Housing and Community Development Committee considered the proposed changes to the Annual Action Plan at its November 30, 2001, meeting, and the Committee recommended that the City Council approve amendments to the Annual Action Plan as proposed by staff as well as budgetary adjustments as recommended by staff, and

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of January 8, 2002, to consider the proposed amendments to the 2001-2002 Annual Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Amendment to the 2001-2002 Annual Action Plan as presented to the Council is hereby approved, and a copy of said Amendment to the 2001-2002 Annual Action Plan is attached hereto as Exhibit “A” and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to execute any documents with respect to the Amendment to be submitted to the Regional HUD office. Any and all documents necessary to implement the Action Plan shall require further Council approval.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: ____________________________
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: ________________________________
MICHAEL D. MILICH, City Attorney
Proposed Amendment to the City of Modesto 2001-2002 Annual Action Plan

I. Reallocation of CDBG Funding Within Projects/Programs

A. Capital Improvement Projects
   Reallocate within Account 2300-310-N444-6040
   From: Street Paving in Low Income Neighborhoods $70,000
   To: ADA Curb Ramps +$70,000

B. Property Acquisition
   Reallocate within Account 1130-320-3254-5900
   From: Non Profit Housing Acquisition -$20,000
   To: Property Acquisition (Fairway Neighborhood Park) +$20,000

II. Reallocation of CDBG Funding Between Projects/Programs

A. Workforce Development Program
   Estimate Revenue to: Start Up Business Loan Program
   Account 1160-320-3267-3513R +$33,834
   Allocate to: Workforce Development Program
   Account 1160-320-3267-0496 +$33,834

B. Property Acquisition
   Deallocate from: Public Services (Unexpended)
   Account 1130-320-3254-0496 -$40,000
   Deallocate from: Neighborhood CIP (Unexpended)
   Account 1130-310-3262-5900 -$47,145
   Allocate to: Property Acquisition (Fairway Neighborhood Park)
   1130-320-3254-5900 +$87,145

III. Carryover of CDBG funding from Previous Year for Same Project

A. Contractor Support Center
   Estimate Revenue from: Contractor Support Center
   Account 1160-320-3267-3513R +$50,000
   Allocate to: Customer Support Center
   Account 1160-320-3267-0496 +$50,000

B. Community Based Development Organization
   Estimate Revenue from: Community Based Development Organization
   Account 1130-320-3254-3513R +$100,000
   Allocate to: Community Based Development Organization
   Account 1130-320-3254-0496 +$100,000
RESOLUTION NO. 2002-41

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 ANNUAL OPERATING AND CAPITAL IMPROVEMENT PLAN BUDGETS TO REALLOCATE $360,979 IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD), and

WHEREAS, the City Council, at its June 12, 2001, meeting approved the adoption of the 2001-2002 Annual Action Plan, and

WHEREAS, since adoption of the Annual Action Plan, staff has determined that $70,000 in funding in Capital Improvement Project 2300-310-N444-6040 should be re-allocated from Street Paving in Low Income Neighborhoods to ADA Curb Cuts, and

WHEREAS, staff has determined that $20,000 in 1130-320-3254-5900 should be re-allocated from Non Profit Housing Acquisition to Property Acquisition to provide a portion of the required matching funds for a grant submitted under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, Roberti-Z’berg Program for acquisition of Fairway Neighborhood Park, and

WHEREAS, staff has determined that $33,834 in unallocated program revenue should be recognized in the Start Up Business Loan Program, account 1160-320-3267-3513 and allocated to the Workforce Development Program, account 1160-320-3267-01496, and

WHEREAS, staff has determined that $40,000 should be de-allocated from unexpended Public Services, account 1130-320-3254-0496, and $47,145 should be de-allocated from unexpended Neighborhood CIP, and $87,145 should be re-allocated to Property Acquisition, account 1130-320-3254-5900 to provide a portion of the required matching funds for a grant submitted under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, Roberti-Z’berg Program for acquisition of Fairway Neighborhood Park, and

WHEREAS, staff has determined that $50,000 in carryover from FY 00-01 should be recognized as revenue in account 1160-320-3267-3513 and allocated to account 1160-320-3267-0496, for the Contractor Support Center, and

WHEREAS, staff has determined that $100,000 in carryover from FY 00-01 should be recognized as revenue in account 1130-320-3254-3213R and allocated to account 1130-320-3254-0496, Community Based Development Organization, and

WHEREAS, the Citizens Housing and Community Development Committee considered the proposed changes to the Annual Action Plan at its November 30, 2001, meeting, and the
Committee recommended that the City Council approve amendments to the Annual Action Plan as proposed by staff as well as budgetary adjustments as recommended by staff, and

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of January 8, 2002, to consider the proposed amendments to the 2001-2002 Annual Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2001-02 Annual Operating and Capital Improvement Plan Budgets are hereby amended to reallocate Community Development Block Grant Funds as indicated on Exhibit “A” attached hereto and incorporated herein by reference.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
I. Reallocation of CDBG Funding Within Projects/Programs

A. Capital Improvement Projects
   Reallocate within Account 2300-310-N444-6040
   From: Street Paving in Low Income Neighborhoods
       To: ADA Curb Ramps
       -$70,000

B. Property Acquisition
   Reallocate within Account 1130-320-3254-5900
   From: Non Profit Housing Acquisition
       To: Property Acquisition (Fairway Neighborhood Park)
       -$20,000

II. Reallocation of CDBG Funding Between Projects/Programs

A. Workforce Development Program
   Estimate Revenue to: Start Up Business Loan Program
   Account 1160-320-3267-3513R
   Allocate to: Workforce Development Program
   Account 1160-320-3267-0496
   +$33,834

B. Property Acquisition
   Deallocate from: Public Services (Unexpended)
   Account 1130-320-3254-0496
   -$40,000
   Deallocate from: Neighborhood CIP (Unexpended)
   Account 1130-310-3262-5900
   -$47,145
   Allocate to: Property Acquisition (Fairway Neighborhood Park)
   1130-320-3254-5900
   +$87,145

III. Carryover of CDBG funding from Previous Year for Same Project

A. Contractor Support Center
   Estimate Revenue from: Contractor Support Center
   Account 1160-320-3267-3513R
   Allocate to: Customer Support Center
   Account 1160-320-3267-0496
   +$50,000

B. Community Based Development Organization
   Estimate Revenue from: Community Based Development Organization
   Account 1130-320-3254-3513R
   Allocate to: Community Based Development Organization
   Account 1130-320-3254-0496
   +$100,000
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-42

A RESOLUTION APPROVING AN AMENDMENT TO THE GRADE SEPARATION AGREEMENT EXTENDING THE COMPLETION DATE OF THE PROJECT TO DECEMBER 31, 2002, CHANGING THE PROJECT ALIGNMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO THE AGREEMENT

WHEREAS, on October 14, 1997, the City Council approved an Agreement between the City of Modesto and the State of California Department of Transportation to accept $10 million in funding for the Kansas-Needham Overhead Crossing Project, and

WHEREAS, on August 25, 1998, the City Council approved a realignment of the project to align with the future Highway 132 project, and

WHEREAS, a time extension is now needed to complete this project, and

WHEREAS, the amended agreement stipulates the City will have until December 31, 2004, to complete the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an amendment to the agreement between the City of Modesto and the State of California Department of Transportation to extend the project completion until December 31, 2004, and to change the alignment for the Kansas-Needham Overhead Crossing Project is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

02/05/02/E&T/K Becker 2002-42
A RESOLUTION TO IMPLEMENT LOCAL GOVERNMENT TRANSPORTATION CONTROL MEASURES IN THE SEVERE AREA OZONE PLAN FOR THE SAN JOAQUIN VALLEY

WHEREAS, the San Joaquin Valley Air Pollution Control District (SJVAPCD) has been designated by the Governor of California as the regional air quality planning agency in San Joaquin Valley, and

WHEREAS, the San Joaquin Valley nonattainment area has been reclassified as a Severe Area for ozone according to the Clean Air Act, and

WHEREAS, the Severe Area Ozone Plan is required to include Reasonably Available Control Measures, and

WHEREAS, the City of Modesto is required to make a commitment to implement Reasonably Available Control Measures, and

WHEREAS, the Transportation Policy Committee has approved the proposed Transportation Control Measures,

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines, and orders as follows:

1. That the Council of the City of Modesto agrees to proceed with a good faith effort to implement the Transportation Control Measures (TCMs) identified in Exhibit A which is part of this resolution;

2. That the Council of the City of Modesto commits to implement the TCMs as scheduled and with the funding sources identified. Recognizing, however, that the availability of necessary funding may depend on the funding programs or processes of various state and federal agencies, the City of Modesto agrees to consider modifications of the funding or schedules for implementation actions, if necessary.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Friedman, 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, Friedman, Serpa, Smith, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-44

A RESOLUTION DECLARING AMERICAN AVK LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR VALVE GATES AND HYDRANT CAPS, AND DECLARING FERGUSON ENTERPRISES THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR HYDRANTS AND VALVES FOR THE REMAINDER OF FISCAL YEAR 2002, AUTHORIZING THE AWARD OF BIDS AND AUTHORIZING THE OPTIONS FOR TWO ONE-YEAR EXTENSIONS WITH SAID VENDORS.

WHEREAS, on September 11, 2001, the City Council authorized solicitation of bids for fire hydrants, hydrant caps, valve gates and valves, and

WHEREAS, bids were solicited from twenty-nine (29) vendors for said equipment, with five (5) vendors responding, and

WHEREAS, the five (5) bids were opened at 11:00 am on October 23, 2001, and later evaluated by the Finance Director for the consideration of the Council, and

WHEREAS, American AVK was declared lowest responsive and responsible bidder for valve gates and hydrant caps with a bid amount of $46,176.00 for the remainder of Fiscal Year 2002, and

WHEREAS, Ferguson Enterprises was declared the lowest responsive and responsible bidder for hydrants and valves with a bid amount of $76,395.00 for the remainder of Fiscal Year 2002, and

WHEREAS, the Finance Director has recommended that the bids of American AVK for valves gates and hydrant caps in the amount of $46,176.00 and Ferguson Enterprises for hydrant and valves in the amount of $76,395.00 for the remainder of Fiscal Year 2002, be accepted,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bid of American AVK for gate valves and hydrant caps in the amount of $46,176.00, and the bid of Ferguson Enterprises for hydrants and valves in the amount of $76,395.00 for the remainder of Fiscal Year 2002 be accepted, and the preparation of a formal price agreement by the City’s designated officials with each of the aforesaid vendors, including the option for two one-year extensions, is hereby authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: ________________________

Michael D. Milich, City Attorney
A RESOLUTION APPROVING THE TIMELINE FOR PUBLIC SERVICE GRANTS AND THE ANNUAL ACTION PLAN FOR 2002-2003 AND CITIZEN PARTICIPATION CALENDAR OF EVENTS

WHEREAS, Federal Housing and Urban Development regulations require the City of Modesto to have a Citizens’ Participation Plan which contains the City’s procedures for community participation in the development of the Annual Action Plan and the use of Community Development Block Grant (CDBG), HOME and Emergency Shelter Grant (ESG) funds, and

WHEREAS, the City adopted and last amended its Citizen Participation Plan in October 1998, a copy of which is available for review at the Recreation and Neighborhood Services Division office at Tenth Street Place, and

WHEREAS, the proposed calendar for citizen participation includes public service grant applications, as well as Emergency Shelter Grant proposals, and

WHEREAS, at its January 18, 2002, meeting, the Citizens Housing and Community Development Committee considered and supported staff recommendations for the timeline for Public Service grants and the Annual Action Plan for 2002-2003 and the Citizen Participation Calendar of Events,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the timeline for Public Service grants and the Annual Action Plan for 2002-2003 and the Citizen Participation Calendar of Events.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: ____________________________
JEAN ZAHR, City Clerk

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

02/05/02
A RESOLUTION OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE) AND AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #8)

WHEREAS, pursuant to Chapter 3.5 of Part I of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), proceedings for annexation of additional territory to an existing community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 96-544, adopted on October 8, 1996, (the "Resolution of Formation") establish Community Facilities District No. 1996-1 ("the District"), and

WHEREAS, by its Resolution No. 97-520 adopted on September 9, 1997, this Council resolved to complete annexation #1 to the District, and

WHEREAS, by its Resolution No. 99-13 adopted on January 5, 1999, this Council resolved to complete annexation #2 to the District, and

WHEREAS, by its Resolution No. 99-615 adopted on December 14, 1999, this Council resolved to complete annexation #3 to the District, and

WHEREAS, by its Resolution No. 2000-413 adopted on August 1, 2000, this Council resolved to complete Annexation #4 to the District, and

WHEREAS, by its Resolution No. 2001-297 adopted on June 19, 2001, this Council resolved to complete Annexation #5 to the District, and

WHEREAS, by its Resolution No. 2001-352 adopted on July 10, 2001, this Council resolved to complete Annexation #6 to the District, and

WHEREAS, by its Resolution No. 2001-486 adopted on September 25, 2001, this Council resolved to complete Annexation #7 to the District, and

WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation, pursuant to Section 53339 of the Act, of certain territory to the District, and

WHEREAS, the territory to be annexed is within the City limits,
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that:

SECTION 1. The above recitals are true and correct.

SECTION 2. Certain territory is proposed to be annexed to the District (the "Annexed Territory") under the terms of the Act.

SECTION 3. The original boundaries of the District are shown on a map entitled "Proposed Boundaries of Community Facilities District No. 1996-1 of the City of Modesto, County of Stanislaus, State of California" on file with the County Recorder of the County of Stanislaus, at Book 2 of Maps of Assessment and Community Facilities Districts, at Page 70.

SECTION 4. District boundaries after the most recent annexation (Annexation #7) are shown on a map entitled "Annexation No. 7 to Community Facilities District No. 1996-1 (Village One)" on file with the County Recorder of the County of Stanislaus at Volume 3 A.M. of Maps of Assessment and Community Facilities Districts, at Page 52.

SECTION 5. The Annexed Territory is described in Exhibit "A" to this Resolution. The boundaries of the Annexed Territory are also shown on the maps thereof, entitled "Annexation No. 8 to Community Facilities District No. 1996-1 (Village One)", on file in the office of the City Clerk, and hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than 10 days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code; including a reference to the title, book, page and recording date of the original boundary map of the District.

SECTION 6. The types of public facilities and services authorized to be provided to the District are set forth in the Resolution of Formation. These same types of facilities and services plus a comprehensive signage program as described in Resolution No. 97-174, adopted by the City Council on April 1, 1997, will be provided to the Annexed Territory.
SECTION 7 The Maintenance Special Tax to be levied in the Annexed Territory shall be the same as the Maintenance Special Tax currently levied in the original District, as set forth in the Resolution of Formation. The Facilities Special Tax to be levied in the Annexed Territory shall be slightly higher than that levied in the original District, to account for the additional cost of the community signage program, as referenced in Section 6 hereof. The Facilities Special Tax for the Annexed Territory is described in the City's Public Report, on file with the City Clerk, amended April, 1997. It is the intention of the City Council that in the event all of the subject taxes are not approved by the qualified electors of the Annexed Territory at an election to be held subsequent to the approval of this Resolution of Intention, that then, and in that sole event, the annexation of the Annexed Territory shall be a nullity, and void from the date of the public hearing on this resolution where it is approved.

Pursuant to the Public Report, the maximum Maintenance Special Tax and the maximum Facilities Special Tax shall be adjusted annually. The tax rates in effect as of July 1, 2001, are as follows:

Facilities Special Tax

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Facilities Special Tax (per Gross Acre) Effective July 1, 2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village Low-Density Residential</td>
<td>$24,239.12</td>
</tr>
<tr>
<td>Village Residential</td>
<td>$36,243.74</td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>$93,924.62</td>
</tr>
<tr>
<td>Commercial</td>
<td>$106,492.33</td>
</tr>
<tr>
<td>Industrial</td>
<td>$49,872.48</td>
</tr>
</tbody>
</table>
**Maintenance Special Tax**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Maintenance Special Tax Effective July 1, 2001</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Developed</strong></td>
<td></td>
</tr>
<tr>
<td>Very Low Density Residential</td>
<td>$143.76 (per lot)</td>
</tr>
<tr>
<td>Village Residential</td>
<td></td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>$93.33 (per unit)</td>
</tr>
<tr>
<td>Commercial/Industrial</td>
<td>$504.17 (per acre)</td>
</tr>
<tr>
<td><strong>Undeveloped</strong></td>
<td></td>
</tr>
<tr>
<td>Very Low Density Residential</td>
<td>$71.88 (per lot)</td>
</tr>
<tr>
<td>Village Residential</td>
<td></td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>$46.66 (per unit)</td>
</tr>
<tr>
<td>Commercial/Industrial</td>
<td>$504.17 (per acre)</td>
</tr>
</tbody>
</table>

SECTION 8 A public hearing upon this Resolution shall be held at 5:15 p.m., or as soon thereafter as practicable, on Tuesday, March 12, 2002, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than 30 or more than 60 days following the adoption thereof.
SECTION 9  At the hearing, any interested persons for or against the annexation of the Annexed Territory to the District, and the levy of the special tax therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 10  The City Clerk is directed to publish, not later than seven (7) days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard.

SECTION 11  If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Annexed Territory, or the owners of one-half or more of the area of land in the District and not exempt from the special tax, or the owners of one-half or more of the Annexed Territory, file written protests against the proposed annexation of the Annexed Territory to the District, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Annexed Territory, or to levy the District special tax therein, shall be taken for a period of one year from the date of the election of the Council on the issues discussed at the hearing.

At the conclusion of the hearing, if the Council determines to annex the Annexed Territory, it shall then submit the levy of the District special tax to the qualified electors of the Annexed Territory in a special election.
The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

MICHAEL D. MILICH, City Attorney

(SEAL)
Exhibit “A”
ANNEXATION NO. 8 TO
COMMUNITY FACILITIES DISTRICT
NO. 1996 - 1 (VILLAGE ONE)

BOUNDARIES OF PROPERTY PROPOSED TO BE ANNEXED TO
COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE),
CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA

PREPARED BY
DELMARE-FULTZ
ENGINEERING AND SURVEYING

FILLED IN THE OFFICE OF THE CLERK OF THE CITY OF MODESTO,
COUNTY OF STANISLAUS, STATE OF CALIFORNIA, THIS DAY OF

 CLERK, CITY OF MODESTO
STATE OF CALIFORNIA

I HEREBY CERTIFY THAT THIS MAP SHOWING PROPOSED BOUNDARIES
OF ANNEXATION NO. 8 TO COMMUNITY FACILITIES DISTRICT NO. 1996-1
(VILLAGE ONE), COUNTY OF STANISLAUS, STATE OF CALIFORNIA
WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO,
CALIFORNIA AT A REGULAR MEETING HELD ON THE DAY OF

 CLERK, CITY OF MODESTO
STATE OF CALIFORNIA

FILED THIS DAY OF

 CLERK, CITY OF MODESTO
STATE OF CALIFORNIA

IN THE OFFICE OF THE RECORDED OF THE COUNTY OF STANISLAUS,
CALIFORNIA AT THE HOUR OF

 CLERK, CITY OF MODESTO
STATE OF CALIFORNIA

Recorded: 

VICTINITY MAP

Sheet 1 of 3 sheets
MODESTO CITY COUNCIL
RESOLUTION NO. 2002- 47

A RESOLUTION APPROVING AN AGREEMENT WITH THE HOUSING AUTHORITY OF STANISLAUS COUNTY FOR PROVISION OF A COMMUNITY POLICE FOR THE WESTVIEW GARDENS HOUSING COMPLEX AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the Housing Authority of Stanislaus County operates the Westview Gardens federal housing complex in Modesto, California, and

WHEREAS, by agreement, the Modesto Police Department has assigned a Police Officer to the complex for ten years, and

WHEREAS, the Housing Authority is desirous to continue this special police service, and

WHEREAS, the Police Officer will work a minimum of 33 hours per week for patrol, investigation and response to calls for service, present community crime resistance education, drug traffic suppression and drug education, graffiti abatement education and coordinate the exchange of information between residents with other non-enforcement services of the City, and

WHEREAS, this police service is fully reimbursed by the Housing Authority and the service benefits the City of Modesto in reducing calls for police service to the housing project, and

WHEREAS, the Modesto City Council Public Safety Committee unanimously endorsed the execution of this agreement to provide a Modesto Police Officer at Westview Gardens Housing project at its meeting of September 6, 2001.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement with the Housing Authority of Stanislaus County for special police services to the Westview Gardens housing project for a twelve-month period is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his designee is hereby authorized to execute the agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney

ATTEST: 

JEAN ZAHR, City Clerk

2002-47
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-48

A RESOLUTION APPROVING A CONSULTANT AGREEMENT WITH MODESTO CITY SCHOOLS FOR PROVISION OF A COMMUNITY POLICE OFFICER FOR BRET HARTE AND SHACKELFORD ELEMENTARY SCHOOLS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the Stanislaus County Children and Families Commission has granted a 12-month project to Modesto City Schools for a Community Police Officer for Bret Harte and Shackelford Elementary Schools, and

WHEREAS, the program will provide the opportunity for the Modesto Police Department to expand its role in addressing the effects of violence on children and families in our community, provide drug and gang awareness education and intervention to both the children and their families, and

WHEREAS, the program has a potential of reaching in excess of 5,000 Modesto residents, and

WHEREAS, the program will reduce potential crime conditions by early detection, and

WHEREAS, the expected results of this program are less graffiti in the neighborhoods, less truancy in the schools, fewer re-offending probationers, less drug and gang activity and less exposure of the children to violence, and

WHEREAS, the cost of the one Modesto Police Officer, and all his or her office equipment, overtime and personal equipment expenses are covered by the grant project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the consultant contract with Modesto City Schools to provide one Community Police Officer for 0.5 FTE at Bret Harte Elementary and for 0.5 FTE at Shackelford Elementary is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Modesto City Manager or his authorized designee is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney

ATTEST:  

JEAN ZAHR, City Clerk

2002-48
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-49

A RESOLUTION AMENDING THE FISCAL YEAR 2001/02 ANNUAL BUDGET
ESTIMATING REVENUE AND APPROPRIATING FUNDS FOR PROVISION OF A
COMMUNITY POLICE OFFICER FOR BREIT HARTE AND SHACKELFORD
ELEMENTARY SCHOOLS

WHEREAS, the Council of the City of Modesto has approved a consultant contract with
Modesto City Schools to provide one Community Police Officer for 0.5 FTE at Bret Harte
Elementary and for 0.5 FTE at Shackelford Elementary with funds granted through the Stanislaus
County Children and Families Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
2001/02 annual budget is hereby amended as indicated below:

To: Revenue: 0100-190-1021-3727 $47,398

To: Expense:
Salary/Benefits 0100-190-1921-0110 $26,439
0100-190-1921-0188 10,311
Overtime 0100-190-1921-0130 1,130
Patrol Vehicle 0100-190-1921-0218 5,000
Nextel Phone 0100-190-1921-0210 76
Nextel Phone Costs 0100-190-1921-0210 300
Laptop Computer 0100-190-1921-0350 3,000
Pager Air time 0100-190-1921-0210 42
All Personal Equipment 0100-190-1921-0356 1,100

Total $47,398

and that the Finance Director is hereby authorized to take the necessary steps to implement
the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR
City Clerk
(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-50

RESOLUTION SUPPORTING LEGISLATION TO REQUIRE CATHODE RAY TUBE
MANUFACTURERS, DISTRIBUTORS, AND CONSUMERS AND OTHER
HAZARDOUS ELECTRONICS PRODUCERS TO TAKE RESPONSIBILITY FOR
REUSE AND RECYCLING OF THEIR PRODUCTS.

WHEREAS, hazardous electronic discards such as the cathode ray tubes from electronics
equipment or television sets contain materials that can pose hazards to human health and the
environment when handled improperly; and,

WHEREAS, the California Department of Toxic Substances Control recently affirmed
that discarded cathode ray tubes, such as those found in televisions and computer monitors, are
prohibited from disposal in Class III landfills, increasing concerns and costs regarding handling,
management and liability; and,

WHEREAS, the City of Modesto is committed to protecting public health and the
environment from hazardous electronic discards, while reducing waste and increasing recycling
consistent with state waste diversion requirements; and

WHEREAS, the form, volume and toxicity of cathode ray tubes demands substantially
greater producer and consumer responsibility for: 1) reducing the amount of hazardous materials
in cathode ray tubes; 2) diverting hazardous electronics from solid waste disposal; and 3)
increasing the reuse and recycling of cathode ray tubes and components; and,

WHEREAS, Extended Producer And Consumer Responsibility principles will foster the
development of sustainable design and recovery of cathode ray tubes by shifting the default
burden of management responsibility from local government, ratepayers and taxpayers back to
the manufacturers, distributors and consumers of such products, in part by internalizing lifecycle
costs in the price of such products;

WHEREAS, Goal F of Section 2 of the January 1994 Household Hazardous Waste
Element required to be adopted and implemented by the City by the California Integrated Waste
Management Act of 1989 (AB 939) states that: “The City will support any feasible state or
federal legislation that will effectively reduce or eliminate hazardous components in products sold
to residents for use in or around the home.”
NOW, THEREFORE BE IT RESOLVED, the City Council of Modesto hereby urges its State Assembly and State Senate Representatives, by letter and receipt of this resolution to introduce and support legislation requiring cathode ray tube producers to operate or fund comprehensive programs whereby products are sustainably designed and labeled; to create a convenient collection infrastructure that will result in a high rate of recovery; and, to maximize environmentally sound reuse and recycling of such hazardous electronics products.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Zahr, City Clerk

(SEAL)
APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-51

A RESOLUTION AUTHORIZING PROCEDURES FOR THE PROCESS TO CONDUCT THE PROPOSED INCREASE TO THE STORM DRAINAGE SEWER SURCHARGE RATES PROPERTY OWNER BALLOT PROCEDURES

WHEREAS, the City Manager authorized staff to hire Harris & Associates Inc. to develop procedures for the process for the completion, return and tabulation of Property Owner Ballots for the proposed increase to the Storm Drainage Sewer Surcharge Rates for the City, for a fee not to exceed $11,000.00, and

WHEREAS, staff has been working with Harris & Associates, Inc. to develop the Proposed Increase to the Storm Drainage Sewer Surcharge Rates Property Owner Balloting Procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the attached Exhibit “A” City of Modesto Proposed Increase to the Storm Drainage Sewer Surcharge Rates Property Owner Balloting Procedures be adopted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Smith

NOES: Councilmembers: Conrad, Serpa, Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney

02/05/02/E&T/Jack Bond 2002-51
City of Modesto
Proposed Increase to the
Storm Drainage Sewer Surcharge Rates
Property Owner Balloting Procedures

The following procedures set forth the process for the completion, return and tabulation of Property Owner Ballots for the proposed increase to the Storm Drainage Sewer Surcharge Rates for the City of Modesto (the City). The City Clerk’s office will officiate the Property Owner Balloting process for the City and may be assisted by outside professionals. These Procedures will be kept on file in the office of the City Clerk and in the City of Modesto Engineering and Transportation Department.

A. Completion of Property Owner Ballots

1. Who may complete a Property Owner Ballot?

A Property Owner Ballot may be completed by the record owner of the parcel as defined in Government Code Section 53750(j). As used in these Procedures, the term “owner” includes the owner’s authorized representative. If the owner of the parcel is a partnership, joint tenancy, or tenancy in common, a Property Owner Ballot may be completed by any of the general partners, joint tenants, or tenants in common. Only one Property Owner Ballot may be completed for each parcel.

2. Properties with Multiple Owners

One ballot will be mailed per parcel. The City Clerk will not determine proportioned interest in property. The Clerk will assume by its execution that the owner returning the ballot has done so with the authorization of the other owners.

3. Replacement Property Owner Ballots

If a Property Owner Ballot is lost, destroyed or never received, the City Clerk’s office will provide an “official” Replacement Property Owner Ballot to the owner upon receipt of a request in writing delivered personally by the owner to the City Clerk’s office at 1010 Tenth Street, Suite 6600, Modesto, CA. The City Clerk’s office will log in the request, the Replacement Property Owner Ballot Number, the Assessor’s Parcel Number, and the date. The City Clerk’s office will then fill in the required information on the Replacement Property Owner Ballot, initial the “issued by” block, and give to the property owner along with a copy of the Balloting Package if the owner has not received this information.
4. Marking and signing the Property Owner Ballot

To complete a Property Owner Ballot, the owner of the parcel must (1) Mark the appropriate box supporting or opposing the proposed Property Owner increase, and (2) sign, under penalty of perjury, the statement on the Property Owner Ballot that the person completing the Property Owner Ballot is the owner of the parcel or the owner’s authorized representative. Only one box may be marked on each Property Owner Ballot. Property Owner Ballots must be completed in ink.

5. Only Property Owner Ballots provided by the City will be accepted

The City will only accept Property Owner Ballots mailed or otherwise provided to owners by the City. Photocopies, faxes, and other forms of the Property Owner Ballot will not be accepted.

B. Return of Property Owner Ballots

1. Who may return Property Owner Ballots

A Property Owner Ballot may be returned by the owner of the parcel or by anyone authorized by the owner to return the Property Owner Ballot.

2. Where to return Property Owner Ballots

Property Owner Ballots may be mailed to the City Clerk’s office at P.O. Box 642, Modesto, CA 95353.

Property Owner Ballots may also be delivered in person to the City Clerk’s office at 1010 Tenth Street, Suite 6600, Modesto, CA.

Property Owner Ballots may not be returned by fax.

3. When to return Property Owner Ballots

a. Mailed Property Owner Ballots. The City Clerk’s office must receive all mailed Property Owner Ballots by 5:00 p.m. on the day the Property Owner Balloting is scheduled to end. Postmarks will not be counted. The mailing address for the City Clerk’s office is P.O. Box 642, Modesto, CA 95353.

b. Hand-delivered Property Owner Ballots. Up until 5:00 p.m. on the day the Property Owner Balloting is scheduled to end, Property Owner Ballots may be delivered in person to the City Clerk’s office at 1010 Tenth Street, Suite 6600, Modesto, CA.
4. Withdrawal of Property Owner Ballots

After returning a Property Owner Ballot to the City, the person who signed the Property Owner Ballot may withdraw the Property Owner Ballot by appearing in person and providing identification acceptable to the City Clerk’s office at 1010 Tenth Street, Suite 6600, Modesto, CA. Said property owner must sign a Property Owner Ballot Withdrawal Form, provided by the City Clerk. Such request must be made before 5:00 p.m. on the day the Property Owner Balloting is scheduled to end. If any Property Owner Ballot has been withdrawn, the person withdrawing the Property Owner Ballot may request a Replacement Property Owner Ballot. The City Clerk’s office will retain all withdrawn Property Owner Ballots and will indicate on the envelopes of such Property Owner Ballots that they have been withdrawn.

C. Tabulation of Property Owner Ballots

1. Which Property Owner Ballots will be counted?

Only Property Owner Ballots which are completed and returned in compliance with these procedures will be counted:

a. Only Property Owner Ballots received by the City Clerk’s office before 5:00 p.m. on the day the Property Owner Balloting is scheduled to end will be counted.

b. Only Property Owner Ballots which are signed will be counted.

c. Only Property Owner Ballots with one (1) box marked will be counted.

d. Only Property Owner Ballots that have not been withdrawn in accordance with these procedures will be counted.

The City Clerk’s office will keep a record of each Replacement/New Property Owner Ballot provided to an owner and will verify that only one Property Owner Ballot has been returned for the parcel. If an owner returns both the original Property Owner Ballot and a Replacement Property Owner Ballot, the City will count the Replacement Property Owner Ballot and disregard the Original Property Owner Ballot.

2. When and where Property Owner Ballots will be tabulated

The tabulation of Property Owner Ballots will be performed in the City Clerk’s office in the days following the day the Property Owner Balloting is scheduled to end, during normal business hours.
3. **How Property Owner Ballots will be tabulated**

Property Owner Ballots may be counted by hand, by computer or by any other tabulating device.

Each Property Owner Ballot will count as one (1) vote.

4. **Who will tabulate Property Owner Ballots**

Property Owner Ballots may be tabulated by the City Clerk’s office or by any representative authorized by the City Clerk.

5. **Results of tabulation**

The City Council may confirm the rate increase only if a majority of the Property Owner Ballots returned are in favor of the rate increase.

If a majority of the Property Owner Ballots returned are opposed to the rate increase, then the rate increase will not be imposed.

The results of the tabulation will be announced at the City Council meeting following the completion of the tabulation and entered in the minutes of the meeting.

**D. Resolution of Disputes**

1. **Property Ownership**

   a. In the event of a dispute regarding whether the signer of a Property Owner Ballot is the owner of the parcel to which the Property Owner Ballot applies, the City will make such determination from the last equalized assessment roll. The City will be under no duty to obtain or consider any other evidence as to ownership of property and the City’s determination of ownership will be final and conclusive.

   b. In the event of a dispute regarding whether the signer of a Property Owner Ballot is an authorized representative of the owner of the parcel, the City shall rely on the statement on the Property Owner Ballot, signed under penalty of perjury, that the person completing the Property Owner Ballot is the owner’s authorized representative and any evidence submitted to the City Clerk’s office prior to the end of the Property Owner Balloting period. The City shall be under no duty to obtain or consider any other evidence as to whether the signer of the Property Owner Ballot is an authorized representative of the owner and the City’s determination shall be final and conclusive.
2. Appeals of Surcharge Rate Amount

a. If a property owner disagrees with the calculation of his or her surcharge rate, based on the formula approved by the City Council, then the property owner may appeal the calculation by providing written documentation explaining the reason why the surcharge rate should be changed. The Director of Engineering and Transportation, or his or her designee, will review the information and make a determination as to whether or not the surcharge rate amount should be changed.

b. If an appeal is granted, any modification to the surcharge rate of a particular parcel will be made within a two (2) month period after the approved appeal.

E. General Information

1. The names and addresses of the owners of real property within the City were obtained from the last equalized secured property tax assessment roll of the Assessor of Stanislaus County, approximately 30 days prior to mailing of ballots. Any person not appearing on tax rolls shall not be allowed to vote in this proceeding.

2. Notices and Property Owner Ballots will be mailed to all affected property owners, as shown on the last equalized secured property tax assessment roll, at least 45 days prior to the end of the Property Owner Balloting period. Any Property Owner Ballot packet that is returned to the City as “undeliverable” by the U.S. Postal Service will be retained by the City for the duration of the proceedings.

3. All returned Property Owner Ballots are public records, but the actual Property Owner Ballots received will be kept secured until after the tabulation has been completed. At that time, the Property Owner Ballots will be available for review by the public. A complete listing of Assessor’s Parcel Numbers voted “For” and “Against” the proposed Property Owner increase will be available for public information.
A RESOLUTION CALLING FOR A SPECIAL ELECTION TO BE CONDUCTED WHOLLY BY MAIL BALLOT TO BE HELD ON APRIL 29, 2002, FOR THE PURPOSE OF SUBMITTING TO THE PROPERTY OWNERS OF THE CITY OF MODESTO A RESOLUTION INCREASING THE CITY’S STORM DRAINAGE SEWER SURCHARGE RATES BY EIGHT (8) PERCENT, AND TO ADJUST SAID ANNUALLY THEREAFTER UP TO 3.5% PER YEAR NOT TO EXCEED FOUR YEARS TO THE STORM DRAINAGE SEWER SYSTEM.

WHEREAS, the City Council desires to submit to the property owners in the City of Modesto a measure to increase the City’s storm drainage sewer surcharge rates eight (8) percent beginning in 2002, with an annual adjustment for inflation up to 3.5% each year in 2003, 2004, and 2005, for a total of four years, for the purpose of funding the ongoing maintenance of the storm drainage sewer system.

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

SECTION 1. Pursuant to Section 6(c) of Article XIIIID of the California Constitution (Proposition 218), and the Proposition 218 Omnibus Implementation Act, California Government Code §53750, et. seq., the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the property owners in the City of Modesto, at a special all mail ballot election to be held on April 29, 2002, a resolution increasing the City’s storm drainage sewer surcharge rates eight (8) percent beginning in 2002, with an annual adjustment for inflation up to 3.5% each year in 2003, 2004, and 2005, for a total of four years, for the purpose of funding the ongoing maintenance of the storm drainage sewer system.

SECTION 2. It hereby orders the City Clerk to submit the proposed rate increase resolution to property owners of Modesto at a special municipal all mail ballot election on April 29, 2002.

SECTION 3. The ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed to include the question set forth in the ballot attached as Exhibit “A”.

SECTION 4. That the voters may return their mail ballot in person rather than returning it by United States mail to the following:

   City Clerk’s Office
   1010 Tenth Street, Suite 6600
   Modesto, California
   Monday - Friday, from 7:30 a.m. to 5:00 p.m.

SECTION 5. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2002, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Smith

NOES: Councilmembers: Conrad, Serpa, Sabatino

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

[Signature]
MICHAEL D. MILICH, City Attorney
EXHIBIT A
March 11, 2002

Dear Property Owner:

The City of Modesto is proposing to increase the Storm Drainage Sewer Surcharge rates to meet the on-going needs of facility operation, maintenance and replacement related to providing storm drainage service to properties within the City of Modesto.

As you may already know, even during moderate storm events, certain areas of the City of Modesto experience localized street flooding. This is due to the existing storm drainage system's inability to handle the stormwater flow. The City's storm drainage system is highly dependent on preventative maintenance and timely repairs in order to work properly. While a number of repairs and improvements have been made over the past few years using reserve funds, the overall system is still deficient due largely to a lack of adequate funding – funding needed to perform maintenance and repairs on a regular basis. The existing Storm Drainage Surcharge fee, shown on your utility bills, pays for rockwell cleanings, rehabilitations and replacements; monitoring storm water quality; street sweeping; annual leaf collections; storm drain repairs; and general capital improvements to the storm drain system.

It is estimated that without a storm drainage fee increase, the Storm Drainage Enterprise Fund Reserves will be depleted by June 30, 2002. As a result, the City Council will have to decide whether to divert funds from other usages or to reduce service in one or more of the following functions supported by the Storm Drainage Enterprise Fund:

- Level of maintenance and repair effort on the existing storm drainage system,
- The amount of leaf collection, and/or
- The frequency of street sweeping.

The Storm Drainage Sewer Surcharge fee was established in 1991, and through 1995 various adjustments have been made to the fee. Since 1996, the fees have remained unchanged although the cost of living has increased by almost 15% since that time. Combined with the ongoing maintenance since that time, these circumstances have caused the Storm Drainage Enterprise Fund Reserves to deplete and are the reasons for this storm drain fee increase recommendation.

Proposition 218, which was added to the State Constitution by California voters in November of 1996, requires that the City obtain the approval from property owners in a balloting process before these rates may be increased.

On November 27, 2001, the City Council opened a protest hearing on the proposed increase and continued it to December 11, 2001, at which time they received public testimony. On February 5, 2002, the City Council took action to place the proposed increase before the property owners.

The enclosed documents contain your Official Property Owner Ballot, which is the yellow piece of paper with your name and address on it, and information regarding the proposed increase and how the Storm Drainage Sewer Surcharge is calculated.

Please review the enclosed information, which will give you complete details of the proposed increase, how the Storm Drainage Sewer Surcharge is calculated, and other information. In addition, information meetings about the proposed increase will be held in various locations throughout the City. These will be held at the dates, times, and locations shown below. You are invited to attend these meetings to have your questions answered.

Information Meeting Locations

<table>
<thead>
<tr>
<th>Day &amp; Date</th>
<th>Time</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday, March 25</td>
<td>5:00 to 7:00 pm</td>
<td>Senior Citizens Center, 211 Bodem Avenue, Modesto</td>
</tr>
<tr>
<td>Thursday, April 11</td>
<td>7:00 to 9:00 pm</td>
<td>King-Kennedy Memorial Center, 601 N. Martin Luther King Drive, Modesto</td>
</tr>
<tr>
<td>Wednesday, April 17</td>
<td>7:00 to 9:00 pm</td>
<td>City Council Chambers, 1010 Tenth Street, Modesto</td>
</tr>
</tbody>
</table>
The most important document in this material is the Property Owner Ballot. It must be marked and returned to the City Clerk by mail or in person no later than 5:00 p.m. on Monday, April 29, 2002, to be counted. (Please see the enclosed documentation for where to return your Property Owner Ballot.)

The Property Owner Ballots cast as “yes” and “no” votes will determine the fate of this rate increase. Property Owner Ballots that are not returned or are returned late cannot be counted, so please return your ballot!

If you have questions regarding the information about the Storm Drainage Sewer Surcharge rate increase, please call (209) 577-5462, or if you desire assistance calculating the amount of your surcharge, please call (209) 577-5395. Assistance is available Monday through Friday, between 8:00 a.m. and 5:00 p.m.

You may also e-mail your questions to stormsewerrates@modestogov.com. You may also view a detailed report regarding the rate increase in the Engineering and Transportation Department at 1010 Tenth Street, Modesto, California, or online at: www.modestogov.com.

Para asistencia en Español, si usted requiere asistencia en Español, llame a la Ciudad de Modesto, Departamento de Servicios para Clientes al (209) 577-5395, lunes a viernes, 8:00 a.m. a 5:00 p.m.

Thank you for your consideration of this issue.
NOTICE TO PROPERTY OWNERS AND PROPERTY OWNER BALLOT
FOR THE PROPOSED INCREASE TO THE
STORM DRAINAGE SEWER SURCHARGE RATES
IN THE CITY OF MODESTO

I. Notice
This notice informs you, as a record owner of property within the City of Modesto, that on February 5, 2002, the City Council adopted Resolution No. 2002-52 in which it authorized the City Clerk to conduct a Property Owner Balloting for the proposed Storm Drainage Sewer Surcharge rate increase. The Property Owner Ballots are due in the City Clerks office, located at 1010 Tenth Avenue, Suite 6600, Modesto, CA no later than 5:00 p.m. on April 29, 2002. (The City Clerk’s mailing address is P.O. Box 642, Modesto, CA 95353)

Persons who wish to submit a Property Owner Ballot should mail or personally deliver it before the end of the Property Owner Balloting period in accordance with the directions provided in the “Summary of Property Owner Ballot Procedures” which may be found on the back of your ballot.

II. Rate Increase Information
1. Name of Charge: Storm Drainage Sewer Surcharge
2. The proposed rate increase: 8%. Please see the Rate Calculation Sheet on the back of this notice for the specific rate increases for different types of properties.
3. Duration of the Rate: The increased Storm Drainage Sewer Surcharge will be charged monthly for a one year period and then may be increased on an annual basis thereafter up to a maximum of 3.5% per year for an additional 3 years.
4. Reason for the Rate Increase: The purpose of the proposed increase is to fund the on-going needs of facility operation, maintenance, and replacement related to providing storm drainage sewer service to properties within the City of Modesto storm drainage sewer service area. When evaluating the need for a rate increase the following factors were considered:
   - Cost of continuing to meet regulatory requirements
   - Cost of continuing operation & maintenance of the storm drainage sewer system.
   - The need to fund deferred maintenance of the system.
   - The need to maintain a reasonable level of reserve funds to deal with emergencies.
5. Calculation of the Rate Increase: All parcels within the City's storm drainage sewer service area are charged a storm drainage sewer surcharge rate calculated as shown on the Rate Calculation Sheet on the back of this notice.
6. Property Owner Balloting Results: If a majority of the Property Owner Ballots returned support the rate increase, the rate increase may be adopted by the City Council. If a majority of the ballots returned oppose the rate increase, the rate increase will not be imposed. Each property has one (1) vote.

The proposed rate increase described in this Notice, if approved, will appear on the utility bill for your property.

III. Questions Regarding These Proceedings
If you have questions regarding the information about the Storm Drainage Sewer Surcharge, please call (209) 577-5462, or if you require assistance calculating the amount of your surcharge, please call (209) 577-5395. Assistance is available Monday through Friday, between 8:00 a.m. and 5:00 p.m. You may also e-mail your questions to stormsewerrates@modestogov.com. You may also view a detailed report regarding the rate increase in the Engineering and Transportation Department at 1010 Tenth Street, Modesto, California, or online at: www.modestogov.com.

Para asistencia en Español, si usted requiere asistencia en Español, llame a la Ciudad de Modesto, Departamento de Servicios para Clientes al (209) 577-5395, lunes a viernes, 8:00 a.m. a 5:00 p.m.

(Please see the Rate Calculation Sheet on the back of this notice.)
STORM DRAINAGE SEWER SURCHARGE
RATE CALCULATION SHEET

Single Family Residential Property

The monthly charge for a single family home is calculated based on the area of the property. The current monthly charge and the proposed increase for a single family home are shown in the table at the right.

<table>
<thead>
<tr>
<th>Area of Property in Square Feet</th>
<th>Current Charge</th>
<th>Proposed Increase</th>
<th>Proposed New Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 3,500</td>
<td>$1.65</td>
<td>$0.13</td>
<td>$1.78</td>
</tr>
<tr>
<td>3,501 - 7,000</td>
<td>$3.23</td>
<td>$0.26</td>
<td>$3.49</td>
</tr>
<tr>
<td>7,001 +</td>
<td>$4.85</td>
<td>$0.39</td>
<td>$5.24</td>
</tr>
</tbody>
</table>

Non-Single Family Residential Property

The monthly charge for any non-single family residential property is based on the intensity of development for the type of land use on the property and the size of the property. An Equivalent Runoff Unit (ERU) is calculated for each parcel as follows:

Equivalent Runoff Units = Intensity Development Factor x Area Range Number (ERUs) (IDF) (ARN)

The monthly charge for non-Single Family Residential property is based on the calculated ERU for each property. The current monthly charge per ERU and the proposed increase is shown in the table to the left.

Intensity of Development Factor (IDF). Each development classification in the City has been assigned an Intensity of Development Factor based on generally accepted engineering standards directly related to the type of land use. The IDF’s for the different land uses in the City are shown in the tables to the right and below.

All developed parcels are classified according to the Intensity of Development Factor (IDF). This is a numeric value for each land use based upon generally accepted engineering standards and directly related to the land use of the particular parcel.

<table>
<thead>
<tr>
<th>Residential Land Use</th>
<th>IDF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Family High Density</td>
<td>0.95</td>
</tr>
<tr>
<td>Multi-Family Medium Density</td>
<td>0.80</td>
</tr>
<tr>
<td>Duplex</td>
<td>0.50</td>
</tr>
<tr>
<td>Multi-Family Low Density</td>
<td>0.40</td>
</tr>
<tr>
<td>Multi-Family Very Low Den.</td>
<td>0.25</td>
</tr>
<tr>
<td>Multi-Family Mobile Home</td>
<td>0.31</td>
</tr>
</tbody>
</table>

Area Range Number (ARN). An Area Range Number is assigned to each property based on its actual area in square footage based on increments of 3,500 square feet. The table to the right provides a representative sample of ARNs.

Sample Calculations:

Love Use  Area (SF)  IDF  x ARN = ERU  Current Charge  Proposed Increase  Proposed New Charge

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Area (SF)</th>
<th>IDF  x ARN = ERU</th>
<th>Current Charge</th>
<th>Proposed Increase</th>
<th>Proposed New Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duplex</td>
<td>7,000</td>
<td>0.50 x 2 = 1.00</td>
<td>$6.58 / month</td>
<td>$0.53 / month</td>
<td>$7.11 / month</td>
</tr>
<tr>
<td>Commercial</td>
<td>5,000</td>
<td>0.95 x 2 = 1.90</td>
<td>$12.50 / month</td>
<td>$1.01 / month</td>
<td>$13.51 / month</td>
</tr>
<tr>
<td>Industrial</td>
<td>12,000</td>
<td>0.75 x 4 = 3.00</td>
<td>$19.74 / month</td>
<td>$1.59 / month</td>
<td>$21.33 / month</td>
</tr>
</tbody>
</table>

The increase shown above will be charged monthly for a one year period and then may be increased on an annual basis thereafter up to a maximum of 3.5% per year for an additional 3 years.

NOTICE – PAGE 2
**OFFICIAL PROPERTY OWNER BALLOT**

City of Modesto  
Storm Drainage Sewer Surcharge  
Proposed Rate Increase

<table>
<thead>
<tr>
<th>Assessor’s Parcel Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel Address:</td>
</tr>
</tbody>
</table>

### Proposed Rate Increase:

<table>
<thead>
<tr>
<th>Property Description</th>
<th>Change in Monthly Rate</th>
<th>Total New Monthly Rate*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Home, property area of 0 – 3,500 sq. ft.</td>
<td>$0.13 / parcel</td>
<td>$1.78 / parcel</td>
</tr>
<tr>
<td>Single Family Home, property area of 3,501 – 7,000 sq. ft.</td>
<td>$0.26 / parcel</td>
<td>$3.49 / parcel</td>
</tr>
<tr>
<td>Single Family Home, property area of 7,001+ sq. ft.</td>
<td>$0.39 / parcel</td>
<td>$5.24 / parcel</td>
</tr>
<tr>
<td>Non-Single Family Residential Property</td>
<td>$0.53 / ERU**</td>
<td>$7.11 / ERU**</td>
</tr>
</tbody>
</table>

* this amount will be charged monthly for a one year period and then may be increased on an annual basis thereafter up to a maximum of 3.5% per year for an additional 3 years.  
** ERU = Equivalent Runoff Unit. Please see the enclosed Rate Calculation Sheet for a complete explanation of how this is calculated.

To be entitled to complete and submit this Property Owner Ballot, the person completing and submitting this Property Owner Ballot must be the record owner of the property identified above or the representative of the record owner of such property who is legally authorized to complete and submit this ballot for and on behalf of the record owner.

Please mark your ballot in ink. Do not use pencil.

Upon completion, place the Property Owner Ballot in the return envelope and seal the envelope. Mail or deliver the Property Owner Ballot to the address shown on the return envelope pursuant to the instructions on the back of this page.

For additional information about the Storm Drainage Sewer Surcharge rates, please see the enclosed notice and Rate Calculation Sheet.

**This is not a bill.**

Please cut along this line and return the completed ballot, sealed in the provided envelope, to the City Clerk.

---

**PROPERTY OWNER BALLOT**

<table>
<thead>
<tr>
<th>Assessor’s Parcel Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Name:</td>
</tr>
</tbody>
</table>

[bar code – Y]

☐ Yes, I SUPPORT the proposed rate increase for the Storm Drainage Sewer Surcharge

☐ No, I am OPPOSED to the proposed rate increase for the Storm Drainage Sewer Surcharge

[bar code – N]

I hereby declare under penalty of perjury that I am the record owner, or the authorized representative of the record owner, of the parcel identified above.

Date ____________________________  
Printed Name ____________________________  
Signature ____________________________
SUMMARY OF PROPERTY OWNER BALLOT PROCEDURES

If you are the owner of the property described on the enclosed Property Owner Ballot, you may submit the enclosed Property Owner Ballot to the City to support or oppose the proposed rate increase. Please follow the instructions below to complete and return your Property Owner Ballot.

1. Mark your vote on the enclosed Property Owner Ballot in favor or against the proposed Rate Increase by placing an “X” in the corresponding box.

2. Mark, sign and date your Property Owner Ballot in ink. (Property Owner Ballots received without a signature will not be counted.) Do not use pencil.

3. Place your ballot into the provided return postage pre-paid envelope and seal the envelope.

4. Property Owner Ballots may be mailed to the City Clerk’s office at P.O. Box 642, Modesto, CA 95353. Property Owner Ballots may also be delivered in person to the City Clerk’s office at 1010 Tenth Street, Suite 6600, Modesto, CA.

5. The City must receive all Property Owner Ballots before 5:00 p.m. on April 29, 2002. Any Property Owner Ballot received after this time cannot legally be counted. Postmarks will not be accepted. (Property Owner Ballots may be delivered to the City Clerk any time prior to this date and time.)

6. The tabulation of Property Owner Ballots will be performed in the City Clerk’s office, during normal business hours, following the end of the Property Owner Balloting period. The Property Owner Ballots will be tabulated electronically, and each property has one (1) vote.

7. The City Council may confirm the rate increase only if a majority of the Property Owner Ballots returned are in favor of the rate increase.

8. If a majority of the Property Owner Ballots returned are opposed to the rate increase, then the rate increase will not be imposed.

9. Your Property Owner Ballot is not confidential and may be subject to public disclosure.

Complete Property Owner Balloting Procedures are on file at the City Clerks office and at the Engineering and Transportation Department.

The information in this notice and the accompanying materials were compiled and are distributed at public expense by the City of Modesto in compliance with Article XIII D of the California Constitution. This information is presented in the public interest. It is not intended to influence or attempt to influence the actions of the voters to vote “yes” or “no” on the enclosed Property Owner Ballot.