A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE FAIRVIEW VILLAGE SPECIFIC PLAN FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT (SCH NO. 95032006): FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND NORMAN GALAS, JUNE GALAS, STANLEY GALAS, BONNIE K. GALAS AND DEL VALLE CAPITAL CORPORATION, INC.

WHEREAS, on December 12, 1995, by Resolution No. 95-587, the City Council of the City of Modesto certified the Final Focused Environmental Impact Report (“FEIR”) (SCH 95032006) for the Fairview Village Specific Plan, and

WHEREAS, Del Valle Capital Corporation, Inc. has applied for a First Amendment to the Development Agreement for the Galas Brothers vesting tentative subdivision map located in the Fairview Village Specific Plan, to extend the life of the vesting tentative subdivision map to June 30, 2003, and containing provisions related to the provision of affordable and accessible housing and infrastructure master planning, and

WHEREAS, on September 16, 1997, the Council introduced Ordinance No. 3061-C.S., which approved a development agreement between the City of Modesto and Norman Galas for City sewer service, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for an EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and
WHEREAS, the City's Community & Economic Development Department by Environmental Assessment Initial Study No. EA/C&ED 2002-59 reviewed the proposed project to determine whether the project is within the scope of the Fairview Specific Plan EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the 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 EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on November 26, 2002, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/C&ED 2002-59, 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 for the proposed project, makes the following findings:

1. As per Section 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Fairview Village Focused EIR (SCH No. 95032006) and no new environmental document or findings are required by CEQA.

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

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

4. No new information of substantial importance, which was not known and could not have been known at the time the Fairview Village Focused EIR was certified as complete, has become available.
5. The Initial Study, Environmental Assessment EA/C&ED 2002-59, provides the substantial evidence to support findings 1-4.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

INITIAL STUDY

EA/C&ED NO. 2002-59
City of Modesto
Initial Study

First Amendment to Development Agreement Between the City of Modesto and Norman Galas, June Galas, Stanley Galas, Bonnie K. Galas and Del Valle Capital Corporation, Inc.

EA/CDD 2002-59
October 30, 2002

I. PURPOSE

On December 12, 1995, the Modesto City Council certified the Final Focused Environmental Impact Report for the Fairview Village Specific Plan (SCH# 95032006). This Final Focused EIR analyzed the impacts of build-out of the Fairview Village Specific Plan, which includes the area in which this project is proposed.

Section 15182 of the CEQA Guidelines allows the Fairview Village Specific Plan Final Focused EIR to be used for subsequent projects, if the following findings can be made:

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

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

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

II. PROJECT DESCRIPTION

A. Project title:
First Amendment to Development Agreement Between the City of Modesto and Norman Galas, June Galas, Stanley Galas, Bonnie K. Galas and Del Valle Capital Corporation, Inc.

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

D. Project Location:
The south side of Hatch Road west of Dezzani Lane and Ironside Drive.

E. Project Sponsor:
Del Valle Capital Corporation, 1012 Tenth Street, Modesto, CA 95354
F. General Plan Designation:  
Village Residential (VR)

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

H. Description of Proposed Project:  
This is an amendment to the development agreement for the Galas Brothers vesting tentative subdivision map. The purpose of the development agreement is to extend the life of the tentative map to June 30, 2003, to provide a commitment to make available a percentage of the houses to low and moderate income families, and to provide a commitment to do storm drainage master planning.

I. Surrounding land uses:  
The project is surrounded on the north by existing ranchettes, to the east by existing single-family homes, and to the south and west by agricultural land designated in the Specific Plan for residential development.

J. Other public agencies whose approval is required:  
None

III. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS

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

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Fairview Village Specific Plan Final Focused EIR:

1. Traffic and Circulation Needs

Impacts to traffic and circulation are discussed on pages 18 through 42 of the Fairview Village Specific Plan Final Focused EIR. The approved subdivision is consistent with the Fairview Village Specific Plan in land use and intensity, and will have access to adjacent streets consistent with the Specific Plan. This development agreement will not affect the traffic and circulation design of the subdivision. Therefore, the traffic generation from this development is consistent with the assumptions in the EIR, and there would be no change needed to this section of the EIR.

2. Degradation of Air Quality

Impacts to air quality are analyzed on pages 43 through 47 of the Fairview Village Specific Plan Final Focused EIR. Air quality impacts are directly related to traffic impacts for this project, as automobile exhaust emissions account for the vast majority of impacts to air quality in a residential development. Since the traffic impacts are consistent with those analyzed in the EIR, the air quality impacts are also consistent with those analyzed in the EIR.
3. **Noise**

Noise impacts are analyzed on pages 48 through 54 of the Fairview Village Specific Plan Focused EIR. The Galas Brothers subdivision is consistent with the Fairview Village Specific Plan in land use and intensity, and will have sound a wall along Hatch Road. The development agreement does not affect the land use, intensity or layout of the subdivision. Therefore, there would be no change needed to this section of the EIR.

4. **Loss of Productive Agricultural Land**

Loss of productive agricultural land is analyzed on pages 55 through 59 of the Fairview Village Specific Plan Focused EIR. The Galas Brothers subdivision is consistent with the Specific Plan in land use and intensity. Therefore, there would be no additional impacts to agricultural land with this development agreement, and no change needed to this section of the EIR.

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

Impacts to sensitive wildlife and plant habitat are analyzed on pages 60 through 64 of the Fairview Village Specific Plan Focused EIR. The subdivision is consistent with the Specific Plan in land use, intensity and physical location. Therefore, there would be no additional impacts to sensitive wildlife and plant habitat with this development agreement, and no change needed to this section of the EIR.

6. **Disturbance of Archaeological or Historical Sites**

Impacts to cultural resources are analyzed on pages 65 through 68 of the Fairview Village Specific Plan Focused EIR. The subdivision is consistent with the Specific Plan in land use, intensity and physical location. Therefore, there would be no additional impacts to cultural resources with this development agreement, and no change needed to this section of the EIR.

7. **Increased Demand for Schools**

Demand for schools is analyzed on pages 69 through 73 of the Fairview Village Specific Plan Focused EIR. It concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project would be required to pay these fees, this conclusion remains valid, and no changes are needed to this section of the EIR.

8. **Generation of Hazardous Materials**

Generation of hazardous materials is analyzed on pages 74 through 76 of the Fairview Village Specific Plan Focused EIR. The subdivision is consistent with the Specific Plan in land use and intensity. Because this development agreement would not affect the land use and intensity of the subdivision, no changes are needed to this section of the EIR.

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

The Fairview Village Specific Plan Focused EIR was certified by the Modesto City Council on
December 12, 1995. In the period since then, there has been no significant development in the surrounding area, and physical conditions affecting the subdivision have not changed significantly since then. Therefore, 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 Fairview Village Specific Plan Focused EIR or General Plan Master EIR.

C. 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 Fairview Village Specific Plan Focused EIR was certified by the Modesto City Council on December 12, 1995. Since then, there is no new information, which was not known at the time the Fairview Village Specific Plan Focused EIR was certified, has become available, that would change the conclusions of the EIR.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Fairview Village Specific Plan Focused EIR.

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

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

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

Signature:

Steve Mitchell,
Principal Planner
A RESOLUTION APPROVING AN ACCOUNTING TRANSACTION
ADJUSTMENT MOVING $500,000, PLUS INTEREST, FROM THE PARKING FUND TO THE TENTH STREET PLACE REDEVELOPMENT AGENCY ACCOUNT

WHEREAS, based on documentation that went before the 1997-98 Council, the existing RDA staff believed that the RDA had excess money after all land sales and relocations, and

WHEREAS, in the 1998-99 budget, the City Council accepted a recommendation to reallocate $100,000 to the Police Building, $100,000 to the 911 communication center and $500,000 to the Parking Fund, and

WHEREAS, upon closer review of the process, a final step was needed for the $500,000, requiring an amendment to the original lease, and

WHEREAS, staff is recommending making a correcting transaction, moving the $500,000, plus interest, back into the RDA share of the Tenth Street Place account, and

WHEREAS, once the capital project close out process is complete, a decision can be made as to how these funds should be reallocated, and

WHEREAS, the Finance Committee reviewed the staff report on October 28, 2002, and agreed with Staff’s recommendations to make a correcting transaction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to make a correcting transaction, moving the $500,000, plus interest, from the Parking Fund, to the Tenth Street Place Redevelopment Agency account.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto the 26th of November, 2002 by Councilmember Jackman, who moved its adoption, which motion was duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Keating

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING A TRAFFIC-CALMING PLAN FOR THE
ENCINA/LA LOMA AREA NEIGHBORHOOD AND AUTHORIZING STAFF TO
PROCEED WITH PLANS FOR IMPLEMENTATION AND INSTALLATION OF
PHASE 1 OF THE TRAFFIC-CALMING PLAN

WHEREAS, on April 29, 2002, the City of Modesto Planning Division received a
subdivision map application for the vacant property at the northeast corner of Conejo and
Julian Avenues, and

WHEREAS, as a result of this proposed subdivision, Traffic Engineering staff
requested the connection of Encina Avenue to the east of Conejo along the MID
easement, and

WHEREAS, due to the controversy surrounding this issue, neighborhood
meetings were held, and

WHEREAS, the first neighborhood meeting was held on June 26, 2002, at the La
Loma Junior High School to discuss the proposed Mira Loma subdivision, and at this
meeting, several residents expressed concern about traffic speeding throughout the
neighborhood, and

WHEREAS, as part of the planning process for the development of the
Traffic-Calming Plan, City staff met several times with the Encina/La Loma area
neighborhood residents to gain input, and

WHEREAS, in response, Traffic Staff has produced a Traffic-Calming Plan
(TCP) for the Encina/La Loma Neighborhood which includes the area bounded by Miller
Avenue to the south, east Edgebrook to the north, El Vista to the east, and La Loma
Avenue as the west boundary. Existing traffic volumes and reported collisions on all
street segments and intersections in this boundary area were considered in developing the
Encina/La Loma Neighborhood TCP, a copy of which is attached hereto as Exhibit “A”, and

[RESCINDED]

11/26/02/E&T/F Vohra
WHEREAS, for the October 16 meeting, a notice was sent to approximately 1750 Encina/La Loma area residents south of Edgebrook, north of Yosemite, west of El Vista, and east of La Loma, and

WHEREAS, on November 14, 2002, the Economic Development Committee recommended approval of the proposed Traffic-Calming Plan and authorized staff to seek approval of the Traffic-Calming Plan from the City Council, and

WHEREAS, following a public hearing on November 18, 2002, regarding the proposed Traffic-Calming Plan, the Planning Commission recommended adoption of the Traffic-Calming Plan, and

WHEREAS, the City Council reviewed and considered the draft Traffic-Calming Plan on November 26, 2002.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves proceeding with the implementation of Encina/La Loma Neighborhood Traffic-Calming Plan.

BE IT FURTHER RESOLVED that the Council hereby authorizes staff to proceed with plans for implementation and installation of Phase I of the Traffic-Calming Plan with the deletion of the proposed roundabout at Encina and Las Palmas.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on 26th of November, 2002 by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
ENCINA/LA LOMA NEIGHBORHOOD
TRAFFIC CALMING PLAN REPORT

NOVEMBER 14, 2002
Engineering & Transportation Department
City of Modesto
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INTRODUCTION

On April 29, 2002, the City of Modesto Planning Division received a subdivision map application for the Mira Loma Subdivision project (vacant property at the northeast corner of Conejo and Julian Avenues). As a result of this proposed subdivision, Traffic Engineering staff requested the connection of Encina Avenue to the east of Conejo along the MID easement. Currently, Encina Avenue terminates at Conejo Avenue immediately northeast of La Lorna Junior High School.

Due to the controversy surrounding this issue, neighborhood meetings were held. Neighborhood residents involved believe that there is a speeding problem in the La Loma area that needs to be addressed regardless of the outcome of the development application for the Mira Loma Subdivision.

The purpose of this report is to address the traffic calming needs of the Encina/La Loma area.

NEIGHBORHOOD CONDITIONS

The proposed Encina/La Loma Neighborhood Traffic-Calming Plan (TCP) includes the area bounded by Miller Avenue to the south, east Edgebrook and Encina to the north, El Vista to the east, and La Loma Avenue as the west boundary (as shown in Figure 1 below).

Figure 1: Map showing boundaries of the Encina/La Loma Neighborhood.
The Encina/La Loma Neighborhood primarily consists of single family residential and some multi-family residential. Construction of certain streets within the La Loma area neighborhood occurred prior to its annexation within the City. While some of the development occurred after City annexation, the older standards of that day are rendered obsolete and have been updated. Therefore the streets and sidewalks within this neighborhood do not meet the current City Standards. Because of this, many streets are narrower than current City Standards and lack sidewalks, thus forcing children to walk in the roadway. Figure-2 below shows students walking south on Rosina, behind the children in this picture is a car heading northbound.

Schools in the Neighborhood
There are two schools in the Encina/La Loma Neighborhood, La Loma Junior High School, and Wilson Elementary School.

La Loma Junior High School fronts Encina Avenue between Rosina and Conejo and was built around 50 years ago. Approximately 1050 students attend this school, between the ages 12 and 14 (grades 7-8). Students attending La Loma Jr. High come from an area bordered by McHenry, Briggsmore, Riverside/Lakewood, and south to the river. It draws students from the following elementary schools:

- Orville Wright Elementary School
- Wilson Elementary School
- El Vista Elementary School
- Lakewood Elementary School
- Sonoma Elementary School
- Rose Avenue Elementary School
- John Muir Elementary School
According to the administration of La Loma Jr. High, busing is available for students who live more than 1½ miles from school. Currently, there are 6 buses each day that shuttle students to and from the Jr. High school. Busing is unavailable for students south of the La Loma Jr. High school, and therefore most students from this area must either walk, ride bicycles, or are dropped off by car. The schools administration explained that drop-off and pick-up congestion is a serious problem during the AM and afternoon peak periods, and it that frequently results in gridlock.

Wilson Elementary School was built in 1972, and is approximately 30 years old. It is located south of La Loma and west of Santa Ana. Currently there is an approximate enrollment of 396 students comprised of 50 preschool students (ages 3-4) and 346 students in grades K-6. Students attending Wilson Elementary School come from an irregularly bordered area of Edgebrook to the north, South Santa Cruz to the south, the downtown area (9th Street) to the west, and Rosina to the east.

Currently, there is only one school bus serving Wilson Elementary School each day. Due to the young age of the students attending this school, most children are dropped off and picked up by their parents. Drop-off and pick-up congestion is a concern for the school administration, particularly with parents stopping in the middle of the roadway or calling their children across Pequeno and Santa Ana Avenues.

**TRAFFIC CONDITIONS**

To better understand the traffic conditions in the Encina/La Loma area staff conducted an analysis based on neighborhood existing and projected traffic volumes, traffic patterns, traffic speeds, and traffic collision data. Traffic Engineering staff developed the proposed Traffic Calming Plan (TCP) for the Encina/La Loma area neighborhoods using this data. Following are our findings of the traffic conditions:

**Traffic Volumes**

Using the City Traffic Model, Traffic staff projected the future traffic based on two options, 1) Encina connected, and 2) Encina left unconnected. Staff used these projections as a basis for the creation of the proposed TCP. The existing and projected volumes are shown in Exhibits 1-3. From the exhibits, traffic on streets such as Roble and Conejo is going to increase. In Exhibit 2, traffic is projected with Encina connected. With the connection, Encina will see an increase of traffic from 22% to 192% in certain sections. Without Encina connected, Roble will increase as much as 370% in one section and 8% in another, Haddon, Miller, and La Loma will all see increases.

**Traffic Patterns**

Currently, Encina Avenue terminates at Conejo Avenue immediately northeast of La Loma Junior High School. There is a missing segment of roadway between this point and Phoenix Avenue to the east.

Because of this gap, traffic coming from the area must zigzag through numerous residential streets that were not designed for this function. This traffic flow pattern has been in operation for many years.

Residents who live east of El Vista use a circuitous route to drop children off at schools, or to get to and from work, shopping, and entertainment (movies) in the downtown area.
Traffic Speeds and Accident Analysis

The community meetings made it apparent that speeding was a major concern for the neighborhood. According to the Modesto Police Department, since January 1, 2002 to November 1, 2002, there have been 80 speeding citations issued on Encina Avenue alone.

Staff compared various intersections in the Encina/La Loma Neighborhood and reviewed their three-year collision data. Currently, the Edgebrook/El Vista intersection is controlled with stop signs on both sides of Edgebrook stopping on El Vista. Due to the close proximity of the Encina/El Vista intersection with the Edgebrook/El Vista, Edgebrook is not planned for a signal. The accident analysis at Edgebrook shows that the collision rate at Edgebrook and El Vista is above average. Primary movements involved in the collision patterns are the left turn movements in and out of Edgebrook.

At Encina and El Vista, similar types of collisions also exist. The proposed TCP includes the addition of a left-turn phase off of El Vista at Encina. With the addition of a left-turn phase on El Vista at Encina, the safety of the left turning traffic movement through this intersection will improve. Exhibits 4 & 5 show the collision diagrams for the El Vista/Encina and El Vista/Edgebrook intersections.

COMMUNITY INPUT

The neighbors requested staff to evaluate potential traffic calming measures for various streets in their neighborhood. Staff has successfully worked with neighborhoods in the past to jointly create viable traffic calming measures rather than making a unilateral staff proposal. City staff worked with the Encina/La Loma area neighborhoods in evaluating various traffic-calming measures tailored for specific intersections and street sections, and jointly developed a Traffic Calming Plan (TCP).

As part of the planning process for the development of the traffic-calming plan, City staff met several times with the Encina/La Loma area neighborhood residents to gain input. Following are the dates the meetings occurred:

- The first neighborhood meeting was held on June 26, 2002, at the La Loma Junior High School. There were over 200 residents in attendance.

- Staff’s recommendation at the August 26 Planning Commission meeting was to connect Encina through. At that meeting, the Planning Commission saw a need for alternative plans and denied the application.

- Subsequent to the Planning Commission Meeting, staff met with the La Loma area neighborhoods.

- On September 16, at their request, we met with a group of Encina representatives. At this meeting, the group expressed concerns that traffic speeding was already prevalent throughout the neighborhood. They felt that speeding problems would be exacerbated with any connection of Encina. The residents requested a comprehensive traffic-calming plan for the neighborhood.

- On September 30, we met with the same group of neighborhood representatives, as well as the residents of Julian Avenue. We specifically added Julian Avenue residents because we
knew there would be impacts on Julian Avenue based upon the new application by the developer.

- For the October 16 meeting, a notice was sent to approximately 1750 La Loma area residents south of Edgebrook, north of Yosemite, west of El Vista, and east of La Loma. Fifty people attended this meeting.

**Following are the concerns and comments expressed by residents at the neighborhood meetings:**

- Traffic speeds
- Quality of life for existing homeowners – this is a special, unique neighborhood
- Safety of school children (proximity to La Loma Junior High School), pedestrians, and bicyclists
- Noise generated by additional traffic
- La Loma Bridge is already a bottleneck. Connecting Encina will increase traffic in the area, creating a bigger bottleneck.
- Scenic and Yosemite are four lane roads leading into/out of the downtown area. Opening Encina would create a short cut for motorists.
- Opening Encina would create a direct route through the area and relieve traffic on the residential side streets (Seagull, Cormorant, Edgebrook, and Roble).
- Open to better serve the school
- Opening Encina will help divert traffic from Miller Avenue
- Opening Encina is more equitable solution for area residents
- More direct access for Police Department and Fire Department
- Will eliminate zigzag traffic through the area residential streets – The traffic is already here.

**TRAFFIC-CALMING PLAN**

The proposed TCP consists of recommendations to install speed cushions, roundabouts, fog line striping, centerline striping, fluorescent green pedestrian crossing signs, lighted crosswalks, all-way stop signs, and traffic signal modifications. These devices are recommended to best fit the specific traffic needs and suitability of the locations. For example, a roundabout would only fit at certain locations given the need for extra right-of-way, and a speed cushion would serve at its best if placed a certain distance away from another traffic speed control feature.

This proposed TCP has evolved through three separate discussions with various representatives from the neighborhood. The last discussion was on October 16, 2002, at the Modesto Center Plaza where approximately 1750 households within the area were invited.

The estimated cost of the proposed TCP is $533,000; currently this cost is not budgeted. Staff is exploring various funding sources, which may include General Fund, CMAQ grants, Safe Routes to School grants, Modesto City School participation, etc. Due to the high cost of these traffic-calming measures and the necessity of obtaining funding, staff envisions a phased implementation of this project.

Staff developed a draft TCP and shared it with the neighborhood representatives in meetings held on September 16, September 30, and October 16. Attached Exhibit 6 shows the draft TCP.
The main elements of this plan are as follows:
- Speed Cushions
- Striping Upgrades
- Signing Upgrades
- All-way Stop Signs
- Roundabouts
- Lighted Crosswalks
- Traffic Signal Modifications

**Speed Cushions**
A speed cushion is simply a derivative of the speed hump currently in use within the city of Modesto. The length and height of a cushion are similar to that of the hump but differ in width. Speed cushions are typically narrower than a hump and are designed so emergency vehicles can straddle them at high speeds with little discomfort. An example of a speed cushion can be found in Figure 3.

Recently, Modesto hosted a speed cushion demonstration by a vendor. City Fire and Police staff was able to “test” a speed cushion with their emergency vehicles. The feedback from Fire and Police Departments regarding these speed cushions was favorable.

The proposed TCP includes the use of speed cushions at 6 locations (as shown exhibit 6 in blue). The locations are as follows:

1. Miller Avenue, mid-block between Covena Avenue and Camellia Way.
2. Haddon Avenue, mid-block between Rowland Avenue and Covena Avenue.
3. Roble Avenue, mid-block between Rowland Avenue and Covena Avenue.
4. Encina Avenue, mid-block between Covena Avenue and Camellia Way.
5&6. Edgebrook Drive, in two locations between Oakbrook Drive and Oak View Court.

**Striping Upgrades**
Striping upgrades are planned on Encina to define the roadway and control speeds. The picture shown in figure-4 shows a similar Modesto street (Wylie Drive), where the combination of a new centerline and fog lines helps to calm traffic. By striping the centerline and fog line, a perception created that the effective roadway width is narrower. The motorists feel confined and tend to lower their speeds. Thus helping to achieve the desired effect, i.e. slower travel speed and hence “traffic calming.”

*Figure 3: Picture showing fire truck straddling a speed cushion*

*Figure 4: Picture showing potential striping upgrades. (Centerline and fog line striping)*
Signing Upgrades

Figure 5 shows a fluorescent green pedestrian sign. The proposed TCP includes replacement of the existing pedestrian signs in the Encina/La Loma Neighborhood with this highly reflective fluorescent green pedestrian signs. These new signs have a much higher reflectivity and target values. They are visible from further distances, and during darker periods, i.e. early mornings and foggy conditions. The change in sign color helps increase driver awareness of potential pedestrians. The proposed TCP will replace existing pedestrian signs with fluorescent pedestrian signs throughout the neighborhood.

All-Way Stops

The purpose of stop signs is to assign the right-of-way at an intersection. All-way stops are installed based on certain traffic criteria. The guidelines are set by the California Department of Transportation (CALTRANS) Traffic Manual and the Federal Manual on Uniform Traffic Control Devices. The criteria are based on traffic volumes, accidents, and delay to motorists. The plan includes all-way stops at the intersections of Conejo/Miller and Conejo/Julian. All-way stop signs can be justified at these locations due to the close proximity of schools.

Roundabouts

An existing roundabout is in place and functioning effectively at the La Loma, G, and James Streets intersection. At the request of the residents of the Encina/La Loma Neighborhood, staff looked into the possibility of installing roundabouts at the two potential intersections. Roundabouts are planned at the intersections of La Loma/Buena Vista, and Edgebrook/Buena Vista. It is staff’s opinion that these are excellent locations for roundabouts due to their intersection widths. The Edgebrook/Buena Vista intersection is built around a park and has adequate right-of-way for the roundabout. The La Loma/Buena Vista intersection is also wide enough to fit in a standard roundabout.
Lighted Crosswalks

Figure 7: Image showing proposed lighted crosswalks.

To date the City has had success at increasing drivers' awareness of pedestrians with the use of lighted crosswalks. The City has six existing lighted crosswalks; four around Modesto Junior College, one on Scenic Drive, and one on Florida Avenue. The proposed TCP includes the installation of a lighted crosswalk on Encina Avenue at Seagull Way. We are currently working with area schools, to solicit their feedback for other potential locations.

Signal Modifications

The proposed TCP includes the modification of the traffic signal at El Vista and Encina. This modification includes the addition of a left turn phase for the north/south traffic on El Vista. This additional phase will allow vehicles to make a protected left turn during every signal cycle. It is anticipated that the signal modification will have a positive impact on the collision rate at El Vista and Edgebrook, as motorists will choose to make turns at the signalized intersection of El Vista at Encina.

IMPLEMENTATION STRATEGY COST ESTIMATES:

The proposed TCP is anticipated to cost approximately $533,000 (see Exhibit 7). Due to the high cost involved, staff envisions a phased implementation of this project. Staff proposes to construct the TCP in three separate phases.

The construction phasing excludes the signal modification at El Vista and Encina Avenues. The signal modifications are taking place as part of a CMAQ project, which will cost $80,000. We are currently in the design process for this portion of the plan.

Phase 1

Phase 1 is an immediate response to calm existing traffic in the Encina/La Loma Neighborhood. These changes can be implemented within a matter of months. This phase consists of installing three speed cushions: one on Encina Avenue, and two on Edgebrook Drive. It also includes striping and signing upgrades previously described. The cost for this phase of the project is estimated at $36,000. Construction of this phase is proposed for the fiscal year 2002/2003.

Phase 2

Phase 2 includes the installation of one roundabout, the addition of a roadway section, and a lighted crosswalk. The roundabout construction is planned at Edgebrook Drive and Buena Vista Avenue. The Mira Loma development will connect Encina from N. Conejo to the alley east of
Fusco. A piece of Encina between the alley east of Fusco and the alley east of San Juan will still remain unfinished. This missing section would be the City’s responsibility to finish. Speed cushions are planned on Roble, Haddon, and Miller. A lighted crosswalk installation is planned in front of La Loma Jr. High, at the intersection of Encina and Seagull Way. The design and construction of this phase will cost approximately $365,000 and it can be programmed for fiscal year 2003/2004.

**Phase 3**

Phase 3 includes the second roundabout, as well as miscellaneous signing and striping. The intersection of and La Loma and Buena Vista is the planned site for this second roundabout installation. There will be some miscellaneous signing and striping associated with the roundabout construction. This third phase of the TCP will cost approximately $132,000, and is slated for fiscal year 2005/2006.

**CONCLUSION**

Staff believes the proposed Traffic Calming Plan (TCP) best fits the specific traffic needs and character of the Encina/La Loma Neighborhood. It represents input from several neighborhood meetings, and takes into consideration their concern for traffic speeds, accident history, current and projected traffic volumes. It uses various accepted methods of traffic calming to accomplish our mutual objective of increased safety throughout the community. This proposed TCP aids in spreading the traffic load on to several street alignments rather than letting traffic concentrate on one alignment (i.e., Encina Avenue).
33 Accidents

Edgebrook Dr & El Vista Ave
01/01/95 - 12/27/01

(clear filter), (0) accidents with insufficient data for display

- Straight
- Stopped
- Unknown
- Backing
- Overtaking
- Sideswipe
- Pedestrian
- Bicycle
- Out of control
- Right turn
- Left turn
- U-turn
- Fixed objects:
- Parked
- Erratic
- General
- Pedestrian
- Bicycle
- Injury
- Fatality
- Nighttime
- DUI
- 3rd vehicle
- Extra data

City of Valencia, CA 05/24/2001

Intersection Magic-Pr Programming 1995, 2000
EXHIBIT 5

El Vista Ave & Encina Ave
01/01/95 - 12/27/01

46 Accidents

(clear filter), (0) accidents with insufficient data for display

- Straight
- Stopped
- Unknown
- Backing
- Overtaking
- Sideswipe

- Parked
- Erratic
- Out of control
- Right turn
- Left turn
- U-turn

- Pedestrian
- Bicycle
- Injury
- Fatality
- Nighttime
- DUI

- Fixed objects:
- General
- Pole
- Signal
- Curb
- Tree
- Animal
- 3rd vehicle
- Extra data
ENCINA / LA LOMA NEIGHBORHOOD
TRAFFIC CALMING PLAN

LEGEND

V YIELD
O STOP
D PROPOSED STOP

PROPOSED SPEED CUSHIONS
EXISTING SPEED HUMP
SIGNAL
ROUNDABOUT

ADDITIONAL POTENTIAL
TRAFFIC CALMING MEASURES

1. NEW CENTER LINES AND NO LINES ON ENCINA AVENUE.
2. INSTALL CROSSWALK ON ENCINA AND SEABREEZE.
3. REPLACE PEDESTRIAN SIGNS WITH FLUORESCENT GREEN SCHOOL CROSSING SIGNS.
EXHIBIT 7

ENGINEER'S ESTIMATE
Encina/La Lorna Traffic Calming Plan

PHASE I

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Subtotal Contract Items Phase I: $33,000.00
Contingencies: $3,000.00

Phase I Contract Total: $36,000.00

PHASE II

AREA CALC; STREET LENGTH 320 FT
WIDTH 56 FT

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Phase II Contract Total: $365,000

Distribution: (1) Original + 4 copies - Caltrans District Local Assistance Engineer - (2) Copy: Local Agency Project File
**PHASE III**

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Subtotal Contract Items Phase I: $117,000.00
Contingencies: $8,000.00
Construction Engineering: $7,000.00

**Phase III Contract Total:** $132,000.00

**PROJECT TOTAL PHASES I, II, and III** $533,000.00
A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS
CONSISTENT WITH THE SCOPE OF THE MODESTO URBAN AREA
GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO.
92052017)

WHEREAS, the Modesto City Council has adopted Resolution No. 95-408
certifying that the Modesto Urban Area General Plan Master Environmental Impact
Report ("EIR") (State Clearing House No. 92052017) is complete and adequate pursuant
to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, on April 29, 2002, the City of Modesto Planning Division
received a subdivision map application for the vacant property at the northeast corner of
Conejo and Julian Avenues, and

WHEREAS, as a result of this proposed subdivision, Traffic Engineering staff
requested the connection of Encina Avenue from Phoenix Avenue to west of San Juan
Drive, (hereinafter the "Project"), and

WHEREAS, due to the controversy surrounding this issue, neighborhood
meetings were held, and

WHEREAS, the first neighborhood meeting was held on June 26, 2002, at the
La Loma Junior High School to discuss the proposed Mira Loma subdivision, and at this
meeting, several residents expressed concern about traffic speeding throughout the
neighborhood, and

WHEREAS, as part of the planning process for the development of the
Traffic-Calming Plan, City staff met several times with the Encina/La Loma area
neighborhood residents to gain input, and
WHEREAS, in response, Traffic Staff has produced a Traffic-Calming Plan (TCP) for the Encina/La Loma Neighborhood which includes the area bounded by Miller Avenue to the south, east Edgebrook to the north, El Vista to the east, and La Loma Avenue as the west boundary. Existing traffic volumes and reported collisions on all street segments and intersections in this boundary area were considered in developing the Encina/La Loma Neighborhood TCP, a copy of which is attached hereto as Exhibit "A", and

WHEREAS, for the October 16 meeting, a notice was sent to approximately 1750 Encina/La Loma area residents south of Edgebrook, north of Yosemite, west of El Vista, and east of La Loma, and

WHEREAS, on November 14, 2002, the Economic Development Committee recommended approval of the proposed Traffic-Calming Plan and authorized staff to seek approval of the Traffic-Calming Plan from the City Council, and

WHEREAS, following a public hearing on November 18, 2002, regarding the proposed Traffic-Calming Plan, the Planning Commission recommended adoption of the Traffic-Calming Plan, and

WHEREAS, the City Council reviewed and considered the draft Traffic-Calming Plan on November 26, 2002.

WHEREAS, the staff has reviewed the proposed Project to determine if said Project might have a significant effect on the environment as set forth in Environmental Assessment EA/ET 2002-61, and

WHEREAS, pursuant to Environmental Assessment EA/ET 2002-61, staff has determined that the proposed Project is within the scope of the Modesto Urban Area
General Plan Master EIR (SCH No. 92052017, that the Environmental Assessment adequately describes the proposed Project for purposes of CEQA, and that the potential impacts of the proposed Project has been adequately addressed in the EIR.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council hereby makes the following findings:

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

2. The Project will have no new effects that were not examined in the Modesto Urban Area General Plan Master EIR and no new mitigation measures would be required.

3. There are no substantial changes proposed in the Project that will require major revisions of the Modesto Urban Area General Plan Master 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 of the Modesto Urban Area General Plan Master EIR.

5. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Modesto Urban Area General Plan Master EIR was certified as complete, has become available.

6. As per sections 15162 and 15177 of the CEQA Guidelines, this activity is within the scope of the Projects covered by the Modesto Urban Area General Plan Master EIR and no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

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

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

9. This Initial Study provides substantial evidence to support findings 1 through 8 above.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  
MICHAEL D. MILICH, City Attorney
EXHIBIT A
ENCINA/LA LOMA NEIGHBORHOOD
TRAFFIC CALMING PLAN REPORT

NOVEMBER 14, 2002

Engineering & Transportation Department
City of Modesto
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INTRODUCTION

On April 29, 2002, the City of Modesto Planning Division received a subdivision map application for the Mira Loma Subdivision project (vacant property at the northeast corner of Conejo and Julian Avenues). As a result of this proposed subdivision, Traffic Engineering staff requested the connection of Encina Avenue to the east of Conejo along the MID easement. Currently, Encina Avenue terminates at Conejo Avenue immediately northeast of La Loma Junior High School.

Due to the controversy surrounding this issue, neighborhood meetings were held. Neighborhood residents involved believe that there is a speeding problem in the La Loma area that needs to be addressed regardless of the outcome of the development application for the Mira Loma Subdivision.

The purpose of this report is to address the traffic calming needs of the Encina/La Loma area.

NEIGHBORHOOD CONDITIONS

The proposed Encina/La Loma Neighborhood Traffic-Calming Plan (TCP) includes the area bounded by Miller Avenue to the south, east Edgebrook and Encina to the north, El Vista to the east, and La Loma Avenue as the west boundary (as shown in Figure 1 below).

Figure 1: Map showing boundaries of the Encina/La Loma Neighborhood.
The Encina/La Loma Neighborhood primarily consists of single family residential and some multi-family residential. Construction of certain streets within the La Loma area neighborhood occurred prior to its annexation within the City. While some of the development occurred after City annexation, the older standards of that day are rendered obsolete and have been updated. Therefore the streets and sidewalks within this neighborhood do not meet the current City Standards. Because of this, many streets are narrower than current City Standards and lack sidewalks, thus forcing children to walk in the roadway. Figure-2 below shows students walking south on Rosina, behind the children in this picture is a car heading northbound.

Figure 2: Photo taken at La Loma Jr. High. Looking south on Rosina.

Schools in the Neighborhood
There are two schools in the Encina/La Loma Neighborhood, La Loma Junior High School, and Wilson Elementary School.

La Loma Junior High School fronts Encina Avenue between Rosina and Conejo and was built around 50 years ago. Approximately 1050 students attend this school, between the ages 12 and 14 (grades 7-8). Students attending La Loma Jr. High come from an area bordered by McHenry, Briggsmore, Riverside/Lakewood, and south to the river. It draws students from the following elementary schools:

- Orville Wright Elementary School
- Wilson Elementary School
- El Vista Elementary School
- Lakewood Elementary School
- Sonoma Elementary School
- Rose Avenue Elementary School
- John Muir Elementary School
According to the administration of La Loma Jr. High, busing is available for students who live more than 1½ miles from school. Currently, there are 6 buses each day that shuttle students to and from the Jr. High school. Busing is unavailable for students south of the La Loma Jr. High school, and therefore most students from this area must either walk, ride bicycles, or are dropped off by car. The schools administration explained that drop-off and pick-up congestion is a serious problem during the AM and afternoon peak periods, and it frequently results in gridlock.

Wilson Elementary School was built in 1972, and is approximately 30 years old. It is located south of La Loma and west of Santa Ana. Currently there is an approximate enrollment of 396 students comprised of 50 preschool students (ages 3½-4) and 346 students in grades K-6. Students attending Wilson Elementary School come from an irregularly bordered area of Edgbrook to the north, South Santa Cruz to the south, the downtown area (9th Street) to the west, and Rosina to the east.

Currently, there is only one school bus serving Wilson Elementary School each day. Due to the young age of the students attending this school, most children are dropped off and picked up by their parents. Drop-off and pick-up congestion is a concern for the school administration, particularly with parents stopping in the middle of the roadway or calling their children across Pequeno and Santa Ana Avenues.

**TRAFFIC CONDITIONS**

To better understand the traffic conditions in the Encina/La Loma area staff conducted an analysis based on neighborhood existing and projected traffic volumes, traffic patterns, traffic speeds, and traffic collision data. Traffic Engineering staff developed the proposed Traffic Calming Plan (TCP) for the Encina/La Loma area neighborhoods using this data. Following are our findings of the traffic conditions:

**Traffic Volumes**

Using the City Traffic Model, Traffic staff projected the future traffic based on two options, 1) Encina connected, and 2) Encina left unconnected. Staff used these projections as a basis for the creation of the proposed TCP. The existing and projected volumes are shown in Exhibits 1-3. From the exhibits, traffic on streets such as Roble and Conejo is going to increase. In Exhibit 2, traffic is projected with Encina connected. With the connection, Encina will see an increase of traffic from 22% to 192% in certain sections. Without Encina connected, Roble will increase as much as 370% in one section and 8% in another, Haddon, Miller, and La Loma will all see increases.

**Traffic Patterns**

Currently, Encina Avenue terminates at Conejo Avenue immediately northeast of La Loma Junior High School. There is a missing segment of roadway between this point and Phoenix Avenue to the east.

Because of this gap, traffic coming from the area must zigzag through numerous residential streets that were not designed for this function. This traffic flow pattern has been in operation for many years.

Residents who live east of El Vista use a circuitous route to drop children off at schools, or to get to and from work, shopping, and entertainment (movies) in the downtown area.
Traffic Speeds and Accident Analysis

The community meetings made it apparent that speeding was a major concern for the neighborhood. According to the Modesto Police Department, since January 1, 2002 to November 1, 2002, there have been 80 speeding citations issued on Encina Avenue alone.

Staff compared various intersections in the Encina/La Loma Neighborhood and reviewed their three-year collision data. Currently, the Edgebrook/El Vista intersection is controlled with stop signs on both sides of Edgebrook stopping on El Vista. Due to the close proximity of the Encina/El Vista intersection with the Edgebrook/El Vista, Edgebrook is not planned for a signal. The accident analysis at Edgebrook shows that the collision rate at Edgebrook and El Vista is above average. Primary movements involved in the collision patterns are the left turn movements in and out of Edgebrook.

At Encina and El Vista, similar types of collisions also exist. The proposed TCP includes the addition of a left-turn phase off of El Vista at Encina. With the addition of a left-turn phase on El Vista at Encina, the safety of the left turning traffic movement through this intersection will improve. Exhibits 4 & 5 show the collision diagrams for the El Vista/Encina and El Vista/Edgebrook intersections.

COMMUNITY INPUT

The neighbors requested staff to evaluate potential traffic calming measures for various streets in their neighborhood. Staff has successfully worked with neighborhoods in the past to jointly create viable traffic calming measures rather than making a unilateral staff proposal. City staff worked with the Encina/La Loma area neighborhoods in evaluating various traffic-calming measures tailored for specific intersections and street sections, and jointly developed a Traffic Calming Plan (TCP).

As part of the planning process for the development of the traffic-calming plan, City staff met several times with the Encina/La Loma area neighborhood residents to gain input. Following are the dates the meetings occurred.

- The first neighborhood meeting was held on June 26, 2002, at the La Loma Junior High School. There were over 200 residents in attendance.

- Staff’s recommendation at the August 26 Planning Commission meeting was to connect Encina through. At that meeting, the Planning Commission saw a need for alternative plans and denied the application.

- Subsequent to the Planning Commission Meeting, staff met with the La Loma area neighborhoods.

- On September 16, at their request, we met with a group of Encina representatives. At this meeting, the group expressed concerns that traffic speeding was already prevalent throughout the neighborhood. They felt that speeding problems would be exacerbated with any connection of Encina. The residents requested a comprehensive traffic-claming plan for the neighborhood.

- On September 30, we met with the same group of neighborhood representatives, as well as the residents of Julian Avenue. We specifically added Julian Avenue residents because we
knew there would be impacts on Julian Avenue based upon the new application by the developer.

- For the October 16 meeting, a notice was sent to approximately 1750 La Loma area residents south of Edgebrook, north of Yosemite, west of El Vista, and east of La Loma. Fifty people attended this meeting.

Following are the concerns and comments expressed by residents at the neighborhood meetings:

- Traffic speeds
- Quality of life for existing homeowners – this is a special, unique neighborhood
- Safety of school children (proximity to La Loma Junior High School), pedestrians, and bicyclists
- Noise generated by additional traffic
- La Loma Bridge is already a bottleneck. Connecting Encina will increase traffic in the area, creating a bigger bottleneck.
- Scenic and Yosemite are four lane roads leading into/out of the downtown area. Opening Encina would create a short cut for motorists.
- Opening Encina would create a direct route through the area and relieve traffic on the residential side streets (Seagull, Cormorant, Edgebrook, and Roble).
- Open to better serve the school
- Opening Encina will help divert traffic from Miller Avenue
- Opening Encina is more equitable solution for area residents
- More direct access for Police Department and Fire Department
- Will eliminate zigzag traffic through the area residential streets — The traffic is already here.

**TRAFFIC-CALMING PLAN**

The proposed TCP consists of recommendations to install speed cushions, roundabouts, fog line striping, centerline striping, fluorescent green pedestrian crossing signs, lighted crosswalks, all-way stop signs, and traffic signal modifications. These devices are recommended to best fit the specific traffic needs and suitability of the locations. For example, a roundabout would only fit at certain locations given the need for extra right-of-way, and a speed cushion would serve at its best if placed a certain distance away from another traffic speed control feature.

This proposed TCP has evolved through three separate discussions with various representatives from the neighborhood. The last discussion was on October 16, 2002, at the Modesto Center Plaza where approximately 1750 households within the area were invited.

The estimated cost of the proposed TCP is $533,000; currently this cost is not budgeted. Staff is exploring various funding sources, which may include General Fund, CMAQ grants, Safe Routes to School grants, Modesto City School participation, etc. Due to the high cost of these traffic-calming measures and the necessity of obtaining funding, staff envisions a phased implementation of this project.

Staff developed a draft TCP and shared it with the neighborhood representatives in meetings held on September 16, September 30, and October 16. Attached Exhibit 6 shows the draft TCP.
The main elements of this plan are as follows:
- Speed Cushions
- Striping Upgrades
- Signing Upgrades
- All-way Stop Signs
- Roundabouts
- Lighted Crosswalks
- Traffic Signal Modifications

**Speed Cushions**

A speed cushion is simply a derivative of the speed hump currently in use within the city of Modesto. The length and height of a cushion are similar to that of the hump but differ in width. Speed cushions are typically narrower than a hump and are designed so emergency vehicles can straddle them at high speeds with little discomfort. An example of a speed cushion can be found in Figure 3.

Recently, Modesto hosted a speed cushion demonstration by a vendor. City Fire and Police staff was able to “test” a speed cushion with their emergency vehicles. The feedback from Fire and Police Departments regarding these speed cushions was favorable.

The proposed TCP includes the use of speed cushions at 6 locations (as shown exhibit 6 in blue). The locations are as follows:

1 - Miller Avenue, mid-block between Covena Avenue and Camellia Way.
2 - Haddon Avenue, mid-block between Rowland Avenue and Covena Avenue.
3 - Roble Avenue, mid-block between Rowland Avenue and Covena Avenue.
4 - Encina Avenue, mid-block between Covena Avenue and Camellia Way.
5 & 6 - Edgebrook Drive, in two locations between Oakbrook Drive and Oak View Court.

**Striping Upgrades**

Striping upgrades are planned on Encina to define the roadway and control speeds. The picture shown in figure-4 shows a similar Modesto street (Wylie Drive), where the combination of a new centerline and fog lines helps to calm traffic. By striping the centerline and fog line, a perception created that the effective roadway width is narrower. The motorists feel confined and tend to lower their speeds. Thus helping to achieve the desired effect, i.e. slower travel speed and hence “traffic calming.”
Signing Upgrades

Figure 5 shows a fluorescent green pedestrian sign. The proposed TCP includes replacement of the existing pedestrian signs in the Encina/La Loma Neighborhood with this highly reflective fluorescent green pedestrian signs. These new signs have a much higher reflectivity and target values. They are visible from further distances, and during darker periods, i.e. early mornings and foggy conditions. The change in sign color helps increase driver awareness of potential pedestrians. The proposed TCP will replace existing pedestrian signs with fluorescent pedestrian signs throughout the neighborhood.

All-Way Stops

The purpose of stop signs is to assign the right-of-way at an intersection. All-way stops are installed based on certain traffic criteria. The guidelines are set by the California Department of Transportation (CALTRANS) Traffic Manual and the Federal Manual on Uniform Traffic Control Devices. The criteria are based on traffic volumes, accidents, and delay to motorists. The plan includes all-way stops at the intersections of Conejo/Miller and Conejo/Julian. All-way stop signs can be justified at these locations due to the close proximity of schools.

Roundabouts

An existing roundabout is in place and functioning effectively at the La Loma, G, and James Streets intersection. At the request of the residents of the Encina/La Loma Neighborhood, staff looked into the possibility of installing roundabouts at the two potential intersections. Roundabouts are planned at the intersections of La Loma/Buena Vista, and Edgebrook/Buena Vista. It is staff’s opinion that these are excellent locations for roundabouts due to their intersection widths. The Edgebrook/Buena Vista intersection is built around a park and has adequate right-of-way for the roundabout. The La Loma/Buena Vista intersection is also wide enough to fit in a standard roundabout.
Lighted Crosswalks

Figure 7: Image showing proposed lighted crosswalks.

To date the City has had success at increasing drivers' awareness of pedestrians with the use of lighted crosswalks. The City has six existing lighted crosswalks; four around Modesto Junior College, one on Scenic Drive, and one on Florida Avenue. The proposed TCP includes the installation of a lighted crosswalk on Encina Avenue at Seagull Way. We are currently working with area schools, to solicit their feedback for other potential locations.

Signal Modifications

The proposed TCP includes the modification of the traffic signal at El Vista and Encina. This modification includes the addition of a left turn phase for the north/south traffic on El Vista. This additional phase will allow vehicles to make a protected left turn during every signal cycle. It is anticipated that the signal modification will have a positive impact on the collision rate at El Vista and Edgebrook, as motorists will choose to make turns at the signalized intersection of El Vista at Encina.

IMPLEMENTATION STRATEGY COST ESTIMATES:

The proposed TCP is anticipated to cost approximately $533,000 (see Exhibit 7). Due to the high cost involved, staff envisions a phased implementation of this project. Staff proposes to construct the TCP in three separate phases.

The construction phasing excludes the signal modification at El Vista and Encina Avenues. The signal modifications are taking place as part of a CMAQ project, which will cost $80,000. We are currently in the design process for this portion of the plan.

Phase 1

Phase 1 is an immediate response to calm existing traffic in the Encina/La Loma Neighborhood. These changes can be implemented within a matter of months. This phase consists of installing three speed cushions: one on Encina Avenue, and two on Edgebrook Drive. It also includes striping and signing upgrades previously described. The cost for this phase of the project is estimated at $36,000. Construction of this phase is proposed for the fiscal year 2002/2003.

Phase 2

Phase 2 includes the installation of one roundabout, the addition of a roadway section, and a lighted crosswalk. The roundabout construction is planned at Edgebrook Drive and Buena Vista Avenue. The Mira Loma development will connect Encina from N. Conejo to the alley east of
Fusco. A piece of Encina between the alley east of Fusco and the alley east of San Juan will still remain unfinished. This missing section would be the City's responsibility to finish. Speed cushions are planned on Roble, Haddon, and Miller. A lighted crosswalk installation is planned in front of La Loma Jr. High, at the intersection of Encina and Seagull Way. The design and construction of this phase will cost approximately $365,000 and it can be programmed for fiscal year 2003/2004.

**Phase 3**

Phase 3 includes the second roundabout, as well as miscellaneous signing and striping. The intersection of and La Loma and Buena Vista is the planned site for this second roundabout installation. There will be some miscellaneous signing and striping associated with the roundabout construction. This third phase of the TCP will cost approximately $132,000, and is slated for fiscal year 2005/2006.

**CONCLUSION**

Staff believes the proposed Traffic Calming Plan (TCP) best fits the specific traffic needs and character of the Encina/La Loma Neighborhood. It represents input from several neighborhood meetings, and takes into consideration their concern for traffic speeds, accident history, current and projected traffic volumes. It uses various accepted methods of traffic calming to accomplish our mutual objective of increased safety throughout the community. This proposed TCP aids in spreading the traffic load on to several street alignments rather than letting traffic concentrate on one alignment (i.e., Encina Avenue).
Based on 1995 Counts

2001-2002 Traffic Counts
EXHIBIT 4

Edgebrook Dr & El Vista Ave
01/01/95 - 12/27/01

33 Accidents

(Clear filter), (0) accidents with insufficient data for display

- Straight
- Stopped
- Unknown
- Backing
- Overtaking
- Sideswipe

- Parked
- Erratic
- Out of control
- Right turn
- Left turn
- U-turn

- Pedestrian
- Bicycle
- Injury
- Fatality
- Nighttime
- DUI

- Fixed objects:
- General
- Pole
- Signal
- Curb
- Tree
- Animal
- Extra data
EXHIBIT 6
ENCINA / LA LOMA NEIGHBORHOOD
TRAFFIC CALMING PLAN

LEGEND

ADDITONAL POTENTIAL TRAFFIC CALMING MEASURES
1. NEW CENTER LINES AND PED LINES ON ENCINA AVE.
2. LIGHTED CROSSWALK ON ENCINA AVE. AT BRADFIT WAY.
3. REPLACE PEDESTRIAN BOOTH WITH FLUORESCENT CROSSWALK SIGNAL.
# Exhibit 7

## Engineer’s Estimate
Encina/La Lorna Traffic Calming Plan

### Phase I

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<th>Item No.</th>
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Subtotal Contract Items Phase I: $33,000.00

Contingencies: $3,000.00

Phase I Contract Total: $36,000.00

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Phase II Contract Total: $365,000

Distribution: (1) Original + 4 copies - Caltrans District Local Assistance Engineer - (2) Copy - Local Agency Project File
## PHASE III

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Subtotal Contract Items Phase I: $117,000.00  
Contingencies: 
Construction Engineering $7,000.00  

Phase III Contract Total: $132,000.00

PROJECT TOTAL PHASES I, II, and III $533,000.00
STATEMENT OF EXEMPTION

To:    ☑ County Clerk
       County of Stanislaus
       From: City of Modesto
       P.O. Box 642
       Modesto, CA 95353

EA/ET No: 2002-36

Project Title: Encina/La Lorna Neighborhood Traffic-Calming Plan

Project Location – Specific: Encina, Roble, Haddon and Miller Avenues will receive speed cushions; Edgebrook/Buena Vista and LaLoma/Buena Vista will receive roundabouts. In addition, a lighted crosswalk will be installed at Encina and Seagull Way.

Project Location – City: Modesto

Project Location – County: Stanislaus

Description of Nature, Purpose, and Beneficiaries of Project: The project will install lighted crosswalks, roundabouts and speed cushions in various sites in the Encina/La Loma Area Neighborhoods.

Name of Public Agency Approving Project: City of Modesto

Name of Person or Agency Carrying Out Project: Dean Phillips, Sr. Civil Engineer
City of Modesto

Exempt Status: (check one)
[ ] Ministerial (Sec. 21080(b)(1); 15268);
[ ] Declared Emergency (Sec. 21080(b)(3); 15269(a));
[ ] Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical 15301 Class 1 (c)
[ ] Other

Reasons Why Project is Exempt:
1. Repair, maintenance, or minor alteration of existing roadways.
2. No increase in capacity will be given as a part of this project.

Contact Person:
Dean Phillips
Area Code/Telephone:
(209) 577-5260

If filed by applicant:
1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☑ No

Date Received for Filing: November 21, 2002

Signature: Dean Phillips
Title Sr. Civil Engineer
I. **PURPOSE**

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

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:**
   Public Hearing - Application No. P-TSM-02-007 by Sutco Construction For a Revised Vesting Tentative Subdivision Map, Mira Loma, to divide 5.1 acres into 25 single-family lots, property located at the northeast corner of N. Conejo and Julian Avenues.

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

C. **Contact person, address and phone number:**
   Brad Wall
   City of Modesto Community Development Department
   1010 10th Street, Suite 3100
   Modesto, CA 95353
   (209) 577-5282

D. **Project Location:**
   Northeast corner of N. Conejo and Julian Avenues.

E. **Project Sponsor:**
   Ridge Sutter
   Sutco Construction
   P.O. Box 3520
   Modesto, CA 95352

F. **General Plan Designation:**
   Residential (R)

G. **Current Zoning:**
   Low Density Residential (R-1)
H. Description of Proposed Project:
This is a review of an application for a revised vesting tentative subdivision map, to divide 5.1 acres into 25 single-family lots, located at the northeast corner of N. Conejo and Julian Avenues. The proposed subdivision would provide an indirect connection of Encina Avenue, through the project site, by extending Fusco Avenue north and completing the Julian Avenue street section west to N. Conejo. The areas surrounding the proposed subdivision are developed with residential uses, except that La Loma Jr. High School exists immediately to the west.

I. Surrounding land uses: (See “H.” above.)

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 (MEIR) for the General Plan. Following is an analysis of how this project conforms to the analysis contained within the MEIR.

A. Traffic and Circulation

The proposed subdivision, which would provide an indirect connection of Encina Avenue through the project site, will not contribute significantly to increased traffic in the neighborhoods surrounding the project site. The proposed development is consistent with the Traffic and Circulation Needs section of the MEIR. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-38) are valid for this project.

B. Degradation of Air Quality

The air quality impacts for the proposed subdivision are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, the proposed subdivision would not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. Therefore, 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 still valid.

C. Generation of Noise

The proposed subdivision is adjacent to and surrounded by urban development. The adjacent developed neighborhood consists of residential uses. No significant noise impacts will be generated as a result of the proposed subdivision, nor will the adjacent neighborhood be impacted as a result of this use. The subdivision would not create additional significant noise impacts, and 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

The project area is located in an urbanized portion of Modesto, and there are no agricultural lands affected by this project. 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

The proposed subdivision is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure (if any) to provide water service to the site. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are still valid.

F. Increased Demand for Sanitary Sewer Services

The proposed subdivision is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure (if any) to provide sanitary sewer service to the project site. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The proposed subdivision is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. Therefore, the Existing Conditions, Impacts Analysis and 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

Because the proposed subdivision would not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid.

I. Drainage, Flooding and Water Quality

The proposed subdivision will not present any new impacts that have not already been addressed in the MEIR. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

J. Increased Demand for Storm Drainage

The proposed subdivision is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure to provide for adequate storm drainage. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are still valid.
K. Increased Demand for Parks and Open Space

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

L. Increased Demand for Schools

The MEIR concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Because the proposed subdivision would be required to pay these fees, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

M. Increased Demand for Police Services

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are still valid.

N. Increased Demand for Fire Services

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are still valid.

O. Generation of Solid Waste

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are still valid.

P. Generation of Hazardous Materials

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-15) are still valid.

Q. Landslides and Seismic Activity

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

The proposed project is consistent with the General Plan in land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

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

2. The project will have no new effects that were not examined in the Modesto Urban Area General Plan Master EIR and no new mitigation measures would be required.

3. There are no substantial changes proposed in the project that will require major revisions of the Modesto Urban Area General Plan Master 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 of the Modesto Urban Area General Plan Master EIR.

5. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Modesto Urban Area General Plan Master EIR was certified as complete, has become available.

6. As per sections 15162 and 15177 of the CEQA Guidelines, this activity is within the scope of the projects covered by the Modesto Urban Area General Plan Master EIR and no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

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

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

9. This Initial Study provides substantial evidence to support findings 1 through 8 above.

Signature:

Brad Wall,
Associate Planner
A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

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

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

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

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

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

Water Quality Control Maintenance Supervisor

As a result of a classification consolidation of the Plant Maintenance Supervisor and Secondary Site Facilities Supervisor, the job specification for Water Quality Control Maintenance Supervisor (Range 432), assigned to the Management and Confidential Bargaining Unit, and shown on attached Exhibit “A”, which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Risk Manager

This classification is being amended as a result of the updating of the job specification in preparation of opening a recruitment. The specification for the classification of Risk Manager, as shown as Exhibit “B”, which is hereby made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.
SECTION 3. CLASSIFICATIONS DELETED. The Position Classification Plan of the City of Modesto is hereby amended to delete the following classifications:

Plant Maintenance Supervisor
Secondary Treatment Facilities Supervisor

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after December 3, 2002.

The forgoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Frohman

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:
By Michael D. Milich, City Attorney
WATER QUALITY CONTROL MAINTENANCE SUPERVISOR

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

DEFINITION

To assign and supervise the work of crews engaged in a variety of wastewater maintenance, compost site operations, ranch maintenance, repair and/or construction work; and to provide staff assistance to higher level management staff.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level supervisory and management staff.

Exercises direct supervision over maintenance and repair staff.

May provide supervision to technical support staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS

Essential and other important responsibilities may include, but are not limited to, the following:

Plan, prioritize, assign, supervise, and review the work of staff involved in the operations, maintenance, repair and reconstruction of City facilities, infrastructure, equipment, grounds, and land.

Assist in estimating and scheduling work to be done and in determining type and quantities needed for such work.

Assist in project management.

Develop and maintain preventative maintenance, asset and equipment inventory programs.

Supervise the use of special equipment involved in maintenance and repair work.

Oversee spraying of pesticides, herbicides, and insecticides.

Coach and evaluate subordinate staff on work performance.
Evaluate maintenance, operations and activities of assigned responsibilities, recommend improvements and modifications; prepare various reports on maintenance, operations and activities.

Assist in developing and administering work unit and/or Division budget.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Coordinate work unit safety program including ensuring that training is provided as appropriate.

Provide training for staff in the full range of maintenance, repair, and construction duties.

Oversee operation of a full range of heavy and light equipment as needed such as backhoes, loaders, dump trucks, and various trucks.

Oversee subordinate staff in the inspection of work sites before, during and after completion to assure such is completed in a satisfactory and thorough manner.

Provide technical advice and assistance to subordinate staff.

Maintain time, material, and equipment use records.

Requisition supplies and materials.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices, equipment and elements of maintenance technology as they relate to the assigned maintenance, construction, operations, and repair activities.
Types and level of maintenance and repair activities generally performed in a wastewater treatment, compost and land disposal program.

Principles of supervision, training, and performance evaluation.

Safe work practices.

Pertinent sections of health safety and labor codes.

Word processing and spreadsheet applications, and Internet usage necessary for job performance.

English composition and technical report writing.

Cost accounting.

Ability to:

Plan, estimate, direct, coordinate, schedule and review the work of others.

Operate and maintain equipment and tools used in the field.

Identify and implement effective courses of action to complete assigned work.

Keep records and make reports.

Supervise, train and evaluate assigned staff.

Communicate clearly and concisely, both orally and in writing.

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

Coordinate work assignments with other divisions, departments, agencies and volunteer groups.

Experience and Training Guidelines:

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

Five years of increasingly responsible experience performing plant maintenance, construction and maintenance work in the assigned area of responsibility, which is either the primary or secondary site, including two years of supervisory or four years of lead or journey responsibility.

Training:

Equivalent to completion of the twelfth grade.

License or Certificate:

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

Possession of a Qualified Applicator Certificate issued by California State Department of Pesticide Regulation Program within one year of appointment.

Possession of a Grade II or higher certification in Mechanical Technologist issued by the California Water Environment Association (CWEA) is desirable.

Possession of a valid Grade II or higher Wastewater Treatment Plant Operation certificate issues by the California State Water Resources Control Board is desirable.

WORKING CONDITIONS

Environmental Conditions:

Field environment, hot and cold temperatures, and inclement weather.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time, and operating vehicles.
RISK MANAGER

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 plan, organize, lead and coordinate the city’s workers’ compensation program, liability and property program, occupational medical program, employee benefits program; to manage and supervise the staff assigned to the Risk Management Division; and to provide highly responsible and complex administrative support to the Personnel Director.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Personnel Director.

Exercises direct supervision over professional, technical and clerical staff.

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

Oversee the development, planning and implementation of the risk management function in support of department goals and objectives; recommend and administer policies and procedures.

Provide administrative support to the Director; assist with special projects as assigned; prepare complex and sensitive reports related to the risk management function.

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

Ensure compliance with applicable State laws and regulations.

Implement and maintain appropriate risk financing techniques, including maintaining adequate monetary reserves and departmental cost allocation plans.

Evaluate and act on opportunities for improvement in service delivery or operations for the division.
Ensure the City's immunities are properly utilized; ensuring appropriate risk control techniques are implemented.

Review insurance documents, contracts and leases to ensure the City is not assuming undo risk and appropriate risk transfer techniques are implemented.

Provide management information and technical expertise to departmental management for risk control purposes.

Manage the occupational medical program for the organization to provide medical care for pre-employment, in-service, and annual examinations and workers' compensation treatment.

Negotiate and administer employee benefit plans.

Develop and monitor the annual budget for the division including researching historical budget performance; developing revenue and expenditure estimates.

Direct, oversee and participate in the development of the Department's work plan; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Negotiate adjustments and settlements of uninsured losses and insured losses involving damage to City property.

Analyze trends in liability coverages and case law; make recommendations for the needed coverage, purchase, loss reduction and cost; review contracts and agreements relating to insurances.

Supervise and investigate claims; direct and assist in preparing cases for litigation.

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.

Liability, workers’ compensation, property and employee benefits insurance coverages.
Principles, practices and techniques of establishing, maintaining, and modifying a comprehensive risk management program.

The records and reports necessary in the risk management field.

Worker's Compensation Law and claims administration.

Records and procedures relating to court actions on risk management matters.

Principles and practices of budget preparation and administration.

Principles and practices of organization, administration and personnel management.

Ability to:

Plan, organize and develop risk management and loss prevention programs.

Develop, implement and coordinate effective programs for safety and training.

Analyze and interpret a variety of complex insurance, medical and legal documents.

Prepare clear and concise reports.

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

Prepare and administer the division budgets and control budget expenditures.

Communicate clearly and concisely, both orally and in writing.

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

Effectively manage assigned area of the departmental program.

Supervise, evaluate, train and coach assigned staff.

Interpret and apply pertinent laws, rules and regulations.
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:**

Five years of responsible experience involving the program management of a combination of programs including: workers’ compensation, liability and property, occupational medical, and/or employee benefits. At least two years of the experience must include administrative and supervisory responsibility.

**Training:**

Equivalent to a Bachelor’s degree from an accredited college or university with major course work in business or public administration or a related field.

**License or Certificate**

Possession of, or ability to obtain, an appropriate, valid California driver’s license. Possession of an Associate in Risk Management (ARM) certificate is highly desirable and may substitute for one year of the required education. Possession of a Certified Professional in Disability Management (CPDM) is also highly desirable.

**WORKING CONDITIONS:**

**Environmental Conditions:**

Office and field environment.

**Physical Conditions:**

Essential and marginal functions may require maintaining physical condition for sitting for Prolonged periods of time; attending meetings; using a personal computer and related office equipment and traveling from site to site.
MODESTO CITY COUNCIL  
RESOLUTION NO. 2002-601

A RESOLUTION AMENDING EXHIBIT “A” OF RESOLUTION NO. 2002-307 TO AMEND THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ESTABLISH THE SALARY RANGE FOR THE CLASSIFICATION OF WATER QUALITY CONTROL MAINTENANCE SUPERVISOR EFFECTIVE DECEMBER 3, 2002.

WHEREAS, the City Council desires to amend Exhibit “A” of Resolution No. 2002-307,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2002-307. Exhibit “A” entitled “City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 18, 2002”, is hereby amended as shown on the amended Exhibit “A” entitled “City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective December 3, 2002, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit “A” establishes the salary range for Water Quality Control Maintenance Supervisor at Range 432.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after December 3, 2002.
The forgoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Frohman

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM: [Signature]

By MICHAEL D. MILICH, City Attorney
## CITY OF MODESTO
### CLASS RANGE TABLE
#### MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
**Effective December 3, 2002**

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>403</td>
<td>Administrative Office Assistant I (Confidential)</td>
</tr>
<tr>
<td>407</td>
<td>Administrative Office Assistant II (Confidential)</td>
</tr>
<tr>
<td>408</td>
<td></td>
</tr>
<tr>
<td>409</td>
<td></td>
</tr>
<tr>
<td>410</td>
<td></td>
</tr>
</tbody>
</table>
| 411   | Administrative Office Assistant III (Confidential)  
        Police Clerk II (Confidential) |
| 412   | |
| 413   | Senior Personnel Clerk |
| 414   | |
| 415   | Senior Administrative Office Assistant (Confidential) |
| 416   | |
| 417   | |
| 418   | Legal Secretary |
| 419   | Police Training and Records Technician (Confidential)  
        Public Information Technician (Confidential) |
| 420   | Accountant I (Confidential)  
        Deputy City Clerk  
        Employee Benefits Coordinator  
        Executive Secretary  
        Legal Services Technician  
        Systems Technician  
        Workers' Compensation Claims Examiner I |
<p>| 421   | |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 422   | Office Supervisor  
Utility Dispatch Supervisor |
| 423   | Custodian Supervisor |
| 424   | Assistant Planner  
Buyer  
Workers' Compensation Claims Examiner II |
| 425   | Administrative Analyst I  
Executive Assistant  
Paralegal |
| 426   | Police Support Services Supervisor  
Stores Manager |
| 427   | Assistant City Clerk/Auditor  
Legal Services Administrator |
| 428   | Accountant II  
Customer Services Specialist  
Customer Services Supervisor  
Senior Buyer |
| 429   | |
| 430   | Associate Planner  
Events Supervisor I  
Junior Civil Engineer  
Senior Crime Analyst  
Social Services Program Supervisor |
| 431   | Administrative Analyst II  
Assistant Risk Manager  
Budget Analyst I  
Geographic Information Systems Analyst  
Personnel Analyst  
Recycling Program Coordinator  
Senior Community Development Program Specialist  
Systems Analyst |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 432   | Communications Specialist  
        Industrial Waste Supervisor  
        Neighborhood Preservation Supervisor  
        Operations and Maintenance Supervisor  
        Recreation Supervisor II  
        Senior Accountant  
        **Water Quality Control Maintenance Supervisor**  
        Water Quality Control Operations Supervisor  
        Youth Program Supervisor |
| 433   | Organizational Development Specialist |
| 434   | Arborist  
        Assistant Civil Engineer  
        Assistant Traffic Engineer  
        Budget Analyst II  
        Electrical Supervisor  
        Events Supervisor II  
        Geographic Information Systems Coordinator  
        Operations Supervisor  
        SCADA Supervisor  
        Senior Housing Rehabilitation Specialist  
        Senior Programmer Analyst |
| 435   | Business Analyst  
        Cultural Services Manager  
        Integrated Waste Specialist  
        Management Analyst  
        Senior Personnel Analyst |
<p>| 436   | Senior Planner |
| 437   | Deputy City Attorney I |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 438   | Budget Officer  
   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  
   Community Facilities Districts Administrative 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  
   Water Superintendent |
| 442   | Customer Services Division Manager  
   Information Services Manager  
   Manager of Budget and Financial Analysis  
   Supervising Building Inspector  
   Supervising Construction Inspector |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>443</td>
<td>Senior Deputy City Attorney I</td>
</tr>
</tbody>
</table>
| 444   | Business Development Manager  
Deputy Chief Building Official  
General Services Manager  
Principal Planner |
| 445   | Accounting Division Manager  
Housing and Neighborhoods Division Manager |
| 446   | Water Quality Control Superintendent |
| 447   | Assistant to City Manager  
Chief Building Official  
Planning Division Manager  
Senior Civil Engineer  
Traffic Engineer |
| 448   | |
| 449   | Senior Deputy City Attorney II |
| 450   | |
| 451   | |
| 452   | Deputy Director – Cultural and Enterprise Services  
Deputy Director – Engineering & Transportation  
Deputy Director of Finance  
Deputy Director – Operations and Maintenance  
Deputy Director – Recreation and Neighborhoods |
| 453   | |
| 455   | Assistant City Attorney |
A RESOLUTION AMENDING THE SPECIAL ASSIGNMENT OF POLICE DEPUTY CHIEF TO SPECIAL ASSIGNMENT OF ASSISTANT CHIEF OF POLICE, MAINTAINING THE 7.5% SALARY DIFFERENTIAL AND RESCINDING RESOLUTION NO. 98-271.

WHEREAS, the Modesto Police Department continues to see significant growth and currently has 367 full-time employees, and

WHEREAS, this growth in staffing has resulted in significant increases in the resources managed and in the span of control of key staff, and

WHEREAS, on May 26, 1998 by Resolution No. 98-271, Council adopted the Special Assignment of Police Deputy Chief, to provide necessary leadership in the Police Department, and

WHEREAS, by agenda report dated November 13, 2002, the Personnel Department is recommending that the title of Special Assignment of Police Deputy Chief be changed to Special Assignment of Assistant Chief of Police to maintain the 7.5% special assignment pay differential between Police Captain and Assistant Chief of Police set forth in Exhibit “A” attached hereto and made a part of hereof by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves that the title of Special Assignment of Police Deputy Chief be changed to Special Assignment of Assistant Chief of Police to maintain the 7.5% special assignment pay differential between Police Captain and Assistant Chief of Police set forth in Exhibit “A” attached hereto and made a part hereof by reference.
BE IT FURTHER RESOLVED, that Resolution No. 98-271 adopted May 26, 1998, is hereby rescinded and that this resolution shall become effective on an after December 3, 2002.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Frohman

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
Subject to the approval of the City Manager, the Police Chief shall have the authority to appoint employees to the assignment of Assistant Chief of Police, as follows:

This assignment shall be made from among employees in, or hired into, the classification of Police Captain.

At the Chief's discretion, appointment to the special assignment may be made with, or without, a competitive examination. Once appointed to the assignment of Assistant Chief of Police, the employee shall hold said assignment at the will and pleasure of the Police Chief. Terms and conditions of the assignment shall be at the Chief's discretion. An employee so assigned shall be retained in the classification of Captain, concurrent with the special assignment.

Employees assigned as Assistant Chief of Police shall be compensated at 7.5% above the class of Captain. All benefits for Assistant Chief of Police shall be commensurate with those provided to Police Captain.

If the Police Chief removes an employee (or an employee resigns) from such a special assignment, the employee shall continue to retain status in the class of Captain (except if the reasons for removal are cause for dismissal). If removed from such a special assignment, the employee shall have no right of appeal or grievance. A Captain's salary step placement upon returning to a standard Captain's position shall be determined by the Chief, but shall not be lower than the last step held prior to appointment to the special appointment.

The total number of special assignments shall be at the sole discretion of the City Manager.

11-14-02
CONSIDER AUTHORIZING THE AWARD OF BULK FUEL TO THE FOLLOWING VENDORS; BOYETT PETROLEUM, MODESTO, CA FOR ULTRA LOW SULPHURIC DIESEL; W. H. BRESHEARS, MODESTO, CA FOR #2 CLEAR DIESEL; AND SOUTHERN COUNTIES, ORANGE, CA FOR UNLEADED FUEL FOR AN INITIAL TWO (2) YEAR PERIOD WITH THE OPTION TO RENEW THE CONTRACT PRICING FOR THREE (3) ADDITIONAL ONE-YEAR PERIODS. THE ANTICIPATED ANNUAL COST IS $722,000.00

WHEREAS, Fleet Services and the Fire Department maintain fuel storage tanks for bus and fire apparatus fueling, and

WHEREAS, the Purchasing Division, with Council’s approval solicited bids for bulk fuel and lubricants, and

WHEREAS, the bid provides for contract pricing for an initial two (2) years with the option to renew the contract pricing for three (3) additional one-year periods, and

WHEREAS, the Finance Director, after an evaluation of bids received, has recommended the bids of Boyett Petroleum for Ultra Low Sulphuric Diesel; W. H. Breshears for #2 Clear Diesel; and Southern Counties for Unleaded fuel be accepted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the purchase of bulk fuel from Boyett Petroleum for Ultra Low Sulphuric Diesel; W. H. Breshears for #2 Clear Diesel; and Southern Counties for Unleaded fuel is hereby approved.

BE IT FURTHER RESOLVED that the Council hereby authorizes the resulting contract pricing for a period of two (2) years with three (3) one-year extension options.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Frohman

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
CONSIDER AUTHORIZING THE AWARD OF LUBRICANTS BY PRODUCT GROUP TO E.R. VINE AND SONS, CERES, CA FOR GEAR , CRANKCASE AND HYDRAULIC OIL, TRANSMISSION AND BRAKE FLUID, COOLANT AND SOLVENT; AND TO W.H. BRESHEARS, MODESTO, CA FOR MULTIPURPOSE GREASE FOR AN INITIAL TWO (2) YEAR PERIOD WITH THE OPTION TO RENEW THE CONTRACT PRICING FOR THREE (3) ADDITIONAL ONE-YEAR PERIODS. THE ANTICIPATED ANNUAL COST IS $66,400.00.

WHEREAS, Fleet Services and the Fire Department maintain lubricants for fleet maintenance, and

WHEREAS, the Purchasing Division, with Council’s approval solicited bids for bulk fuel and lubricants, and

WHEREAS, the bid provides for contract pricing for an initial two (2) years with the option to renew the contract pricing for three (3) additional one-year periods, and

WHEREAS, the Finance Director, after an evaluation of bids received, has recommended the award of bids by product group bids to; E.R. Vine and Sons for: gear, crankcase and hydraulic oil, transmission and brake fluid, coolant and solvent; and W.H. Breshers for multipurpose grease,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the purchase of lubricants from E.R. Vine and Sons, Ceres, CA for gear, crankcase and hydraulic oil, transmission and brake fluid, coolant and solvent; and from W.H. Breshears, Modesto, CA for multipurpose grease is hereby approved.

BE IT FURTHER RESOLVED that the Council hereby authorizes the resulting contract pricing for a period of two (2) years with three (3) one-year extension options.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Frohman

ATTEST: [Signature]

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM

By [Signature]

MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE AWARD OF SOFT START STARTERS TO WILLIE ELECTRIC SUPPLY, MODESTO, CA, FOR A PERIOD OF THREE (3) YEARS, WITH TWO (2), ADDITIONAL ONE-YEAR EXTENSION OPTIONS

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

WHEREAS, the Operations and Maintenance Department has requested the purchase of soft start starters, which are used to reduce the draw of electrical current from the utility district, and

WHEREAS, the soft start starters will be used to replace existing autotransformers which are failing, and

WHEREAS, by Resolution No. 2002-401, Council authorized the solicitation of formal bids for Soft Start Starters, and

WHEREAS, the Purchasing Division solicited formal bids for Soft Start Starters from eleven (11) vendors with three (3) responding to the Request for Bid (RFB) two (2) of which were deemed responsive and responsible, and

WHEREAS, Willie Electric Supply met all of the bid specifications and was deemed to be the lowest responsive and responsible bidder with a bid of $17,175.34, and

WHEREAS, staff recommends that the City award the bid for Soft Start Starters to Willie Electric Supply for a three (3) year agreement with two (2) one-year extension options, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the bid for Soft Start Starters to Willie Electric Supply, Modesto, CA for an estimated annual cost of $17,175.34 for a three (3) year agreement with two (2) one-year extension options.
The forgoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Frohman

ATTEST: 

APPROVED AS TO FORM:

BY: Michael D. Milich, City Attorney

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-606

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO ISSUE A REQUEST FOR PROPOSAL (RFP) FOR AN INTERACTIVE VOICE RESPONSE (IVR) SYSTEM.

WHEREAS, the Finance Department-Customer Service Division is requesting the purchase of a Interactive Voice Response (IVR) System for utility billing, and

WHEREAS, an IVR System is a user friendly system that will allow any caller with a touch tone phone to access and retrieve automated account information via electronic mail or fax 24 hours a day, 7 days a week upon entering his account number, and

WHEREAS, information such as the current balance and the date of last payment can be quickly retrieved in both English and Spanish, and

WHEREAS, other IVR options include paying by credit card, which would be applied immediately to the account with complete card verification and system audit reports, and

WHEREAS, customers who need additional assistance can be routed to voice information messages explaining payment procedures and outage reporting, or transferred directly to a customer service agent during support hours, and

WHEREAS, primary services administered by Customer Service include the utility billing for water, sewer, garbage, and storm drainage fees, and

WHEREAS, Customer Service averages 340 calls daily during business hours of 7:30 A.M. to 5:00 P.M., and

WHEREAS, currently calls are routed through a NEC rotation hunt group that continues to rotate until it finds an open telephone line, and customers remain on hold
and receive messages to wait for the next available customer service representative until a telephone line becomes available, and

WHEREAS, the Customer Services Division receives approximately 30 requests per day from citizens who want to pay their utility bills by telephone, and

WHEREAS, the chosen IVR System will also have the capability of future expansion to other City of Modesto applications including but not limited to, Building Permits, Business License, and Parking Citations, and

WHEREAS, IVR benefits to the City of Modesto include a reduction in the number of customer calls for account status, and a saving of staff time spent disconnecting and reconnecting services due to the availability of making payments via telephone, and

WHEREAS, benefits to the citizens include 24/7 accessibility of account information in both English and Spanish, reduction of waste time on the telephone, and it may save a trip to the customer Service Division to make the payment at the counter, and

WHEREAS, additional benefits are, payment extensions by telephone, and the convenience of credit card payment by telephone, perhaps avoiding disconnection of service, and

WHEREAS, by soliciting competitive bids for Interactive Voice Response (IVR) System, the Finance Department, Purchasing Division will comply with the Modesto Municipal Code, Section 8-3.204, regarding formal bid procedures,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that formal solicitation of bids for an Interactive Voice Response (IVR) System is hereby approved as follows:
SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for an Interactive Voice Response (IVR) System to be opened in the City Clerk, 1010 10TH Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to Council.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Frohman

ATTEST: Jean Zahr

APPROVED AS TO FORM:

BY: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-607

A RESOLUTION ACCEPTING THE PROJECT TITLED "MPD TRAINING FACILITY – 3000 WEST MAIN STREET IMPROVEMENTS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled “MPD Training Facility – 3000 West Main Street Improvements”, has been completed by George Reed, Inc., in accordance with the contract agreement dated July 9, 2002,

NOW, THEREFORE, BE IT RESOLVED that the “MPD Training Facility – 3000 West Main Street Improvements” project be accepted from said contractor, George Reed, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $105,365.65 as provided in the contract, be authorized.
The forgoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Frohman

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE CITY MANAGER TO TERMINATE CABLE CASTING OF MODESTO JUNIOR COLLEGE PROGRAMMING ON THE EDUCATION ACCESS CHANNEL ON ACCESSMODESTO.

WHEREAS, the transition of the Public-Education-Government (PEG) operation from AT&T Broadband to the City of Modesto in May 2001 has placed the financial responsibility and liability of the entire PEG operation onto the City, and

WHEREAS, as a result of this transition City staff has worked to develop partnerships for the continued operation of a successful PEG operation, specifically with regard to the Education and Government Access Channels, and

WHEREAS, the City has made several attempts to reach a mutual cost-sharing agreement with Modesto Junior College (MJC) for the cable casting of MJC Tele-courses on the Education Access Channel on AccessModesto, and

WHEREAS, it has been determined that MJC generates nearly $1 million annually through enrollment of their Tele-courses aired on the Education Access Channel, and

WHEREAS, City staff has developed a plan that will provide an equal split among the partners on the Education and Government Access Channels, and will be reapportioned as major contributors join the partnership, and

WHEREAS, MJC will not commit to the necessary funding needed to offset the cost of the college’s portion of airing Tele-course programming from its campuses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to terminate the cable casting of MJC programming.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2002, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Frohman

ATTEST: 

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-609

A RESOLUTION ACCEPTING THE “STATE OF THE PAVEMENTS” REPORT FROM NICHOLS CONSULTING ENGINEERS, CHTD.

WHEREAS, Nichols Consulting Engineers Chtd., has been hired by StanCOG to do a survey of the City streets, and

WHEREAS, Nichols Consulting Engineers Chtd. has surveyed the City streets, entered the data into the Metropolitan Transportation Committee computerized pavement management program, and produced a report, and

WHEREAS, the Engineering & Transportation Director has recommended accepting the report by Nichols Consulting Engineers Chtd., and

WHEREAS, on November 14, 2002, the Economic Development Committee reviewed the report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the “State of the Pavements” report from Nichols Consulting Engineers, Chtd.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Froman

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-610

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT REQUEST FOR BIDS FOR MOBILE AND PORTABLE 2-WAY COMMUNICATION RADIO REPAIR AND SERVICE, FOR FY 2002/2003 FOR A THREE (3) YEAR AGREEMENT WITH TWO (2) ONE-YEAR EXTENSION OPTIONS.

WHEREAS, the City of Modesto maintains an inventory of 250 mobile and 346 portable 2-way communication radios, and

WHEREAS, the Operations and Maintenance Department Fleet Division manages the City's inventory of mobile 2-way communication radios, and the Fire and Police departments manage the City's inventory of portable 2-way communication radios, and

WHEREAS, these radios are powered by four (4) base station transmitters and twenty-four (24) voter receivers located at various sites within the City of Modesto, and

WHEREAS, mobile and portable radios are vital communication devices used for the health and safety of the City, and

WHEREAS, the Police Department's portable radios are used to provide service in the areas of primary dispatch, back up dispatch, communications utility, and special enforcement or surveillance operations by the Gang Unit, Modesto Narcotic Enforcement Team and Tactical Patrol Units, and

WHEREAS, the anticipated "City Wide" annual cost for ongoing mobile and portable 2-way communication radio repair and service is approximately $120,390.70, and

WHEREAS, Modesto Municipal Code, Section 8-3.203, generally requires all purchases, which meet or exceed $50,000.00 for material, equipment or contractual services to be formally bid, and

WHEREAS, by soliciting competitive bids for mobile and portable 2-way communication radio repair and service, the Finance Department-Purchasing Division will comply with Modesto City Code Section 8-3.203 regarding formal bid procedures,
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for mobile and portable 2-way communication radio repair and service, for FY 2002/2003 for a three (3) year agreement with two (2) one-year extension options, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the sealed bids are opened, they shall be tabulated and analyzed and a report submitted to Council.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

JeAn ZAhR, City Clerk

APPROVED AS TO FORM:

By:  

Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-611

A RESOLUTION APPROVING A LICENSE AGREEMENT WITH MODESTO IRRIGATION DISTRICT (MID) FOR UTILIZATION OF AN EASEMENT WITHIN LATERAL NO. 6 FOR THE PURPOSE OF INSTALLING AND MAINTAINING A CLASS I NON-MOTORIZED TRAIL AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Modesto Non-Motorized Transportation Plan (the Plan) was adopted in July, 1996, and

WHEREAS, the Plan designates a Class I Non-Motorized trail to run from Tully Road to the Virginia Corridor trail along the north side of MID Lateral No. 6, and

WHEREAS, in order to plan for installation and maintenance of this trail, an agreement with MID is needed, and

WHEREAS, the Safety and Communities Committee met on December 2, 2002, and supported the recommended agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a License Agreement with Modesto Irrigation District for utilization of an easement within Lateral No. 6 for the purpose of installing and maintaining a Class I non-motorized trail.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-612

A RESOLUTION ACCEPTING A $12,000 OFFER FROM BOBBY AND SHEILA MUNIAN AS PAYMENT IN FULL ON THE COMMUNITY DEVELOPMENT BLOCK GRANT SMALL BUSINESS LOAN MADE TO SASABOBS AND RECONVEYING THE DEED OF TRUST PLACED ON THEIR PERSONAL RESIDENCE LOCATED AT 1801 BARBARA WAY IN MODESTO AND OTHER COLLATERAL, AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED DOCUMENTS.

WHEREAS, in 1994, the City Council approved a Community Development Block Grant Small Business Loan in the amount of $20,000 to Bobby and Sheila Munian, dba Sasabobs, and

WHEREAS, the original loan was approved for $20,000 and the loan was to provide for inventory, equipment, machinery, and working capital, and

WHEREAS, a deed of trust, in third position, was taken on the Munians' personal residence at 1801 Barbara Way in Modesto, with additional collateral of two automobiles, a trailer, equipment and inventory, and

WHEREAS, the loan was not fully disbursed and the loan was modified to the amount of $12,480.60 with monthly payments of $251.57 for five years, and

WHEREAS, the Munians paid on the loan less than one year, and

WHEREAS, a full payoff on the City loan would be $18,685.30 as of August, 2002, and

WHEREAS, the business was dissolved, and the Munians are now trying to sell their personal residence, and

WHEREAS, there does not appear to be sufficient funds for the City to receive a full payoff, and
WHEREAS, it is estimated that if the City accepts a $12,000 offer, the Munians will have sufficient equity to pay off the loans, the liens, and the fees associated with the sale of the home, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts a $12,000 offer from Bobby and Sheila Munian as payment in full on the Community Development Block Grant Small Business Loan made to Sasabobs and reconveying the Deed of Trust placed on their personal residence located at 1801 Barbara Way in Modesto and other collateral.

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: 
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney
A RESOLUTION INCREASING THE ENGINEERING AND TRANSPORTATION DIRECTOR’S AUTHORITY LEVEL TO ISSUE CHANGE ORDERS FROM 8% TO 27% OF THE ORIGINAL CONTRACT PRICE WITH GEORGE REED, INC. ON THE “2001-02 PAVEMENT MAINTENANCE – W. ORANGEBURG AVENUE” PROJECT

WHEREAS, on August 8, 2002, the City Council awarded a $1,133,830 contract to George Reed, Inc. to install an overlay on West Orangeburg Avenue between Martin Avenue and McHenry Avenue, and

WHEREAS, the contractor started work on September 30, 2002, and

WHEREAS, during the course of construction City staff has determined that additional areas of the existing roadway require reconstruction that was not included in the original contract, and

WHEREAS, City staff has also recommended placing an asphalt concrete leveling course along with temporary striping on the entire street area, and

WHEREAS, the estimated final cost of the extra work is approximately $252,366.00, an amount which exceeds the Director’s authority for the project as established by the Council’s change order policy adopted by Resolution No. 94-443, and

WHEREAS, the Director currently has authority to approve change orders up to a cumulative amount of 8% of the original contract price, or $90,706.00 in this case, and

WHEREAS, increasing the Director’s change order level of authority from 8% to 27% is necessary to allow execution of change orders for the added work associated with completion of the $2001-2002 Pavement Maintenance – W. Orangeburg Avenue".
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Engineering and Transportation Director's authority level to issue change orders, from 8% to 27% of the original contract price with George Reed, Inc., for the project entitled “2001-2002 Pavement Maintenance – W. Orangeburg Avenue”.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-614

A RESOLUTION ACCEPTING THE BID OF EBERT / STACY & WITBECK, A JOINT VENTURE, FOR THE PROJECT TITLED “OUTFALL REHABILITATION – PHASE II”

WHEREAS, the bids received for Outfall Rehabilitation – Phase II were opened at 11:00 a.m. on November 26, 2002, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $1,032,580 received from EBERT / STACY & WITBECK, A JOINT VENTURE, be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $1,032,580 received from EBERT / STACY & WITBECK, A JOINT VENTURE, 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 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION (SCH #2002102114) FOR THE 9TH STREET BRIDGE REPLACEMENT IN THE CITY OF MODESTO IN THE COUNTY OF STANISLAUS AT TUOLUMNE RIVER

WHEREAS, Section 15070-15073 of the CEQA Guidelines relating to Initial Study/Mitigated Negative Declarations permits a lead agency to prepare an Initial Study/Mitigated Negative Declaration on any proposed project to analyze whether the project may cause any significant effect on the environment, and

WHEREAS, LSA Associates, Inc., under subcontract to Dokken Engineering under contract with the City, prepared an Initial Study leading to a Mitigated Negative Declaration (SCH #2002102114) which reviewed the proposed 9th Street Bridge Replacement Project and said Initial Study identified potential significant effects from the proposed project relating to Biological resources, Cultural resources, Geology, Hazardous Materials, Hydrology and Utilities, and

WHEREAS, feasible mitigation measures were incorporated to revise the subsequent project before the Initial Study/Mitigated Negative Declaration was released for public review pursuant to CEQA Section 21092 in order to avoid or mitigate the identified effects to a point where clearly no significant effect on the environment will occur, and

WHEREAS, CEQA Guidelines Section 15070 permits the adoption of Mitigated Negative Declarations when the project has been revised, so that potential significant adverse effects can be avoided or mitigated to a less than significant level.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto

that the Council has reviewed and considered the Initial Study/Mitigated Negative

Declaration prepared for the 9th Street Bridge Replacement Project, a copy of which is on

file in the City Clerk’s Office, and based on the substantial evidence included in said

Mitigated Negative Declaration makes the following findings:

1. An Initial Study/Mitigated Negative Declaration prepared pursuant to

CEQA Section 15070-15073 has identified potential significant

environmental effects from the proposed project relating to Biological

resources, Cultural resources, Geology, Hazardous Materials, Hydrology

and Utilities.

Potential Significant Environmental Effects:

Biological Resources
   a. Candidate, sensitive, or special status species
   b. Riparian habitat
   c. Federally protected wetlands
   d. Movement of fish or wildlife species
   e. Local policies or ordinance protecting biological
      resources

Cultural Resources
   a. Historical resource
   b. Archaeological resource
   c. Human Remains

Geology and Soils
   a. Seismic-related ground failure
   b. Landslides
   c. Soil erosion
   d. Unstable soil

Hazards
   a. Hazardous materials sites

Hydrology and Water Quality
   a. Water quality standards
   b. Existing drainage pattern
   c. Degradation of water quality
   d. Impede or redirect flood flows

Utilities and Service Systems
   a. New storm water drainage facilities
2. Feasible mitigation measures were incorporated to revise the project before the Mitigated Negative Declaration and Initial Study was released for public review in order to avoid or mitigate the identified effects to a point where clearly no significant effects on the environment will occur.

The City's Parks, Recreation and Neighborhoods Department and Engineering and Transportation Department reviewed the proposed project and determined the mitigation measures below will address the identified impacts.

The 30-day public review period began on October 24, 2002 and ended on November 22, 2002. Following Public Review, suggested technical revisions were made to the mitigation document to clarify and amplify the efficiency of the mitigation. Therefore, the revised mitigation will avoid or mitigate the identified effects to a point where clearly no significant effects on the environment will occur.

Mitigation:
The following mitigation measures summarized below (see Attachment A for detailed mitigation measures) will avoid or mitigate adverse effects:

Biological Resources
a. Mitigation Measure BIO-1: A biological reconnaissance, records search, and field surveys were performed to determine presence of special status species. Coordinated with National Marine Fisheries Service and California Department of Fish and Game to ensure their concerns will be addressed.

b. Mitigation Measure BIO-2: Fence shall be installed too prevent encroachment into the riparian areas during construction. All disturbed areas will be revegetated with riparian species in accordance with Natural Environmental Study Report.

c. Mitigation Measure BIO-3: A wetland delineation was conducted. Avoid disturbance to wetland. Replace habitat at nearby off-site location equivalent to habitat lost. Confine work in streams, wetlands to the dry season between May 1 and October 1.

d. Mitigation Measure BIO-4: The large Valley Oak west of the bridge shall be protected. Efforts shall be made to preserve existing and mature native trees.
Cultural Resources
a. Mitigation Measure CULT-1: Cultural resource evaluation concluded that there are no structures or places deemed as historically significant.
b. Mitigation Measure CULT-2: Historic and prehistoric surveys were conducted.

Geology and Soils
a. Mitigation Measure GEO-1: The new bridge will meet current seismic design standards, replacing the existing bridge that does not meet those standards.

Hazards
c. Mitigation Measure HAZ-1: An Initial Site Assessment was conducted, and a general site reconnaissance was conducted for the presence of hazardous materials and toxic substances.
a. Mitigation Measure HAZ-2: Contractor shall comply with Contract Specification requiring lead paint containment and debris control.

Hydrology and Water Quality
a. Mitigation Measure HYDRO-1: The project is required to adhere to the Nationwide Permit and Streambed Alteration Agreement processes. Compliance with the National Pollution Discharge Elimination System permit is required.
b. Mitigation Measure HYDRO-2: The sandbar on the south bank shall be restored to preconstruction conditions.
c. Mitigation Measure HYDRO-3: Existing pilings shall be removed by an extractor rather than being dug out.
d. Mitigation Measure HYDRO-4: A hydrologic and hydraulic analysis was prepared to ensure that the flood plain is not adversely impacted and that the bridge structures withstand flooding pressure.

Noise
a. Mitigation Measure NOI-1: Noise level from the Contractor’s operations between 9:00 p.m. and 7:00 a.m. shall not exceed 86 dBA at a distance of 15 meters.
Utilities and Service Systems

a. Mitigation Measure Util-1: A positive storm drainage system is included in the project design and will collect storm water runoff from the bridge deck into an enclosed drainage system and discharge onto the ground below the bridge.

3. There is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment (CEQA Section 21064.5(2)).

4. Based on the above-referenced Initial Study and feasible mitigation measures incorporated to revise the proposed project in order to avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment will occur, staff finds that a Mitigated Negative Declaration should be adopted pursuant to CEQA Section 15070-15073 for the proposed 9th Street Bridge Replacement Project.

5. Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described above have been added to the project. A MITIGATED NEGATIVE DECLARATION will therefore be adopted.

6. The cumulative impacts of this project are consistent with those set forth in the Master EIR for the Modesto Urban Area General Plan. All appropriate mitigation measures from the Master EIR have been incorporated into the project, and no further evaluation of cumulative impacts is required as this project generates no significant cumulative impact.

7. As required by CEQA Section 21081.6 et seq., a mitigation monitoring program (see Exhibit A) will be adopted by incorporating the mitigation measures into the project plan (Section 21081.6(b)).

A copy of said Mitigated Negative Declaration (SCH NO. 2002 102 114) is on file with the City Clerk.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a notice pursuant to 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 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

ATTEST:  ____________________  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By ________________________  
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO 2002-616

WAS NOT USED
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-617

A RESOLUTION APPROVING THE FINAL MAP OF VILLAGE HIGHLANDS NO. 8 SUBDIVISION OF THE CITY OF MODESTO AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT WITH INLAND VILLAGES, A CALIFORNIA GENERAL PARTNERSHIP

WHEREAS, INLAND VILLAGE, a California General Partnership, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 8.58 acres, known as VILLAGE HIGHLANDS NO. 8 ("SUBDIVISION"), in the Village One Specific Plan Area, and

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

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

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

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

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

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

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

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MJILICH, City Attorney

By ALISON A. BARRATT-GREEN
Senior Deputy City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-618

A RESOLUTION ACCEPTING IMPROVEMENTS IN THE ORLEANS ESTATES UNIT NO. 2 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, FLORSHEIM BROS., a California General Partnership, by Florsheim Properties, a California General Partnership, is the subdivider of the Orleans Estates Unit No. 2 Subdivision, and

WHEREAS, FLORSHEIM BROS, has filed irrevocable subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $880,463.10 and $440,231.55, respectively, and

WHEREAS, FLORSHEIM BROS, has filed a warranty bond in the amount of $88,046.31 to guarantee improvements in the Orleans Estates Unit No. 2 Subdivision, and

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

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file a Notice of Completion and release the bonds upon expiration of the statutory periods,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The improvements in Orleans Estates Unit No. 2 Subdivision are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the improvements.
2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $880,463.10 upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $440,231.55 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $88,046.31 one year and one day after the effective date of this resolution, provided no claim is made thereon.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING AN AMENDED CERTIFICATE SHEET FOR THE FINAL MAP FOR THE PAPATONE EAST SUBDIVISION IN THE VILLAGE ONE SPECIFIC PLAN AREA AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE SUBDIVISION AGREEMENT.

WHEREAS, on November 26, 2002, the City Council adopted Resolution No. 2002-582, approving the final map for the Papatone East Subdivision in the Village One Specific Plan Area ("Subdivision") and authorizing the City Manager to sign a subdivision agreement with Meritage Homes of Northern California ("Meritage Homes"), as the owner and developer of the Subdivision, as required by Section 4-4.604(c) of the Modesto Municipal Code, and

WHEREAS, on December 2, 2002, prior to recordation of the approved final map, Meritage Homes notified the City that due to an oversight during Meritage’s review process, the final map incorrectly identifies it as the owner of the Subdivision, and

WHEREAS, Meritage intends to develop the Subdivision but has requested that the certificate sheet for the final map and the subdivision agreement be amended to identify its sister company, Lancelot Papatone, L.P., an Arizona Limited Partnership as the owner of Subdivision, and

WHEREAS, the final map and the amended certificate sheet have been checked and certified by the City Engineer, all subdivision bonds necessary to secure the required subdivision improvements have been submitted and approved, all fees and deposits required by the Modesto Municipal Code have been paid, and the City Attorney’s office has prepared an amendment to the subdivision agreement.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the amended certificate sheet for the final map for the Papatone East Subdivision be, and hereby is, approved and that the City Clerk be authorized to certify said amended certificate sheet and final map on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk, or their designees, are hereby authorized to execute and attest, respectively, an Amendment to the approved subdivision agreement to add Lancelot Properties, L.P., as a signatory to said agreement.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By ALISON A. BARRATT-GREEN,
Senior Deputy City Attorney
A RESOLUTION AUTHORIZING APPROVAL OF THE AGREEMENT ENTITLED “PRELIMINARY DESIGN SERVICES FOR PHASE 2 EXPANSION AND OPTIMIZATION OF THE MODESTO REGIONAL WATER TREATMENT PLANT” BETWEEN THE MODESTO IRRIGATION DISTRICT AND BLACK & VEATCH CORPORATION FOR PRELIMINARY DESIGN SERVICES RELATED TO THE PROPOSED EXPANSION PROJECT, INCLUDING, BUT NOT LIMITED TO, SUSPENSION OF THE AGREEMENT AT THE CONCLUSION OF THE $120,000 CONCEPT DEVELOPMENT PHASE IF A NEW TREATMENT AND DELIVERY AGREEMENT HAS NOT YET BEEN NEGOTIATED

WHEREAS, The Council of the City of Modesto approved Resolution 92-183 on April 21, 1992 authorizing the original Treatment and Delivery Agreement with the Modesto Irrigation District (MID) and the former Del Este Water Company, and

WHEREAS, the original Treatment and Delivery Agreement contemplated the design, construction, and operation of the Modesto Regional Water Treatment Plant (MRWTP) Phase 2 Expansion, and

WHEREAS, the City and MID wish to pursue the design, construction, and operation of the MRWTP Phase 2 Expansion, and

WHEREAS, the original Treatment and Delivery Agreement provides that the City has the authority to approve certain project milestones including, but not limited to, contracts for engineering services, and

WHEREAS, City staff has reviewed the proposed Agreement and its associated scope of work between MID and Black & Veatch Corporation (B&V) and recommends that Council authorize MID to approve the Agreement, and

WHEREAS, the proposed Agreement between MID and B&V includes provisions to perform preliminary design work during the Conceptual Design Phase for a cost not to exceed $120,000 after which MID and the City may stop all work on the contract without further obligation, and

WHEREAS, engineering work beyond the $120,000 amount will not proceed without further authorization from the Council, and
WHEREAS, the Policy Committee recommended approval of the Agreement at its November 13, 2002 meeting, and

WHEREAS, the Economic Development Committee recommended approval of the Agreement at its November 14, 2002 meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes MID to approve the Agreement with B&V for preliminary design services related to the MRWTP Phase 2 Expansion project.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION REQUIRING THE MODESTO IRRIGATION DISTRICT TO COMPLETE ALL OF THE NECESSARY ENVIRONMENTAL REVIEW WORK SUCH THAT THE MODESTO REGIONAL WATER TREATMENT PLANT PHASE 2 EXPANSION PROJECT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, The Council of the City of Modesto approved Resolution 92-183 on April 21, 1992 authorizing the original Treatment and Delivery Agreement with the Modesto Irrigation District (MID) and the former Del Este Water Company, and

WHEREAS, the original Treatment and Delivery Agreement contemplated the design, construction, and operation of the Modesto Regional Water Treatment Plant (MRWTP) Phase 2 Expansion, and

WHEREAS, the City and MID wish to pursue the design, construction, and operation of the MRWTP Phase 2 Expansion, and

WHEREAS, the original Treatment and Delivery Agreement provides that the City has the authority to approve certain project milestones including, but not limited to, contracts for engineering related services, and

WHEREAS, City staff did not have an opportunity to review and comment on the existing Agreement and its associated scope of work between MID and InSite Environmental (IE), thus unable to recommend its approval to the Council of the City of Modesto, resulting in granting authorization to MID to approve the Agreement, and

WHEREAS, the proposed Agreement between MID and IE includes provisions to perform the necessary environmental review work for the MRWTP Phase 2 Expansion project, and

WHEREAS, preliminary design work during the Conceptual Design Phase contracted by MID with another Consultant, for a cost not to exceed $120,000, provides that after which MID and the City may stop all work on the contract without further obligation, and

WHEREAS, engineering work beyond the $120,000 amount will not proceed without further authorization from the Council, and
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby requires MID to complete all of the necessary environmental review work such that the MRWTP Phase 2 Expansion project complies with all of the requirements of CEQA.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: (SEAL)

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-622

A RESOLUTION APPROVING THE SELECTION OF ENVIRONMENTAL
SERVICE PROVIDERS TO PREPARE FOCUSED ENVIRONMENTAL IMPACT
REPORTS AND PERFORM OTHER RELATED ENVIRONMENTAL SERVICES

WHEREAS, from time to time, the City requires the services and expertise of Environmental Service Providers to assist the City in providing environmental documents, including but not limited to Environmental Impact Reports (EIR’s), mitigated negative declarations, initial studies and special studies as required by state and federal law (California Environmental Quality Act & National Environmental Protection Act),

WHEREAS, the current short-list of Environmental Service Providers has been in effect since December 1998 and is now due for an update, and

WHEREAS, the purpose of the short list of environmental service providers is to assist the City with the successful preparation of environmental documents in compliance with the California Environmental Quality Act (CEQA), and the National Environmental Protection Act (NEPA), to streamline the development process, and to maintain a close working relationship with City staff on an ongoing basis to standardize and improve the City’s format and analytical approach to Environmental Impact Reports, leading to further project streamlining, and

WHEREAS, the City issued a Request for Qualifications on September 23, 2002, and on October 9, 2002, received eleven submittals in response, and

WHEREAS a staff consultant selection committee short-listed the eleven submittals to eight firms (Cotton/Bridges Associates, EDAW Inc., EIP Associates, Impact Sciences Inc., Jones & Stokes, Pacific Municipal Consultants, Turnstone Consulting and URS Greiner, Inc.) who were interviewed on November 15, 2002, and
WHEREAS, the Consultant Selection Committee recommends the selection of EDA W Inc., EIP Associates, Impact Sciences Inc., Jones & Stokes, Pacific Municipal Consultants and Turnstone Consulting to provide environmental services for the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the firms of EDA W Inc., EIP Associates, Impact Sciences Inc., Jones & Stokes, Pacific Municipal Consultants, and Turnstone Consulting are hereby selected to provide on-call services to prepare EIR’s, mitigated negative declarations, initial studies and perform other related environmental tasks, and said selections are hereby approved for a period of three years.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JACQUELINE FORET FOR THE ACQUISITION OF PROPERTY BEING A PORTION OF ASSESSOR’S PARCEL NO. 038-06-05 FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT

WHEREAS, on March 7, 2000, the City Council of the City of Modesto, approved the 35% design for the 9th Street Bridge Replacement Project, which 35% design included geometrics for the bridge including alignment and width upon which the detailed design was based, and

WHEREAS, right of way needs to be acquired for this project, and

WHEREAS, an agreement is needed for the acquisition of the needed right of way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between City of Modesto and Jacqueline Foret for the acquisition of property being a portion of Assessor’s Parcel No. 038-06-05 for the Ninth Street Bridge Replacement Project is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Agreement by the City Manager in behalf of the City of Modesto is hereby authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM

BY: Michael D. Milich, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JACQUELINE FORET FOR THE ACQUISITION OF PROPERTY BEING A PORTION OF ASSESSOR'S PARCEL NO. 038-07-06 FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT

WHEREAS, on March 7, 2000, the City Council of the City of Modesto, approved the 35% design for the 9th Street Bridge Replacement Project, which 35% design included geometrics for the bridge including alignment and width upon which the detailed design was based, and

WHEREAS, right of way needs to be acquired for this project, and

WHEREAS, an agreement is needed for the acquisition of the needed right of way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between City of Modesto and Jacqueline Foret for the acquisition of property being a portion of Assessor’s Parcel No. 038-07-06 for the Ninth Street Bridge Replacement Project is hereby approved.

BE IT FURTHER RESOLVED THAT the execution of said Agreement by the City Manager in behalf of the City of Modesto is hereby authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM

BY: MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF PROPERTY OWNED BY JACQUELINE FORET, BEING A PORTION OF ASSESSOR’S PARCEL NO. 038-06-05, FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT

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

WHEREAS, the City of Modesto desires to acquire right of way from Jacqueline Foret being a portion of Assessors Parcel No. 038-06-05 for the 9th Street Bridge Replacement Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to sign an acceptance form in behalf of the City of Modesto for a Grant Deed for the acquisition of property owned by Jacqueline Foret being a portion of Assessors Parcel No. 038-06-05 for the Ninth Street Bridge Replacement Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM

BY: MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF PROPERTY OWNED BY JACQUELINE FORET, BEING A PORTION OF ASSESSOR'S PARCEL NO. 038-07-06, FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT.

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

WHEREAS, the City of Modesto desires to acquire right of way from Jacqueline Foret being a portion of Assessors Parcel No. 038-07-06 for the 9th Street Bridge Replacement Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to sign an acceptance form in behalf of the City of Modesto for a Grant Deed for the acquisition of property owned by Jacqueline Foret being a portion of Assessors Parcel No. 038-07-06 for the Ninth Street Bridge Replacement Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM

BY: Michael D. Milich, City Attorney
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GERALD D. EWALT AND NANCY L. EWALT FOR THE ACQUISITION OF PROPERTY BEING A PORTION OF ASSESSOR’S PARCEL NO. 038-06-06 FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT

WHEREAS, on March 7, 2000, the City Council of the City of Modesto, approved the 35% design for the 9th Street Bridge Replacement Project, which 35% design included geometrics for the bridge including alignment and width upon which the detailed design was based, and

WHEREAS, right of way needs to be acquired for this project, and

WHEREAS, an agreement is needed for the acquisition of the needed right of way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between City of Modesto and Gerald D. Ewalt and Nancy L. Ewalt for the acquisition of property being a portion of Assessor’s Parcel No. 038-06-06 for the Ninth Street Bridge Replacement Project is hereby approved.

BE IT FURTHER RESOLVED THAT the execution of said Agreement by the City Manager in behalf of the City of Modesto is hereby authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10\textsuperscript{th} day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM

BY: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-627

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN
ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF
PROPERTY OWNED BY GERALD D. EWALT AND NANCY L. EWALT,
BEING A PORTION OF ASSESSORS PARCEL NO. 038-06-06, FOR THE NINTH
STREET BRIDGE REPLACEMENT PROJECT

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

WHEREAS, the City of Modesto desires to acquire right of way from Gerald D.
Ewalt and Nancy L. Ewalt being a portion of Assessor's Parcel No. 038-06-06 for the 9th
Street Bridge Replacement Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the City Manager is hereby authorized to sign an acceptance form on behalf of the
City of Modesto for a Grant Deed for the acquisition of property owned by Gerald D.
Ewalt and Nancy L. Ewalt being a portion of Assessor's Parcel No. 038-06-06 for the
Ninth Street Bridge Replacement Project.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 10th day of December, 2002, by Councilmember
Frohman, who moved its adoption, which motion being duly seconded by
Councilmember Jackman, was upon roll call carried and the resolution adopted by the
following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN Zahr, City Clerk

(Seal)

APPROVED AS TO FORM

BY: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-628

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BEARD LAND IMPROVEMENT CO., FOR THE ACQUISITION OF PROPERTY BEING A PORTION OF ASSESSORS PARCEL NO. 106-48-01 FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT

WHEREAS, on March 7, 2000, the City Council of the City of Modesto, approved the 35% design for the 9th Street Bridge Replacement Project, which 35% design included geometrics for the bridge including alignment and width upon which the detailed design was based, and

WHEREAS, right of way needs to be acquired for this project, and

WHEREAS, an agreement is needed for the acquisition of the needed right of way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between City of Modesto and Beard Land Improvement Co. for the acquisition of property being a portion of Assessors Parcel No. 106-48-01 for the Ninth Street Bridge Replacement Project is hereby approved.

BE IT FURTHER RESOLVED THAT the execution of said Agreement by the City Manager in behalf of the City of Modesto is hereby authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

(SEAL)

APPROVED AS TO FORM

BY: \[Signature\]
MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF PROPERTY OWNED BY BEARD LAND IMPROVEMENT CO., BEING A PORTION OF ASSESSORS PARCEL NO. 106-48-01, FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT

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

WHEREAS, the City of Modesto desires to acquire right of way from Beard Land Improvement Co. being a portion of Assessors Parcel No. 106-48-01 for the 9th Street Bridge Replacement Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to sign an acceptance form on behalf of the City of Modesto for a Grant Deed for the acquisition of property owned by Beard Land Improvement Co. being a portion of Assessors Parcel No. 106-48-01 for the Ninth Street Bridge Replacement Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM

BY: Michael D. Milich, City Attorney

12/10/02/C&ED/L Boston     2002-629
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO (GRANTEE) AND THE COUNTY OF STANISLAUS, CITY OF MODESTO, AND CITY OF CERES (GRANTORS), FOR THE ACQUISITION OF PROPERTY WITHIN THE TOULUMNE RIVER REGIONAL PARK BEING A PORTION OF ASSESSOR'S PARCEL NO. 102-18-01 BY THE CITY OF MODESTO FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT

WHEREAS, on March 7, 2000, the City Council of the City of Modesto,
approved the 35% design for the 9th Street Bridge Replacement Project, which 35% design included geometrics for the bridge including alignment and width upon which the detailed design was based, and

WHEREAS, right of way needs to be acquired for this project, and

WHEREAS, an agreement is needed for the acquisition of the needed right of way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between City of Modesto (Grantee) and the County of Stanislaus, City of Modesto, and City of Ceres (Grantors) for the acquisition of property within the Toulumne River Regional Park being a portion of Assessor’s Parcel No. 102-18-01 for the Ninth Street Bridge Replacement Project is hereby approved.

BE IT FURTHER RESOLVED THAT the execution as Grantor of said Agreement by the City Manager in behalf of the City of Modesto is hereby authorized.

BE IT FURTHER RESOLVED THAT the execution as Grantee of said Agreement by the City Manager in behalf of the City of Modesto is hereby authorized.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 10th day of December, 2002, by Councilmember
Frohman, who moved its adoption, which motion being duly seconded by
Councilmember Jackman, was upon roll call carried and the resolution adopted by the
following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM

BY: ____________________________

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-631

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN
ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF
PROPERTY OWNED BY THE COUNTY OF STANISLAUS, CITY OF
MODESTO, AND CITY OF CERES, LOCATED WITHIN THE TUOLUMNE
RIVER REGIONAL PARK BEING A PORTION OF ASSESSOR'S PARCEL NO.
102-18-01, FOR THE NINTH STREET BRIDGE REPLACEMENT PROJECT

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

WHEREAS, the City of Modesto desires to acquire right of way from the County
of Stanislaus, City of Modesto, and City of Ceres (Grantors) for property within the
Tuolumne River Regional Park being a portion of Assessor's Parcel No. 102-18-01 for
the 9th Street Bridge Replacement Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the City Manager is hereby authorized to sign an acceptance form for a Grant Deed
for the acquisition of property owned by the County of Stanislaus, City of Modesto, and
City of Ceres located within the Tuolumne River Regional Park being a portion of
Assessor’s Parcel No. 102-18-01 for the Ninth Street Bridge Replacement Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM
BY: ____________
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AND AUTHORIZING SUBMISSION OF THE ANNUAL LOCAL TRANSPORTATION FUND CLAIM FOR FISCAL YEAR 2002/03, FOR NON-TRANSIT PURPOSES ONLY, TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG)

WHEREAS, on May 28, 2002, the City Council approved the annual claim for Local Transportation Funds for transit purposes only, and

WHEREAS, on February 13, 2002, the Stanislaus Council of Governments (StanCOG) pursuant to Section 99401.6 of the California State Public Utility Codes has determined that there are no unmet transit needs or that there are no unmet transit needs that are reasonable to meet, and

WHEREAS, the StanCOG has informed the Finance Department that it has allocated Local Transportation Funds for use on local streets and roads pursuant to Sections 99400 and 99233.11 of the California State Public Utility Code, and

WHEREAS, the StanCOG has informed the Finance Department that it has allocated Local Transportation Funds for pedestrian and bicycle facilities uses pursuant to Sections 99233.3 and 99234 of the California State Public Utility Code, and

WHEREAS, the StanCOG has informed the Finance Department that the City of Modesto may claim $3,374,876 of Local Transportation Funds for street purposes, and $115,400 for pedestrian and bicycle projects, and

WHEREAS, Council action authorizing the claim is required by StanCOG pursuant to Section 99261 of the California State Public Utilities Code before any Local Transportation Fund funding can be released to the City of Modesto.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his authorized designee, is hereby authorized to execute and submit the claim for apportionment of Local Transportation Development Funds to the Stanislaus Council of Governments (StanCOG) to obtain non-transit funds and supplemental non-transit revenue, and that the submission of the City's claim to the Stanislaus Council of Governments (StanCOG) in the amount of $3,490,276 for Fiscal Year 2002/03 is hereby approved.

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

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

APPROVED AS TO FORM:

By  
Michael D. Milich, City Attorney

Attest: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-633

A RESOLUTION AMENDING THE FY2003 BUDGET TO ASSURE CONSISTENCY BETWEEN THE CITY'S FY03 BUDGET AND THE LTF CLAIM.

WHEREAS, the Stanislaus Council Of Governments (StanCOG) has informed the Finance Department that the City of Modesto may claim $3,374,876 of Local Transportation Funds for street purposes, and $115,400 for pedestrian and bicycle projects, and

WHEREAS, Sections 99400 and 99233.11 of the California State Public Utility Code, require that the City of Modesto records are consistent with State Controller and StanCOG reporting requirements, and

WHEREAS, the StanCOG Local Transportation Claim Form and the State Controller Annual Road Report requires project and program level identification for all Fiscal Year 2003 funding, and

WHEREAS, the City of Modesto Fiscal Year 2003 budget presently reports fund level appropriation for these Funds, and

WHEREAS the Council of the City of Modesto has authorized the City Manager, or his designee, to execute and submit the claim for apportionment of Local Transportation Development Funds to the Stanislaus Council of Governments (StanCOG) to obtain non-transit funds and supplemental non-transit revenue at its December 10, 2002 meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to amend the FY2003 budget to specify the budget of these TDA funds to the level required to meet State and StanCOG reporting requirements and to be consistent with the adopted LTF claim.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Council member Frohman, who moved its adoption, which motion being duly seconded by Council member Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES. Council members: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Council members: None

ABSENT: Council members: None

Attest: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION AMENDING SECTIONS 1 AND 10 OF RESOLUTION NO. 2001-433 ENTITLED "A RESOLUTION REVISIONING SEWER SERVICES CHARGES AND RESCINDING RESOLUTION NO. 2000-581" TO CONFORM TO CITY'S CURRENT BILLING PRACTICE FOR THE STORM DRAINAGE SEWER SURCHARGES FOR ALL NON-SINGLE FAMILY RESIDENTIAL PROPERTIES.

WHEREAS, Section 11-6.11 of the Modesto Municipal Code authorize the Council to establish storm drain sewer surcharges from time to time by resolution, and

WHEREAS, the Council has previously established storm drainage sewer surcharges, and

WHEREAS, Proposition 218 was passed in November of 1996 and became effective on July 1, 1997, and

WHEREAS, on February 5, 2002, the City Council adopted Resolution No. 2002-52 which authorized an all mail property owner election for an increase in storm drainage sewer surcharge rates in accordance with Proposition 218 procedures, and

WHEREAS, the ballot package included a description of the method of rate calculation for properties as required by law, and

WHEREAS, on August 14, 2001, the City Council adopted Resolution No. 2001-433 which describes the method of calculation and the amount of the storm drainage sewer surcharges, and

WHEREAS, after the ballots had been mailed it was discovered that the actual method of calculation of the bills for all non-single family residential properties differs from the method of calculation adopted in Resolution No. 2001-433, resulting in an under billing to those accounts, and

WHEREAS, it is necessary to conform Resolution No. 2001-433 which established storm drainage sewer surcharges to the utility billing software without increasing rates, and

WHEREAS, City staff is recommending that Sections 1 and 10 of Resolution No. 2001-433 be amended to conform to City's current billing practice for the storm drainage sewer surcharge for all non-single residential properties, and
WHEREAS, the Finance Committee met on November 25, 2002, and supported staff's recommendation, and

WHEREAS, by agenda report to the City Council from the Finance Department dated November 26, 2002, City staff recommended the changes as outlined in the report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 10 of Modesto City Council Resolution No. 2001-433 entitled "A Resolution Revising Sewer Service Charges and Rescinding Resolution No. 2000-581" are hereby amended to read as follows:

SECTION 1: DEFINITIONS, unless the context requires a different meaning, for the purposes of this resolution the definitions set forth in Section 5-6.103 of Chapter 6 of Title 5 of the Modesto Municipal Code entitled "DEFINITIONS" shall apply. The following definitions shall apply to the Storm Drainage Sewer Surcharge:

1. "Agricultural" shall include all parcels which have been developed to some extent but whose primary purpose is agricultural or for storm drainage.

2. "Commercial" shall include all developed parcels used for offices, wholesale or retail sales establishments, or provision of personal, professional, contracting recreational or business services.

3. "Developed Parcel" shall mean any lot or parcel of land altered from its natural state by the construction, creation or addition of impervious area, except public streets or highways.

4. "Duplex" shall mean a developed parcel with two dwelling units on a single parcel.

5. "Government" shall include all developed parcels used by the federal government, city, county, state or agencies of the state for the local performance of governmental or proprietary functions.

6. "Hospital" shall include all developed parcels used by facilities for the chronically ill and impaired, public health centers, community mental health centers, facilities for the mentally retarded, general and other types of hospitals and central service facilities operated in connection with hospitals, but shall not include any institutional use furnishing primarily domiciliary care.

7. "Industrial" shall include all developed parcels that are used to manufacture, fabricate, process, or package products, or to process and store food or chemical products.
8. "Multi-family Residential" shall include all developed parcels or other than single-family residential or duplex units, including hotels, boarding houses and twenty-four hour care for less than six persons. Multi-family Residential will be broken down into four density categories, depending on the amount of property square foot per dwelling unit. The following shall be the four density categories:

<table>
<thead>
<tr>
<th>Density Category</th>
<th>Property Sq. Ft. Per Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>0-1000</td>
</tr>
<tr>
<td>Medium</td>
<td>1001-3500</td>
</tr>
<tr>
<td>Low</td>
<td>3501-7000</td>
</tr>
<tr>
<td>Very Low</td>
<td>Over 7000</td>
</tr>
</tbody>
</table>

9. "Multi-family Senior Mobile Home" shall include all developed parcels in which two or more mobile home lots are rented or leased or held for rent or lease to accommodate manufactured homes or mobile homes for senior citizen housing as defined in Civil Code Sections 51.2 and 51.3.

10. "NPDES Industrial Stormwater Permit" shall mean the stormwater discharge permit issued to operators of certain industrial activities by the State Water Regional Control Board pursuant to CWA and 40 CFR parts 122, 123, and 124.

11. "Non-profit Organizations" shall include all developed parcels used by organizations organized and operated for nonprofit purposes, which are exempt corporations under Revenue and Taxation Code 23701.

12. "Parcel" shall mean the smallest separately segregated lot, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the Stanislaus County Tax Assessor.

13. "Parks" shall include all developed parcels operated as a park by a public agency.

14. "Parks/Cemeteries" shall include developed parcels used primarily for cemetery purposes or for publicly owned places of recreation and enjoyment for general public use.
15. "Schools" shall include all developed parcels used by institutions for instruction or education operated by the state, an agency of the state, a church or a non-profit organization.

16. "Single-Family Residential" shall include all developed parcels with one single-family detached housing unit.

17. "Transportation/Utilities" shall include all developed parcels which are used for transportation, communications and utilities services, including trucking, aviation, railroads, suburban transit, power, water and other utilities.

18. "Undeveloped" shall mean any lot or parcel which remains in its natural state and is not used for any purpose.

SECTION 10. STORM DRAIN SEWER SURCHARGE. The Storm Drainage Sewer Surcharge shall be paid as set forth below:

(a) All non-single family residential parcels are classified according to their 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 property. The following land uses are identified and recognized, each of which has an assigned IDF, as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Intensity of Development Factor (IDF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duplex</td>
<td>0.50</td>
</tr>
<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>Multi-Family Low Density</td>
<td>0.40</td>
</tr>
<tr>
<td>Multi-Family Very Low Density</td>
<td>0.25</td>
</tr>
<tr>
<td>Multi-Family Senior Mobile Home</td>
<td>0.30</td>
</tr>
<tr>
<td>Commercial</td>
<td>0.95</td>
</tr>
<tr>
<td>Industrial</td>
<td>0.75</td>
</tr>
<tr>
<td>Transportation/Utilities</td>
<td>0.40</td>
</tr>
<tr>
<td>Hospitals</td>
<td>0.50</td>
</tr>
<tr>
<td>Parks/Cemeteries</td>
<td>0.10</td>
</tr>
<tr>
<td>Agriculture</td>
<td>0.08</td>
</tr>
<tr>
<td>Undeveloped</td>
<td>0.00</td>
</tr>
</tbody>
</table>
(b) The basis of the Storm Drainage Sewer Surcharge is an Equivalent Runoff Unit (ERU) defined as a unit of storm water runoff from a 3500 SQ. FT. parcel with an Intensity of Development Factor (IDF) of 1.00. The ERU for a parcel equals the Intensity of Development Factor (IDF) multiplied by the total area of the parcel in square feet divided by 3500 square feet. A parcel’s ERU is calculated by the following equation:

\[
\text{IDF} \times \text{Area (SF)} / 3500 \text{ SF} = \text{ERU}
\]

All Non Single Family properties are charged at a monthly rate of $6.57 per ERU.

(c) The monthly Storm Drainage Sewer Surcharge for each land use is calculated as a monthly charge per acre by the following equation:

\[
\frac{43,560 \text{ SF/Acre} \times \text{IDF (see chart)} \times \text{Monthly Rate/ERU (currently $6.57)}}{3500 \text{ SF}} = \text{Monthly Charge/Acre}
\]

The Calculated Monthly Per Acre Charge for each parcel use is listed in Table 1 below.

Each parcel will be billed according to the following equation:

\[
\text{Monthly Charge Per Acre (as calculated in Table 1)} \times \text{parcel size in exact acreage} = \text{Monthly charge for a parcel}
\]

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Monthly Rate per ERU</th>
<th>IDF Monthly Storm Drainage Sewer Surcharge per Month per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duplex</td>
<td>0.50</td>
<td>$40.88</td>
</tr>
<tr>
<td>Multi Family-High Density</td>
<td>0.95</td>
<td>$77.68</td>
</tr>
<tr>
<td>Multi Family-Medium Density</td>
<td>0.80</td>
<td>$65.41</td>
</tr>
<tr>
<td>Multi Family-Low Density</td>
<td>0.40</td>
<td>$32.71</td>
</tr>
<tr>
<td>Multi Family-Very Low Density</td>
<td>0.25</td>
<td>$20.44</td>
</tr>
<tr>
<td>Multi Family Senior Mobile Home</td>
<td>0.30</td>
<td>$24.53</td>
</tr>
<tr>
<td>Commercial</td>
<td>0.95</td>
<td>$77.68</td>
</tr>
<tr>
<td>Industrial</td>
<td>0.75</td>
<td>$61.33</td>
</tr>
<tr>
<td>Transportation/Utilities</td>
<td>0.40</td>
<td>$32.71</td>
</tr>
</tbody>
</table>
(d) Single-Family Residential charges shall be as follows:

<table>
<thead>
<tr>
<th>Square Footage of Property</th>
<th>Monthly Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-3500 SF</td>
<td>$1.65</td>
</tr>
<tr>
<td>3501-7000 SF</td>
<td>$3.23</td>
</tr>
<tr>
<td>7000 + SF</td>
<td>$4.85</td>
</tr>
</tbody>
</table>

(e) Residential users may participate in the Senior Citizens and Disabled Persons Water Discount Program for storm drainage sewer surcharge discounts if they qualify under the program guidelines.

(f) Mixed Use Property is nonresidential property, more than five acres in size, which contains more than one acre of undeveloped or agricultural property. Upon application to and approval by the Engineering and Transportation Director, Mixed Use Property shall pay a split surcharge, the developed portion paying the IDF appropriate to the developed land use, and the undeveloped or agricultural portion paying the Undeveloped or Agricultural IDF, as appropriate.

(g) That the portion of the storm sewer drainage surcharge related to street sweeping and storm water collection shall not apply to a parcel if more than a majority of all of the parcels which front on the city street do not have curbs and gutters. That portion currently constitutes seventy percent (70%) of the surcharge.

(h) In the future, if the storm drainage sewer surcharge is to be adjusted by resolution, the proposed monthly rate per Equivalent Runoff Unit (ERU) shall be calculated and rounded to the nearest whole 1/100 of a dollar. The monthly rate per ERU shall then be used in the above equations to calculate the new monthly rate per acre for each land use and Table 1 shall be revised accordingly. All new monthly rates per acre shall be rounded to the nearest whole 1/100 of a dollar for billing purposes. (.5 will be rounded down)
BE IT FURTHER RESOLVED that this resolution shall go into effect and be in full force and operation on and after December 10, 2002.

BE IT FURTHER RESOLVED that Sections 1 and 10 of Resolution No. 2001-433 are hereby amended effective December 10, 2002.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM

BY: MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF MODESTO 2002-2003 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 May 14, 2002, meeting approved the adoption of the 2002-2003 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 November 8, 2002, and ended on December 8, 2002, and

WHEREAS, the Citizens Housing and Community Development Committee considered the proposed changes to the Annual Action Plan at its November 22, 2002, 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 December 10, 2002, to consider the proposed amendments to the 2002-2003 Annual Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Amendment to the 2002-2003 Annual Action Plan as presented to the Council is hereby approved, and a copy of said Amendment to the 2002-2003 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 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM

By: Michael D. Milich, City Attorney
Exhibit A

Executive Summary
Proposed Amendment to the 2002-2003 Annual Action Plan

The City Council approved the adoption of the 2002-2003 Annual Action Plan at its meeting of May 14, 2002. This is the first proposed amendment to this plan.

The Annual Action Plan, prepared before the beginning of each fiscal year that starts on July 1, details the City’s plan for the expenditure of funds received from the Department of Housing & Urban Development (HUD) for the following three grants: Community Development Block Grant (CDBG), HOME Investment Partnership Grant (HOME) and Emergency Shelter Grant (ESG). At the time the Plan is prepared, typically in May, staff has received confirmation from HUD regarding the amount of the upcoming year’s entitlement grant, which typically comprises the largest portion of the available funding for the programs. However, there are two other funding sources that must be estimated at the time the Plan is prepared: 1) the amount of program income that will have been generated by the end of the fiscal year (June 30), through the repayment of program loans and 2) the carryover that will be available for reprogramming at the end of the fiscal year (June 30).

Once the previous year’s program is closed out, at the end of September, staff can then confirm the amount of program income and carryover that are now available for reprogramming in the current fiscal year. This reprogramming is accomplished through an amendment to the Annual Action Plan and allows us to:

- Ensure that CDBG, HOME and ESG funds are spent in a timely fashion, and meet the HUD-required drawdown ratio.
- Address needs that have arisen in the community since the Annual Action Plan was written.

For 2002-2003, this amendment recognizes an increase in the revenue available for CDBG and HOME programs, due to an increase over the original estimated amounts of program income and carryover available.

The major CDBG Plan activities that will be affected by this amendment are Capital Improvement Programs. Specifically, this amendment will allow for the completion of several projects that have been planned or underway for a significant period of time, including the ADA Elevator Project at the Modesto Centre Plaza, the completion of Hillside Drive in the Airport Neighborhood, and a shade structure at Robertson Road Park. This amendment also increases funding for two projects that we have focused increasing resources on, the ADA Curb Cut /Signal Program and Street Paving in Low Income Areas. Finally, this amendment will also allow us to begin engineering and design work on the rehabilitation, expansion and/or construction of several City facilities located in low-income neighborhoods, including the Maddux Youth Center, the King-Kennedy Center and the Westside Service Center.
This amendment will also provide for a decrease in the amount of funding budgeted for administration of the CDBG program.

For the HOME program, there is an increase in available funding of $446,526, largely due to available carryover from previous years. Staff recommends that this be programmed for the construction of new affordable housing.

The specific changes and budget summaries for the CDBG and HOME programs may be found attached. There are no proposed amendments to the ESG program.

HUD requires that all Plan amendments be subject to a 30-Day public review and comment period and a public hearing. This amendment is available for public review and comment beginning November 8, 2002, and will close with a City Council public hearing on December 10, 2002.
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-636

A RESOLUTION AMENDING THE FISCAL YEAR 2002-03 ANNUAL OPERATING BUDGET TO REFLECT APPROVED CHANGES TO THE CDBG 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 May 14, 2002, meeting approved the adoption of the 2002-2003 Annual Action Plan, and

WHEREAS, since adoption of the Annual Action Plan, staff has determined that changes should be made to programs and services provided to better meet the needs of the citizens of Modesto, and

WHEREAS, these program changes require re-allocation of funds, and

WHEREAS, re-allocation of these funds is more fully described on Exhibit “A”, attached hereto and incorporated by reference, and

WHEREAS, the Citizens Housing and Community Development Committee considered the proposed changes to the Annual Action Plan at its November 22, 2002, 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 December 10, 2002, to consider the proposed amendments to the 2002-2003 Annual Action Plan,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2002-03 Annual Operating Budget is 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 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

Attest: Jean Zahr
JEAN ZAHR, City Clerk

By: Michael D. Milich, City Attorney
Changes to CDBG Operating Budget

Decrease

Indirect Administration - $121,109
Building Code Enforcement - $21,104
Down Payment Assistance - $28,504
Emergency Home Repair - $50,000
Tool Bank Program - $5,000
Lead Based Paint Service - $2,500
TOTAL $228,217

Increase

General Administration $90,959
Alley Closures $6,000
Code Enforcement $8,532
Robertson Road Park $50,000
Rehabilitation Services $17,790
Housing Rehabilitation Loans $54,936
TOTAL $228,217
Changes to HOME Budget

<table>
<thead>
<tr>
<th>Revenue</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Income</td>
<td>$106,414</td>
</tr>
<tr>
<td>Carryover for New Projects</td>
<td>$79,842</td>
</tr>
<tr>
<td>Carryover for CHDO</td>
<td>$260,270</td>
</tr>
<tr>
<td>Total</td>
<td>$446,526</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditures</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>New Projects</td>
<td>$186,256</td>
</tr>
<tr>
<td>CHDO</td>
<td>$260,270</td>
</tr>
<tr>
<td>Total</td>
<td>$446,526</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-637

A RESOLUTION AMENDING THE FISCAL YEAR 2002-03 ANNUAL CAPITAL IMPROVEMENT BUDGET TO REFLECT APPROVED CHANGES TO THE CDBG 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 May 14, 2002, meeting approved the adoption of the 2002-2003 Annual Action Plan, and

WHEREAS, since adoption of the Annual Action Plan, staff has determined that additional revenue is available for CDBG and HOME programs, due to an increase over estimated amounts of program income and carryover available, and

WHEREAS, staff is recommending that new projects be established for Hillside Drive construction in the Airport Neighborhood, and Property Acquisition (Fairway Neighborhood Park and a homeless day facility) and

WHEREAS, the $382,000 allocated for Hillside Drive will be used to extend Hillside Drive along the south border of Orville Wright Neighborhood Park and to develop an access road along the west border of the park, and

WHEREAS, in order to develop Orville Wright Neighborhood Park (which is scheduled for a February/March 2003 construction start date) these access roads must be built, and

WHEREAS, the park construction is being funded, in large part, by the 2000 Parks Bond Act and said Parks Bond Act funding is not eligible to be used for road construction and thus the CDBG funding is greatly needed, and
WHEREAS, staff is recommending that additional funding should be allocated for the ADA elevator at the Modesto Centre Plaza, and

WHEREAS, staff is recommending that funding should be increased for the ADA Curb Cut/Signal program and Street Paving in Low Income Areas, and

WHEREAS, staff is recommending that funding be allocated for engineering and design work for the rehabilitation, expansion and/or construction of several City facilities located in low-income neighborhoods, including the Maddux Youth Center, King-Kennedy Memorial Center and the Westside Service Center, and

WHEREAS, the Citizens Housing and Community Development Committee considered the proposed changes to the Annual Action Plan at its November 22, 2002, 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 December 10, 2002, to consider the proposed amendments to the 2002-2003 Annual Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2002-03 Annual Operating and Capital Improvement Plan Budgets are hereby amended to estimate new revenue, appropriate new expenses and 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 10th day of December, 2002, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
Changes to CDBG Capital Improvement Plan

**Revenue**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Income</td>
<td>$24,436</td>
</tr>
<tr>
<td>Carryover</td>
<td>$734,414</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$758,850</td>
</tr>
</tbody>
</table>

**Expenditure Decreases**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Down Payment Assistance</td>
<td>-$150</td>
</tr>
<tr>
<td>Neighborhood Projects</td>
<td>-$10,000</td>
</tr>
<tr>
<td>Property Enhancement</td>
<td>-$5,000</td>
</tr>
<tr>
<td>ADA Park Playgrounds (Close Project Q228)</td>
<td>-$150,000</td>
</tr>
<tr>
<td>King-Kennedy Collaborative</td>
<td>-$75,000</td>
</tr>
<tr>
<td>CIP Project Management</td>
<td>-$40,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>-$280,350</td>
</tr>
</tbody>
</table>

**TOTAL AVAILABLE RESOURCES** $1,039,200

**Increases**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADA Curb Ramps/ Signals</td>
<td>$188,000</td>
</tr>
<tr>
<td>King-Kennedy Center</td>
<td>$91,000</td>
</tr>
<tr>
<td>Centre Plaza Elevator</td>
<td>$81,000</td>
</tr>
<tr>
<td>Street Paving, Low Income Areas</td>
<td>$110,900</td>
</tr>
<tr>
<td>Westside Service Center</td>
<td>$6,000</td>
</tr>
<tr>
<td>Property Acquisition</td>
<td>$175,000</td>
</tr>
<tr>
<td>Maddux Youth Center</td>
<td>$5,300</td>
</tr>
<tr>
<td>Hillside Drive</td>
<td>$382,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$1,039,200</td>
</tr>
</tbody>
</table>

Exhibit A
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-638

A RESOLUTION AUTHORIZING STAFF TO PUBLISH A REQUEST FOR PROPOSALS FOR THE DEVELOPMENT AND CONSTRUCTION OF MULTI-FAMILY OR SINGLE-FAMILY "QUALITY HOUSING FOR WORKING CITIZENS" PROJECTS USING $260,526 IN RE-ALLOCATED HOME FUNDS AND TO NEGOTIATE WITH STANCO FOR USE OF $260,270 IN UNCOMMITTED COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) 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 May 14, 2002, meeting approved the adoption of the 2002-2003 Annual Action Plan, and

WHEREAS, staff has determined that there is an increase in available funding of $446,526, consisting of $186,526 in program income and carryover from previously funded projects as well as $260,270 in uncommitted Community Housing Development Organization (CHDO) funds, and

WHEREAS, STANCO is the only financially stable Community Housing Development Organization currently operating in the city limits of Modesto, and

WHEREAS, staff recommends that negotiations be entered into with STANCO for the use of the $260,270 in CHDO funds, and

WHEREAS, staff recommends that the program income and carryover be programmed for new projects, and

WHEREAS, the Citizens Housing and Community Development Committee considered the use of the increased funding at its November 22, 2002, meeting, and the Committee recommended that the City Council authorize staff to publish a Request for Proposals for the development and construction of multi-family or single-family "Quality
Housing for Working Citizens" projects using $186,256 in re-allocated HOME funds, and

WHEREAS, the Citizens Housing and Community Development Committee further recommended that staff negotiate with STANCO for the use of the $260,270 in CHDO funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to publish a Request for Proposals for the development and construction of multi-family or single-family “Quality Housing for Working Citizens” projects using $186,256 in re-allocated HOME funds.

BE IT FURTHER RESOLVED that staff is hereby authorized to negotiate with STANCO for use of $260,270 in uncommitted Community Housing Development Organization funds.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

Attest: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2002 - 639

A RESOLUTION AMENDING THE FISCAL YEAR 2002-2003 ANNUAL BUDGET

WHEREAS, a monthly financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2002-2003.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2002-2003 budget have been adjusted as shown in Attachment A.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: Jeann Zahr, City Clerk

(seal)

APPROVED AS TO FORM:

By: Mike Milich, City Attorney
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<thead>
<tr>
<th>Fund</th>
<th>Agency</th>
<th>Orgn</th>
<th>Object</th>
<th>Description</th>
<th>Current</th>
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<td>FY 02-03 Budget Adjustments - December 2002</td>
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<tr>
<td>Capital Facilities Fees Administration Fund - $80,000</td>
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<td>Reserve</td>
<td>(192,115)</td>
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<td>Golf Fund Subsidy - $225,000</td>
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<td>LED Replacement Program - $406,400</td>
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<td>Transfer Out</td>
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<td>Community Development CDBG Transfer - $20,000</td>
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<td>Reserve</td>
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<td>(225,000)</td>
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<td>Kansas/Needham Overpass - $3,250,000</td>
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<td>Transfer In</td>
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<tr>
<td>Revenue</td>
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<td>(20,000)</td>
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<td></td>
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ATTACHMENT A
A RESOLUTION APPROVING AMENDMENT NO. 15 TO THE AGREEMENT FOR ENGINEERING SERVICES FOR 9TH STREET RAILROAD RELOCATION PROJECT WITH DELEUW, CATHER & COMPANY (NOW PARSONS TRANSPORTATION GROUP), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT

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

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

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

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

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

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

WHEREAS, Amendment No. 15 will continue to fund construction support services and thus complete the construction of the Kansas Needham Overhead,
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that Amendment No. 15 to an agreement between the City of Modesto and De Leuw, Cather, & Company (now Parsons Transportation Group) for continued engineering services for the 9th Street Railroad Relocation project (Kansas Needham Overhead) be, and it is hereby approved.

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-641

A RESOLUTION ACCEPTING THE CAPITAL FACILITIES FEES FUND SUMMARIES REPORT AND MAKING THE REQUIRED STATUTORY FINDINGS.

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code Sections 8-1.904 et seq. creating and establishing the authority for imposing and charging Capital Facilities Fees (CFF), and

WHEREAS, the City is required by State Law to report and to make certain findings, (Government Code Section 66001), on its CFF Program every five (5) years, following the first deposit into the account or fund, and every five (5) years thereafter, the local agency shall make certain findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted, and

WHEREAS, on December 10, 2002, the City Council considered a report made public on November 20, 2002, relating to CCF which was submitted to the Council by the Finance Director of the City of Modesto, a copy of which report is on file in the office of the City Clerk, and

WHEREAS, the information and findings in the report relate to the CFF Program the Council adopted in 1989 and amended in 1992 and revised in 1999 by the City Council,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby accepts the report made public on November 20, 2002, relating to CCF which was submitted to the Council by the Finance Director of the City of Modesto, a copy of which report ("Report") is on file in the office of the City Clerk.
BE IT FURTHER RESOLVED that the Council makes the following findings:

(1) **The purpose to which the fee is to be put is identified as follows:**

The fee is to reduce the impacts of future development; such improvements include, but are not limited to, expansion, construction, development and/or acquisition of new fire and police stations, various parks and recreation facilities, City Hall office space and equipment, a corporation yard and various street projects. The fees collected shall be used to finance the municipal public facilities identified in Attachments 5 and 6 to the Report.

(2) **A reasonable relationship between the fee and the purpose for which it is charged is demonstrated as follows:**

The City funds a study to assess the facilities required to accommodate growth. The study establishes reasonable relationships between the fees and the proposed projects, and assesses the fees based on the projected impact of the various land uses. The result of that study is the basis of the Capital Facilities Fees and can be found in Attachment 9 to the Report.

(3) **All sources and amounts of funding anticipated to complete financing of the public facilities are identified as follows:**

The sources of funding for the projects included in the CFF Program are outlined in the adopted CFF reports and are summarized by fund in Attachment 4 to the Report. Some projects are fully funded by CFF, some are partially funded by existing City sources, Federal grants and/or State grants.

(4) **The approximate dates on which funding for the public facilities is expected to be deposited into the appropriate fund are designated as follows:**

The key funding source for the majority of projects is CFF revenue which is dependent on development trends. The required findings are that the CFF funds will be deposited as development occurs over the next thirty (30) years. Attachment 6 to the Report shows a projection of how CFF funds will be spent over the next ten (10) years. The projection in Attachment 6 is determined during the annual Capital Improvement Program budget process. It is anticipated that revenue will be received in sufficient amounts to begin the projects listed is the ten (10) year projection during the fiscal year (starting July 1 and ending the following June 30) showing any projected expenditures.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney