MODESTO CITY COUNCIL
RESOLUTION NO. 2001-1

A RESOLUTION ACCEPTING THE PROJECT TITLED "9TH STREET OUTFALL" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled 9th Street Outfall, has been completed by Mozingo Construction, Inc., in accordance with the contract agreement dated December 7, 1999.

NOW, THEREFORE, BE IT RESOLVED that the 9th Street Outfall be accepted from said contractor, Mozingo Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $660,651.81 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Scrpa, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

January 3, 2001/Engineering and Transportation Construction/T Parmer 99-34:project acceptance resolution
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-2

A RESOLUTION ACCEPTING THE PROJECT TITLED “DOWNEY PARK AND MODESTO HIGH SCHOOL TENNIS COURT RENOVATION” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Downey Park And Modesto High School Tennis Court Renovation, has been completed by Southwest Recreational Industries, Inc., in accordance with the contract agreement and May 2, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Downey Park And Modesto High School Tennis Court Renovation be accepted from said contractor, Southwest Recreational Industries, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and payment of amounts due in the amount of $73,386.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOS: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-3

A RESOLUTION ACCEPTING THE PROJECT TITLED "PAVEMENT MAINTENANCE (CAPE SEAL 2000)" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Pavement Maintenance (Cape Seal 2000), has been completed by Western States Surfacing, Inc., in accordance with the contract agreement dated July 25, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Pavement Maintenance (Cape Seal 2000) be accepted from said contractor, Western States Surfacing, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $180,890.68 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2000, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE PROJECT TITLED "TUOLUMNE RIVER BICYCLE PATH" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Tuolumne River Bicycle Path, has been completed by Fagundes & Son, Inc., in accordance with the contract agreement dated June 1, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Tuolumne River Bicycle Path be accepted from said contractor, Fagundes & Son, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $230,710.98 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

JAN ZAHR, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $7,500.00 TO FULLY FUND THE TUOLUMNE RIVER BICYCLE PATH PROJECT

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

FROM: 8900-390-3912-0235; $7,500.00
TO: 891-310-F971-6040; $7,500.00

Costs in the CIP account to construct the Tuolumne River Bicycle Path between Tioga Drive and the Mitchell Road Bridge exceeded the planned contingencies. This was the result of higher construction administration costs associated with the project taking longer than expected, added soil compaction testing, and the repair of storm damage to the original installation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: ________________________________________
JEAN ZAHR City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-6

A RESOLUTION AMENDING THE BUDGET AND RE-ESTIMATING REVENUE FOR FIRST QUARTER OF THE FISCAL YEAR 2000-2001 ANNUAL BUDGET

WHEREAS, the first quarter 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 2000-2001.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2000-2001 budget have been adjusted as shown in Attachment F and Attachment G.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution, including closing CIP projects and making adjustments for CIP carryover and re-appropriations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHN, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: ____________________________
STAN FEATHERS, Budget Officer
## Attachment F
### Budget Adjustment Detail

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<tr>
<th>App/Rev</th>
<th>Fund</th>
<th>Agency</th>
<th>Organization</th>
<th>Appr Unit</th>
<th>Object</th>
<th>Current Budget</th>
<th>New Budget</th>
<th>Adjustment</th>
<th>Title &amp; Justification</th>
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<td>25,000</td>
<td>25,000</td>
<td>Increase for the Youth/Senior Financial Assistance program to continue the level of assistance as was approved in FY 00. This will be looked at each year for continuation.</td>
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<td>CPP- Streets to improve the intersection at Palendale and Highway 99</td>
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<td>Add Admin. Clerk to CM</td>
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<td>These funds will correct a problem with the elevator call buttons on the exterior of the Museum building. Savings are available from the Downey Park Lighting Project</td>
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<td>New Copy Machines for 3 Departments</td>
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<td>69,000</td>
<td>The subsidy for the Centre Plaza garage needs to be transferred to the Parking Fund who has the responsibility for operating the garage. There was a reduction in the subsidy to the Centre Plaza to correspond with this transfer.</td>
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<td>The subsidy for the Centre Plaza garage needs to be transferred to the Parking Fund who has the responsibility for operating the garage. There was a reduction in the subsidy to the Centre Plaza to correspond with this transfer.</td>
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<td>The subsidy for the Centre Plaza garage needs to be transferred to the Parking Fund who has the responsibility for operating the garage. There was a reduction in the subsidy to the Centre Plaza to correspond with this transfer.</td>
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<td>The subsidy for the Centre Plaza garage needs to be transferred to the Parking Fund who has the responsibility for operating the garage. There was a reduction in the subsidy to the Centre Plaza to correspond with this transfer.</td>
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# Attachment F

## Budget Adjustment Detail

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### Attachment F

**Budget Adjustment Detail**

- **Rev 0110 700 7000**
  - 7130 | 1,060,500 |
  - 1,130,500 |
  - 65,000 |
  - Carryover Revenues |

- **Rev 0250 510 9510**
  - 65,000 |

- **Rev 0250 510 9510**
  - 1,060,500 |

- **Rev 0250 510 9510**
  - 628,934 |

- **Rev 0250 510 9510**
  - 122,000 |

- **Rev 0250 510 9510**
  - 245,760 |

- **Rev 0250 510 9510**
  - 245,760 |

- **Rev 0250 510 9510**
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- **Rev 0250 510 9510**
  - 64,000 |

- **Rev 0250 510 9510**
  - 30,000,000 |

- **Rev 0250 510 9510**
  - 4,500,000 |

- **Rev 0250 510 9510**
  - 98,000 |

- **Rev 0250 510 9510**
  - 30,000,000 |

- **Rev 0250 510 9510**
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- **Rev 0250 510 9510**
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- **Rev 0250 510 9510**
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- **Rev 0250 510 9510**
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- **Rev 0250 510 9510**
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- **Rev 0250 510 9510**
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<td>1400 310 J423 6040</td>
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<td>J431 PARK TENNIS COURT RNVTN-LALOMA: close</td>
<td>1400 310 J431 6040</td>
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<td>K091 MISCELLANEOUS IMPROVEMENTS: close</td>
<td>1400 310 K091 6040</td>
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<td>K925 GRACEADA G.I.F.T. PROJECT: close</td>
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<td>1410 Capital Facility Street</td>
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<td>E443 CARPENTER/MAZE/HATCH PLANLINE: close</td>
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<td>1430 Capital Facility Air Quality Capital</td>
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<td>0700 160 F706 6050</td>
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<td>1700 State Parks &amp; Recreation</td>
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<td>H067 SCENIC OVERLOOK LAND ACQ: close</td>
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<td>0700 160 H067 6050</td>
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<td>2300 Capital Fund</td>
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Total: 3,179,901 -1,257,900 1,922,001
### 6000 Parking

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**P559 CITY HALL LOT SEAL COAT:** close

### 6100 Water

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<td>J509</td>
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<td>K458</td>
<td>REPLACE WATER MAINS (610): combine w/M221</td>
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<td>SCADA Improvements (610):</td>
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### 6120 Water CIP Certificate of Participation

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### 6150 Del Este MID Service Areas

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<td>WATER STORAGE BUILDING (615): close</td>
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<td>INSTALL NEW SERVICES (615): combine w/M222</td>
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<td>L066</td>
<td>DRILL TEST HOLES ZONE 2 (615): combine w/M224</td>
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<td>REPLACE PUMPS (615): combine w/M228</td>
<td>6150 480 L058 6070</td>
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<td>L059</td>
<td>EXPAND SURFACE WATER TREATMENT: combine w/M227</td>
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### 6160 Del Este Non-MID Service Areas

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<td>REPLACE WATER MAINS (616): close</td>
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<td>INSTALL WATER METERS (616): combine w/M236</td>
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<td>STRENGTHEN WATER SYSTEM (616): combine w/M242</td>
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<td>Install Water Meters (616):</td>
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### 6210 Wastewater Operations

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Total: 5,813,835 -1,797,397 3,879,438

6230 1997 Sewer Revenue Bonds

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Total: 13,891,099 -191,652 13,699,447

6280 Storm Drainage

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<td>6280 480 K804 6070</td>
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Total: 759,341 -15,378 744,463

6510 Bus Service Fixed Route

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Total: 3,000 -3,000 0

7200 Fleet Management

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Total: 86,000 -53 85,947

9060 Redevelopment Agency Low And Moderate Income Housing

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Total: 507,742 -237,994 269,748

Grand Total

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MODESTO CITY COUNCIL
RESOLUTION NO. 2001-7

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

BE IT RESOLVED by the Council of the City of Modesto that Councilmember Tim Fisher is hereby designated to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2001, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-8

A RESOLUTION DECLARING EMERGENCY REPAIRS OF
THE CANNERY SEGREGATION LINE AT THE PRIMARY
TREATMENT PLANT TO BE OF URGENT NECESSITY FOR
THE PRESERVATION OF LIFE, HEALTH OR PROPERTY,
AND AUTHORIZING THE COMPLETION OF SAID REPAIRS
WITHOUT COMPLYING WITH THE FORMAL BIDDING
REQUIREMENTS OF SECTION 1307 OF THE MODESTO
CITY CHARTER.

WHEREAS, on December 26, 2000, the Cannery Segregation sewer line began
leaking at the City’s Primary Water Quality Control Plant, and

WHEREAS, due to repairs being made on the primary outfall line, the Cannery
Segregation line that is leaking is being used as the primary discharge line conveying sewage to
the Secondary Treatment Site, and

WHEREAS, the leaking Cannery Segregation line must be repaired immediately
to allow sewage flows to continue to the Secondary Treatment Site and to avoid discharge of
sewage into the Tuolumne River, and

WHEREAS, City staff has been arranging for contractors to start this work, and

WHEREAS, the cost of the project is estimated to be anywhere from $20,000 to
$300,000 since the extent of the repair is unknown at this time because the leak is covered by
several feet of sewage,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that based on the facts set forth above, the Council does hereby declare that the repair work to
the Cannery Segregation line is of urgent necessity for the preservation of life, health or property
and is hereby authorized without compliance with the formal bidding process set forth in Section
1307 of the Modesto City Charter.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2\textsuperscript{nd} day of January, 2001, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

\begin{center}
\text{ATTEST:} \hspace{1cm} \underline{Jean Zander} \\
JEAN ZANDER, City Clerk
\end{center}

\begin{center}
\text{APPROVED AS TO FORM:} \\
By \underline{Michael D. Milich}, City Attorney
\end{center}
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-9

A RESOLUTION APPOINTING DAVID F. GEER TO THE COMMUNITY QUALITIES FORUM

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

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

SECTION 1. David F. Geer is hereby appointed to the Community Qualities Forum with a term expiration of January 1, 2005.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JHAN ZAHR, City Clerk
A RESOLUTION RE-APPOINTING GRACE LIEBERMAN TO THE CULTURE COMMISSION

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

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

SECTION 1. Grace Lieberman is hereby re-appointed to the Culture Commission with a term expiration of January 1, 2005.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

[Signature]

JIAN ZAHR
City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-11

A RESOLUTION RE-APPOINTING RICARDO CORDOVA TO THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

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

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

SECTION 1. Ricardo Cordova is hereby re-appointed to the Citizens Housing & Community Development Committee with a term expiration of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-appointed member of the Citizens Housing & Community Development Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

010201/Manager's Office/EstherPuckett
A RESOLUTION RE-APPOINTING BARBARA PARRILL TO THE LANDMARK PRESERVATION COMMISSION

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

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

SECTION 1. Barbara Parrill is hereby re-appointed to the Landmark Preservation Commission with a term expiration of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-appointed member of the Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: jean Zahr

JEAN ZAHR City Clerk
A RESOLUTION RE-APPOINTING ERIC BENSON AND FRANCIS RUGGIERI TO THE DOWNTOWN IMPROVEMENT DISTRICT

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

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

SECTION 1. Eric Benson and Francis Ruggieri are hereby re-appointed to the Downtown Improvement District with a term expiration of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-appointed members of the Downtown Improvement District, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR
City Clerk
A RESOLUTION RE-APPOINTING CHRIS DAVIDSON TO THE HOUSING REHABILITATION LOAN COMMITTEE

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

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

SECTION 1. Chris Davidson is hereby re-appointed to the Housing Rehabilitation Loan Committee with a term expiration of January 1, 2005.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly re-appointed member of the Housing Rehabilitation Loan Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-15

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SAVEMART SUPERMARKETS INC. AND ICI DEVELOPMENT COMPANY FOR FUNDING OF IMPROVEMENTS AT THE INTERSECTION OF OAKDALE ROAD AND SCENIC DRIVE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment (attached hereto as Exhibit 1) to the agreement dated August 1, 2000 between the City of Modesto and SaveMart Supermarkets Inc. and ICI Development Company for funding of improvements at the intersection of Oakdale Road and Scenic Drive be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTTEST: JEN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

12/29/00 / Engineering & Transportation / Mark Houghton
A RESOLUTION INCREASING THE ENGINEERING AND TRANSPORTATION DIRECTOR’S AUTHORITY LEVEL TO ISSUE CHANGE ORDERS FROM 10% TO 18% OF THE ORIGINAL CONTRACT PRICE WITH FAGUNDES AND SONS, INC. ON THE “OAKDALE ROAD AND SCENIC DRIVE IMPROVEMENTS” PROJECT.

WHEREAS, on August 1st, 1991, the City Council awarded a $647,938.00 contract to Fagundes and Sons, Inc. to make improvements to Oakdale Road and Scenic Drive, and

WHEREAS, during the course of construction, it was discovered that MID had included a condition of approval on ICI/Savemart’s tentative map that “existing irrigation pipelines shall be removed, protected, or relocated as required by the Modesto Irrigation District”, and

WHEREAS, there is a 30” concrete irrigation line located in Oakdale Road along a portion of the project where Oakdale Road is being widened, and

WHEREAS, it has been agreed with MID, that an acceptable manner of “protecting” the existing pipe would be to install a HDPE sliliner, and

WHEREAS, by Resolution No. 99-405 the City agreed to sharing the cost of improvements along Oakdale Road with the developers of the site, and

WHEREAS, the City is concurrently amending the cost sharing agreement with the developer to include the cost of slilining the MID irrigation pipeline, and

WHEREAS, the Contractor has submitted a price for the additional work of $79,270 that exceeds the Directors 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 10% of the original contract price, or $64,793.80 in this case,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby increases the Engineering and Transportation Director’s authority level to issue change orders, from 10% to 18% of the original contract price with Fagundes and Sons, Inc., for the project entitled “Oakdale Road and Scenic Drive Improvements.”

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: [Signature]
JEAN ZAHR, City Clerk
(SEAL)

APPROVED AS TO FORM:
By [Signature]
MICHAEL D. MILICH, City Attorney

12/29/00 / Engineering & Transportation / Mark Houghton
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-16

A RESOLUTION AMENDING THE CAPITAL IMPROVEMENTS BUDGET TO RECOGNIZE ADDITIONAL REVENUE FROM SAVEMART SUPERMARKETS, INC. AND ICI DEVELOPMENT COMPANY AND INCREASE THE ANTICIPATED CONSTRUCTION EXPENSE.

WHEREAS, on August 1st, 1991, the City Council awarded a $647,938.00 contract to Fagundes and Sons, Inc. to make improvements to Oakdale Road and Scenic Drive, and

WHEREAS, the City has previously agreed to sharing the cost of improvements along Oakdale Road (see Resolution 1999-405) with the developers of the site, and

WHEREAS, the City is concurrently amending the cost sharing agreement with the developer to include the cost of sliplining the MID irrigation pipeline, and

WHEREAS, additional work of sliplining a 30” will result in an additional $79,270 in construction expense, and

WHEREAS, Save Mart Supermarkets Inc, and ICI Development have agreed to increase their participation in the cost of the project by an amount equal to 48% of the increased cost or $37,920, and

WHEREAS, the City has approved Federal funding (CMAQ) to fund the additional $41,350 required to pay the full $79,270.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current capital improvement budget for the “Oakdale Road and Scenic Drive Improvements” project to increase the amount of revenue recognized by the amount of $79,270 and to increase the budgeted amount for construction by $79,270.

12/29/00 / Engineering & Transportation / Mark Houghton
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

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

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

12/29/00 / Engineering & Transportation / Mark Houghton
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-17

A RESOLUTION ADOPTING A SCHEDULE OF FEES IN CONNECTION WITH ENCROACHMENT PERMITS AND INSPECTIONS REQUIRED BY THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 97-92.

WHEREAS, Section 5-6.08 of the Modesto Municipal Code provides that costs incurred by the City of Modesto for preparation of plans and specifications and inspections for construction of sewer laterals in the City shall be in accordance with a schedule of fees approved by Council from time to time by resolution, and

WHEREAS, Section 7-1.108 of the Modesto Municipal Code provides that fees of services performed by the City of Modesto pursuant to Chapter I of Title VII of the Modesto Municipal Code relating to street improvements shall be in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.15 of the Modesto Municipal Code provides that fees for inspection for temporary closing of public ways in the City of shall be in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.23 of the Modesto Municipal Code provides that fees for street paving performed by the City of Modesto shall be paid by permittees obtaining permits therefor from the City in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.28 of the Modesto Municipal Code provides that fees for street cuts inspections performed by the City of Modesto shall be paid in accordance with a schedule of fees approved by the City Council from time to time by resolution, and
WHEREAS, Section 7-2.29 of the Modesto Municipal Code provides that fees for trench restoration shall be paid in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, the Utility Services and Franchises Committee met on October 18, 2000, and supported the recommendations of City staff, and

WHEREAS, the Council adopted Resolution No. 2000-619 on November 12, 2000, setting a public hearing to be held on January 9, 2001, at 5:15 p.m. in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, to consider amending the schedule of fees in connection with encroachment permits and inspections relating to trench restoration and

WHEREAS, by an agenda report to the City Council from the Engineering and Transportation Department, dated December 22, 2000, City staff recommended a trench restoration fee, and

WHEREAS, at the public hearing, the City Council afforded interested persons an opportunity to make comment on the proposed trench restoration fee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the “Schedule of Encroachment Permit Fees”, attached hereto as Exhibit “A” and incorporated herein by reference, is hereby adopted as the fees to be charged for work or inspections performed by the City of Modesto in connection with encroachment permits.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after February 1, 2001.

BE IT FURTHER RESOLVED that staff is further directed to report to Council no later than February 1, 2002 regarding the effectiveness of Ordinance 3196-C.S., and annually thereafter, after first having reported its findings to the Audit Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: 

MICHAEL D. MILICH, City Attorney

1/9/01 / Engineering & Transportation / Don Milam
## EXHIBIT A

### SCHEDULE OF ENCROACHMENT PERMIT FEES

<table>
<thead>
<tr>
<th>TYPE PERMIT(^{(6)})</th>
<th>BASIC PERMIT(^{(5)}) &amp; INSPI.</th>
<th>STAKING(^{(1)})</th>
<th>TRENCH RESTORATION FEE</th>
<th>PAVING(^{(1)})</th>
<th>CODE OR RES. REFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Curbs and curb cuts</td>
<td>$82.00/lot(^{(7)})</td>
<td>4.50/l.f.</td>
<td>---</td>
<td>by City</td>
<td>7-1.108</td>
</tr>
<tr>
<td>2. Sidewalks</td>
<td>$38.50/lot(^{(7)})</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>7-1.108</td>
</tr>
<tr>
<td>3. Sewer Service from lot to sewer lateral</td>
<td>$48.50/each</td>
<td>---</td>
<td>$2.50/s.f.(^{(11)})</td>
<td>$6.80/s.f.(^{(9)})</td>
<td>5-6.08; 7-2.23; 7-2.29</td>
</tr>
<tr>
<td>4. Sewer Laterals(^{(2)})</td>
<td>$1.44/l.f.</td>
<td>0.72/l.f.</td>
<td>$2.50/s.f.(^{(11)})</td>
<td>$6.80/s.f.(^{(9)})</td>
<td>5-6.08; 7-2.23; 7-2.29</td>
</tr>
<tr>
<td>5. Storm Drains (through curb)</td>
<td>$32.50/each</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>7-1.108</td>
</tr>
<tr>
<td>6. Utilities(^{(3)}) Major Const.</td>
<td>$68.00/each</td>
<td>---</td>
<td>$2.50/s.f.(^{(11)})</td>
<td>$6.80/s.f.(^{(9)})</td>
<td>7-2.28; 7-2.23; 7-2.29</td>
</tr>
<tr>
<td>7. Utilities(^{(3)}) Service and Repair</td>
<td>$68.00/each</td>
<td>---</td>
<td>$2.50/s.f.(^{(11)})</td>
<td>$6.80/s.f.(^{(9)})</td>
<td>7-2.28; 7-2.23; 7-2.29</td>
</tr>
<tr>
<td>8. Street Closures (temporary)</td>
<td>$109.50/each</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>7-2.15</td>
</tr>
<tr>
<td>9. Street Lights</td>
<td>$72.50/each</td>
<td>---</td>
<td>$2.50/s.f.(^{(11)})</td>
<td>---</td>
<td>7-1.108; 7-2.29</td>
</tr>
</tbody>
</table>

**Changes in Bold**
<table>
<thead>
<tr>
<th>TYPE PERMIT(^{(6)})</th>
<th>BASIC PERMIT(^{(5)}) &amp; INSP.</th>
<th>STAKING(^{(1)})</th>
<th>TRENCH RESTORATION FEE</th>
<th>PAVING(^{(1)})</th>
<th>CODE OR RES. REFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. Rock Wells or Storm Drain Connections</td>
<td>$72.50/each</td>
<td>---</td>
<td>$2.50/s.f.(^{(11)})</td>
<td>---</td>
<td>7-1.108 7-2.29</td>
</tr>
<tr>
<td>11. Street Construction</td>
<td>$77.50/lot(^{(7)})</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>7-1.108</td>
</tr>
<tr>
<td>12. Improvements(^{(8)})</td>
<td>$67.00/lot(^{(7)})</td>
<td>---</td>
<td>$2.50/s.f.(^{(11)})</td>
<td>---</td>
<td>7-1.108 7-2.29</td>
</tr>
<tr>
<td>13. Other work not listed(^{(10)})</td>
<td>To be calculated</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>7-1.08</td>
</tr>
<tr>
<td>14. Install refractor steel pole</td>
<td>$55.00/each</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>7-1.108</td>
</tr>
<tr>
<td>15. Added refractor steel pole</td>
<td>$13.50/each</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>7-1.108</td>
</tr>
<tr>
<td>16. Install mast arm wood pole</td>
<td>$125.00/each</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>7-1.108</td>
</tr>
<tr>
<td>17. Added mast arm wood pole</td>
<td>$102.50/each</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>7-1.108</td>
</tr>
<tr>
<td>18. Investigation of site(^{(4)})</td>
<td>To be calculated</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>7-1.108 7-2.28</td>
</tr>
<tr>
<td>19. Install luminaire, standard pole</td>
<td>$20.50/each</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>7-1.108</td>
</tr>
<tr>
<td>20. Soil Core Sample</td>
<td>$85.00/each</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>7-1.108</td>
</tr>
</tbody>
</table>

Changes in Bold
(1) Where no fee is shown, the work is to be performed by others as needed.

(2) Small laterals or extensions designed and drawn by the City shall pay an additional $3.75/l.f.

(3) Utility relocation required for City projects is not subject to a charge.

(4) Whenever any work is started in the public right of way for which permit is required without first obtaining an encroachment permit, a special investigation shall be made before a permit is issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this resolution. The minimum investigation fee shall be the same as the minimum fee set forth for the specific type of work performed.

(5) Costs shall be paid for emergency or other work performed by City for public health and safety in addition to the following minimum charges:

a. Cleanup or dust control $370.00 per street
b. Temporary paving $233.00 per street
c. Temporary barricades $142.00 per each

(6) Permits are required for all work done in all public rights of way, including public utility easements.

(7) For lots greater than 100' frontage, each 100' or part thereof is considered to be one "lot," (distance to be measured to nearest 100 feet).

(8) Improvements not otherwise listed such as water line extensions, irrigation lines, irrigation line replacements, storm drain lines.

(9) Chargeable only when paving is done by City. Developer/Owner shall repave all trenches, unless otherwise approved by the City Engineer.

(10) To be calculated by the Public Works and Transportation Director in each instance, based on the actual cost of doing the work including overhead.
(11) Trench Restoration Fee Schedule

Modesto Municipal Code Section 7-2.02 defines "Trench Influence Area".
Modesto Municipal Code Section 7-2.29 contains exceptions to the fee.
Modesto Municipal Code Section 7-2.32 defines the Pavement Condition Index (PCI)
Modesto Municipal Code Section 7-2.33 provides for no fee to utilities that provide a Pavement Life Performance Warranty.

<table>
<thead>
<tr>
<th>PCI Between</th>
<th>100 and 70</th>
<th>$2.50 per S.F. of Trench Influence Area</th>
<th>Trench Depth over 4 feet Influence Area 8 Feet</th>
<th>$20.00 per Linear Foot</th>
</tr>
</thead>
<tbody>
<tr>
<td>PCI Between</td>
<td>69 and 26</td>
<td>$1.25 per S.F. of Trench Influence Area</td>
<td>Trench Depth 4 feet or less Influence Area 4 Feet</td>
<td>$10.00 per Linear Foot</td>
</tr>
<tr>
<td>PCI Between</td>
<td>25 and 0</td>
<td>No Fee</td>
<td>No Fee</td>
<td>No Fee</td>
</tr>
</tbody>
</table>

Changes in Bold
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-18

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 31 AND CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED ON THE EAST SIDE OF ROSELLE AVENUE SOUTH OF MERLE AVENUE IN THE VILLAGE ONE SPECIFIC PLAN AREA (JAGUAR INVESTMENT CORP.)

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

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

WHEREAS, an application has been filed by Jaguar Investment Corp. for a Precise Plan for Area No. 31, property located on the east side of Roselle Avenue south of Merle Avenue, and

WHEREAS, the applicant has applied for approval of a rezoning from Specific Plan-Holding Zone, SP-H, to a Specific Plan-Overlay Zone, SP-O, and
WHEREAS, the City's Community Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/CDD 2000-73, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 2000-63, adopted on December 4, 2000, and City staff, by a report dated December 14, 2000, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 31 of the Village One Specific Plan as set forth in said Resolution No. 2000-63, and recommended approval of an Amendment to Section 13-3-9 of the Zoning Map to rezone from Specific Plan-Holding Zone, SP-H to Specific Plan-Overlay Zone, SP-O, Precise Plan Area No. 31, property located on the east side of Roselle Avenue south of Merle Avenue, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on January 9, 2001, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/CDD 2000-73, entitled "City of Modesto Initial Study Precise Plan No. 31 and The Renaissance Vesting Tentative Subdivision Map", for the proposed project, and the Council hereby makes the following findings:
1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR ("Program EIR") and no new environmental document or findings are required by CEQA.

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

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

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

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

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

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

8. The initial study, Environmental Assessment No. EA/CDD 2000-73, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. EA/CDD 2000-73, entitled "City of Modesto Initial Study Precise Plan No. 31 and The Renaissance Vesting Tentative Subdivision Map", is attached hereto as Exhibit "A", and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: [Signature]

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

MICHAEL D. MILICH, City Attorney
EXHIBIT "A"

INITIAL STUDY

EA/CDD NO. 2000-73
I. PURPOSE

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

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

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

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

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

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

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

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

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

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

A. Project title:
Precise Plan No. 31 and The Renaissance Vesting Tentative Subdivision Map

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

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

A. Project Location:
The project is located at the southeast corner of Merle Avenue and Roselle Avenue.

E. Project Sponsor:
Jaguar Investment Corp., 600 Muirfield Ct., Modesto, CA 95356

F. General Plan Designation:
Village Residential (VR)

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

H. Description of Proposed Project:
This is a precise plan and subdivision map in the Village One Specific Plan to create a 75-lot single-family subdivision and a 14.7-acre storm drainage basin on 44.8 acres.

I. Surrounding land uses:
The project is bounded on the north by existing ranchette parcels designated for future residential development by the Village One Specific Plan, on the east and west by existing single-family subdivisions, and on the south by an existing M.I.D. irrigation lateral and the Briggsmore Avenue expressway.

J. Other public agencies whose approval is required:
None

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

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

A. Traffic and Circulation

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

B. Degradation of Air Quality

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

C. Generation of Noise

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

D. Vegetation and Wildlife

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

E. Land Use

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

F. Population, Employment and Housing

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

G. Urban Design and Visual Quality

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

H. Geology and Soils

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

I. Hydrology

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

J. Public Services

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

K. Fiscal Impacts

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

L. Cumulative Impacts

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

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

IV. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS

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

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

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

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

V. MITIGATION MEASURES

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

VI. CONCLUSIONS/DETERMINATIONS OF FINDINGS

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

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

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

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

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

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

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

Signature:

Steve Mitchell,
Associate Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-19

A RESOLUTION APPROVING THE FY 2000-2001 BUDGET FOR THE
STANISLAUS RESOURCE RECOVERY (“WASTE-TO-ENERGY”) FACILITY, REVISING
TIPPING FEES AT THE FACILITY, AND RESCINDING RESOLUTION NO. 98-302

WHEREAS, the City of Modesto and the County of Stanislaus are joint partners in the
Waste-to-Energy Facility, which is owned by Ogden-Martin, Inc., and

WHEREAS, tipping fees are established to pay debt service, operation and maintenance
costs and pass through costs, such as insurance, property taxes, and various permits and fees that
are incurred by Ogden Martin Systems of California, as provided for in a Service Agreement,
and

WHEREAS, the City Council and County Board of Supervisors must annually approve a
budget for the facility, and

WHEREAS, tipping fees at the Waste-to-Energy Facility are set by joint action of the
“Contracting Communities”, which are the City of Modesto and Stanislaus County, and

WHEREAS, in 1998, the Contracting Communities approved a $40.25 per ton tipping fee
at the Waste-to-Energy Facility which became effective July 1, 1998, and

WHEREAS, the Council of the City of Modesto must concur with any proposed
reduction in the tipping fees at the Facility, and

WHEREAS, the Solid Waste-to-Energy Executive Committee has discussed the FY
2000-2001 budget for the facility, and a $6.25 per ton reduction in the tipping fees at the Facility
and has recommended approval of said budget and said decrease in the tipping fee and City staff
has recommended, upon concurrence by the County Board of Supervisors, that the tipping fee at
the Waste-to-Energy Facility be decreased from the present $40.25 per ton to $34.00 per ton, effective as of the date determined by the Board of Supervisors, and

WHEREAS, said proposed decrease in the tipping fee includes a reduction in the Site Lease for the land upon which the Facility is constructed, from the current $400,000 to $198,000, based on an appraisal of the fair market value of the land, and

WHEREAS, the City’s representatives on the Solid Waste-to-Energy Executive Committee have requested that the Stanislaus County Board of Supervisors formally agree that this will be the maximum Site Lease that will be charged through the life of the Service Agreement, and

WHEREAS, the City’s representatives on the Solid Waste-to-Energy Executive Committee have requested that the Board of Supervisors consider a further reduction in the Site Lease for the land upon which the Facility is constructed, in consideration of the fact that the land was purchased for less than $7,000, and acknowledging that the users of the Facility have paid more than $3.4 million in Site Lease charges over the last eleven years, which charges have been passed through to the ratepayers of the entire County including the residents of Modesto, and

WHEREAS, the 9th day of January, 2001 at 5:15 p.m. in the Council Chambers, City Hall, 1010 Tenth Street, Modesto, California, was set as the time and place for consideration of a decrease in tipping fees at the Waste-to-Energy Facility,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council approves the FY 2000-2001 budget for the facility, and a decrease in the tipping fee at the Waste-to-Energy Facility from the present $40.25 per ton to $34.00 per ton, effective as of
the date determined by the Board of Supervisors, with the request that the Board of Supervisors consider further decreases of Site Lease fees as discussed herein.

BE IT FURTHER RESOLVED that Resolution No. 98-302 is hereby rescinded effective January 1, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-20

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE A MEMORANDUM OF UNDERSTANDING FOR JOBS-HOUSING BALANCE IMPROVEMENT PROGRAM GRANT

WHEREAS, the City and the County are proposing to enter into a Memorandum of Understanding for Jobs-Housing Balance Improvement Program grant from HCD; and

WHEREAS, this Agreement is a cooperative and collaborative effort between the County of Stanislaus, the directors of Stanislaus County Economic Development Corporation (SCEDCO) and the governing boards of the Workforce Investment Board (WIB) and the Cities of Oakdale, Waterford, Hughson, Modesto, Ceres and Turlock.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto authorizes the City Manager to negotiate an MOU with Stanislaus County for the purpose of submitting a joint grant application on behalf of the Cities of Oakdale, Waterford, Hughson, Modesto, Ceres and Turlock to the Department of Housing and Community Development Division of Community Affairs (HCD) for the Jobs-Housing Balance Improvement Program Economic Development Planning Grants. The purpose of this grant is to attract new businesses and new jobs as well as retaining existing jobs to areas that lack a sufficient employment base in relation to the housing already provided.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE BID OF CLAYBORN CONTRACTING GROUP, INC. FOR THE PROJECT TITLED “INSTALLATION OF TRAFFIC SIGNALS AT OAKDALE ROAD AND MABLE AVENUE; COFFEE ROAD AND MABLE AVENUE; AND HATCH ROAD AND USTICK ROAD”

WHEREAS, the bids received for Installation of Traffic Signals at Oakdale Road And Mable Avenue; Coffee Road And Mable Avenue; and Hatch Road and Ustick Road were opened at 11:00 a.m. on December 12, 2000, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $346,357 received from Clayborn Contracting Group, Inc., be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Clayborn Contracting Group, Inc., 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 16th day of January, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

1/17/01 / E&T/Traffic/Firoz Vohra
A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH SECURING CONSTRUCTION MANAGEMENT SERVICES FOR THE 9TH STREET BRIDGE REPLACEMENT PROJECT TO INCLUDE ADVERTISING FOR PROFESSIONAL SERVICES, SELECTING THE CONSULTING FIRM DEEMED MOST QUALIFIED, AND NEGOTIATING AN AGREEMENT WITH THE SELECTED FIRM PRIOR TO APPROVAL OF THE AGREEMENT BY CITY COUNCIL.

WHEREAS, the existing 9th Street Bridge was studied, under the direction of the State of California, Department of Transportation (Caltrans), through the Seismic Safety Retrofit Program, and the study determined that the bridge structure is seismically deficient and in need of replacement, and

WHEREAS, upon City Council making a determination in May 1997 that the 9th Street Bridge is a critical link to the Modesto Urban Area’s transportation network, the final recommendation from Caltrans was to replace the bridge, and

WHEREAS, it is anticipated that engineering design for the replacement bridge will be completed in Spring 2001 with construction scheduled for Summer 2001 through Summer 2003, and

WHEREAS, there is not sufficient City staff to assign to construction management of the project, and

WHEREAS, the process to secure construction management services needs to begin to insure that services are available when construction begins as anticipated in the summer of 2001,
NOW, THEREFORE, BE IT RESOLTED by the Council of the City of Modesto that authorization is given to City staff to proceed with securing Construction Management Services for the 9th Street Bridge Replacement Project to include advertising for professional services, selecting the consulting firm deemed most qualified, and negotiating an agreement with the selected firm prior to approval of the agreement by City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:  

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  

MICHAEL D. MILICH, City Attorney

1/2/01 / Engineering & Transportation / Steve Pace
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-23

A RESOLUTION ENDORSING THE CENTRAL VALLEY CENTER FOR THE ARTS COMMITTEE’S EFFORTS TO RAISE MONEY FOR THE GALLO PERFORMING ARTS CENTER

WHEREAS the existence of the Gallo Performing Arts Center is projected to have positive effects within the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto formally recognizes and endorses the efforts being made by the Central Valley Center for the Arts Committee to raise funds for the Gallo Performing Arts Center.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 2001, by Mayor Sabatino, 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:


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-24

A RESOLUTION DESIGNATING TWO CITY COUNCIL MEMBERS TO ATTEND THE MEETINGS OF THE CENTRAL VALLEY CENTER FOR THE ARTS COMMITTEE AS NON-VOTING REPRESENTATIVES OF THE CITY OF MODESTO

WHEREAS the City of Modesto formally recognizes and endorses the efforts being made by the Central Valley Center for the Arts Committee to raise funds for the Gallo Performing Arts Center, and

WHEREAS the existence of the Gallo Performing Arts Center is anticipated to have repercussions effecting the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmembers Friedman and Frohman shall attend the meetings of the Central Valley Center for the Arts Committee as non-voting representatives of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:


NOES: Councilmembers: Conrad, Serpa, Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST: JeAN Zahr, City Clerk
A RESOLUTION DESIGNATING TWO CITY COUNCIL MEMBERS TO ATTEND THE MEETINGS OF THE SIXTH AND "I" PERFORMING ARTS CENTER COMMITTEE AS NON-VOTING REPRESENTATIVES OF THE CITY OF MODESTO

WHEREAS two Councilmembers have been designated to attend the meetings for the Central Valley Center for the Arts Committee as non-voting representatives of the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that Councilmember Frohman and Mayor Sabatino shall attend the meetings of the Sixth and "I" Street Performing Arts Center Committee as non-voting representatives of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Frohman, Serpa, Mayor Sabatino.

NOES: Councilmembers: Fisher, Friedman, Smith

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF THE MAJOR CONTRIBUTORS TO THE GALLO PERFORMING ARTS CENTER FUND

WHEREAS the City of Modesto formally recognizes and endorses the efforts being made by private organizations to raise the funds necessary to build the Performing Arts Center, and

WHEREAS the existence of the Gallo Performing Arts Center is anticipated have positive effects within the community.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the City of Modesto formally recognizes the major contributors to the Gallo Performing Arts Center, including the Gallo Family, the Mary Stuart Rogers Foundation, Bank of America, and the Modesto Bee, for their generous contributions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16\textsuperscript{th} day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHN City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-27

A RESOLUTION RECOGNIZING STANISLAUS COUNTY FOR ITS WILLINGNESS TO CONTRIBUTE $15 MILLION IN LAND AND FINANCING FOR THE CONSTRUCTION OF THE GALLO PERFORMING ARTS CENTER

WHEREAS the existence of the Gallo Performing Arts Center is anticipated have positive effects within the community, and

WHEREAS the existence of the Performing Arts Center is contingent upon the raising of the funds necessary to construct and maintain the Center.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the City of Modesto formally recognizes Stanislaus County for its willingness to contribute $15 million in land and financing for the construction of the Gallo Performing Arts Center.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

NOES: Councilmembers: Conrad, Serpa, Mayor Sabatino
ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-28

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE STANISLAUS COUNCIL OF GOVERNMENTS FOR FEDERAL CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDS FOR VARIOUS PROJECTS RELATING TO THE REDUCTION OF AIR POLLUTION.

WHEREAS, on October 11, 2000, the Stanislaus Council of Governments (StanCOG) Policy Board approved guidelines to allocate Congestion Mitigation and Air Quality (CMAQ) program funds to eligible proposers for the Federal Fiscal Year 2001/02 and 2002/03, and

WHEREAS, on November 6, 2000, StanCOG staff distributed a call for CMAQ project nominations to local jurisdictions, further stipulating that $8,519,349 of CMAQ funding was available for distribution among local agencies County-wide, and

WHEREAS, pursuant to StanCOG guidelines for distribution to local governments in Stanislaus County, including an estimate of funds available to each, the City of Modesto anticipates $1,844,773 in funds for eligible projects of its own choosing, and can also compete for as much as $4,194,959 available for projects that do the most to reduce air pollution in the county, and

WHEREAS, City staff has identified 31 projects for funding which will contribute to the attainment of national ambient air quality standards, and

WHEREAS, the Transportation Policy Committee has reviewed said projects generally and recommends approval of the projects for CMAQ funding, and

WHEREAS, CMAQ grants require an 11.47% local match of funds, and
WHEREAS, the match required for many of the projects may be funded out of Local Gas Tax Funds, Local Transportation Funds or Transit Fare Revenues, and

WHEREAS, applications for each project are required to be submitted to the Stanislaus Council of Governments by January 31, 2001, and

WHEREAS, the Stanislaus Council of Governments will make a recommendation to the StanCOG Policy Board for project funding at its March, 2001 meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his authorized designee, to apply to the Stanislaus Council of Governments for Federal Congestion Mitigation and Air Quality (CMAQ) funds to be used for various projects set forth in the attached Exhibit “A”, recommended by City staff which will reduce air pollution.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute all applications and documents necessary to obtain said funding.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
<table>
<thead>
<tr>
<th>PROJECT NAME</th>
<th>Total</th>
<th>Federal</th>
<th>City</th>
</tr>
</thead>
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<tr>
<td><strong>PROJECT NAME</strong></td>
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<tr>
<td><strong>I. ADVANCED TRAFFIC MANAGEMENT SYSTEM IMPROVEMENTS</strong></td>
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<td>OPERATING CCTV TWO YEARS</td>
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<td>TRAFFIC SIGNAL COORDINATION DOWNTOWN</td>
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<td>UPGRADE ATMS COMMUNICATIONS</td>
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<td>ATMS EXPANSION - COLLEGE AVENUE</td>
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<td><strong>II. RIGHT TURN LAKES</strong></td>
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<td>SISK ROAD/CARPENTER - ADD RT TN</td>
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<td>SCENIC/BODEM - RT TN</td>
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<td>ORANGEBURG/MCHENRY - ADD WB RT TN</td>
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<td>FLOYD/OAKDALE - ADD WB RT TN</td>
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<td><strong>III. NEW TRAFFIC SIGNALS</strong></td>
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<td>YOSEMITE/MCCLURE</td>
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<td>ROSELLE/FLOYD</td>
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<td><strong>IV. TRAFFIC SIGNAL MODIFICATIONS</strong></td>
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<td>SANTA CRUZ/YOSEMITE P/P</td>
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<td>LA LOMA/YOSEMITE P/P</td>
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<td><strong>V. TRANSIT PROJECTS</strong></td>
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<td>PURCHASE ONE DIESEL-ELECTRIC HYBRID BUS</td>
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<td>SUBSIDIZE OPERATION COST OF SECOND BART EXPRESS BUS</td>
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<td>SUBSIDIZE OPERATING COST OF THIRD ACE EXPRESS BUS</td>
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<td><strong>Totals</strong></td>
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<td>$4,149</td>
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A RESOLUTION AUTHORIZING THE PURCHASE OF A PIERCE QUANTUM FIRE ENGINE FROM GOLDEN STATE FIRE APPARATUS FOR A TOTAL COST OF $323,506.91; AND, APPROVING THE USE OF THE CITY OF BERKELEY'S CONTRACT FOR TWO ADDITIONAL FISCAL YEARS WITH BUDGETARY AND COUNCIL APPROVAL IN THOSE FISCAL YEARS.

WHEREAS, the City of Berkeley has authorized the City of Modesto to use its contract with Golden State Fire Apparatus (Pierce Manufacturing) for the purchase of fire apparatus.

WHEREAS, the City of Modesto Municipal Code allows for this action in Section 8-3.203 (d).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the purchase of a Pierce Quantum Fire Engine from Golden State Fire Apparatus is hereby approved using the City of Berkeley's contract and allowing for use of this same contract for two additional years with budgetary and Council approval in those fiscal years.

BE IT FURTHER RESOLVED that purchase of a Pierce Quantum Fire Apparatus from Golden State Fire Apparatus for a not to exceed price of $323,506.91 is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-30

A RESOLUTION AUTHORIZING THE TRADE-IN OF AN EXISTING 1977 VAN PELT FIRE ENGINE, #34.

WHEREAS, Res. 2001-29 authorized the purchase of a Pierce Quantum Fire Engine from Golden State Fire Apparatus; and

WHEREAS, the Finance Director has recommended that the existing 1977 Van Pelt Fire Engine, #34, be used as trade-in on the purchase of the new fire engine.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the existing fire engine be used as trade-in toward the purchase of a new fire engine.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary documents to effect the trade-in of the 1977 Van Pelt Fire Engine #34.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-31

A RESOLUTION ACCEPTING THE BID OF BDS CONSTRUCTION, INC. FOR THE PROJECT TITLED “LA LOMA AVENUE TRAFFIC CIRCLE”

WHEREAS, the bids received for “LALOMA AVENUE TRAFFIC CIRCLE” were opened at 11:00 a.m. on November 28, 2000, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $224,950 received from BDS Construction, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of 224,950.00 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 23rd day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By MIKE MILICH, City Attorney

01/24/01 / E&T / Mark Houghton for Dean Phillips
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $17,575.00 TO FULLY FUND THE LA LOMA AVENUE TRAFFIC CIRCLE PROJECT

WHEREAS, costs in the CIP account to construct the La Loma Avenue Traffic Circle exceeded the estimated budget, and

WHEREAS, this was the result of higher costs associated with the current construction market and the difficulties imposed by tight working conditions in a dense residential/business area.

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

FROM: 0700-160-L031-6040; $16,000.00
FROM: 0700-160-M152-6040; $1,575.00
TO: 0700-160-L922-6040; $17,575.00
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST:

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-33

A RESOLUTION COMMENDING MODESTO POLICE DETECTIVE RICHARD RIDENOUR ON THE OCCASION OF HIS RETIREMENT FROM CITY SERVICE

WHEREAS, Richard Ridenour was employed as a Police officer with the City of Modesto for 30 years, the last 23 years as a Detective; and,
WHEREAS, Richard Ridenour was assigned to the Crimes Against Persons Unit for most of his 23 years as a detective, investigating homicides, rapes, robberies and felony assaults; and,
WHEREAS, Richard Ridenour handled and solved numerous difficult high profile media cases that greatly tested his skills and tenacity as an investigator; and,
WHEREAS, Richard Ridenour was the lead investigator in the Gabriel Jewelers' attempted robbery where two police officers were shot and one suspect killed inside the store, assembling all the information gathered in the case and making a comprehensive and thorough report regarding the event; and,
WHEREAS, Richard Ridenour was regarded as one of the best homicide detectives in the Modesto Police Department, heavily relied upon by other investigators for his insight, knowledge and common sense;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that Modesto Police Detective Richard Ridenour be commended on his years of dedicated service to the City of Modesto and be extended all best wishes on his much deserved retirement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2001, by Councilmember Serpa, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION DIRECTING CITY STAFF TO TAKE IMMEDIATE ACTIONS TO REDUCE ELECTRICAL USAGE BY FIVE PERCENT, TO DEVELOP AND IMPLEMENT STRATEGIES FOR ONGOING REDUCTIONS OF SEVEN PERCENT AND TO ENCOURAGE RESIDENTS AND BUSINESSES TO REDUCE ENERGY USAGE BY SEVEN PERCENT.

WHEREAS, California faces unprecedented energy challenges and severe electricity supply shortages; and

WHEREAS, the importance of immediate energy conservation efforts cannot be overstated, and

WHEREAS, Governor Gray Davis has asked all Californians to reduce electricity use by seven percent (7%), and

WHEREAS, to demonstrate California’s commitment to conserve electricity, the Governor has directed state agencies to reduce electricity use in state facilities by five percent (5%) by January 16, and has asked cities to do the same, and

WHEREAS, the City of Modesto has already implemented conservation efforts to reduce energy usage.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby directs city staff to immediately reduce electricity usage by five percent (5%).
BE IT FURTHER RESOLVED that the City of Modesto is committed to reducing its ongoing electricity usage by seven percent (7%).

BE IT FURTHER RESOLVED that the City of Modesto urges its residents and businesses to also reduce ongoing electricity usage seven percent (7%).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING A THIRD SERVICE AGREEMENT FOR THE COLLECTION OF SOLID WASTE, INCLUDING GARBAGE, INDUSTRIAL GARBAGE, CONTAINERIZED GREEN WASTE, COMMINGLED GARBAGE/RECYCLABLES, RECYCLABLE MATERIALS, AND SALVAGABLE WASTE.

WHEREAS, the Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1990 ("AB 939"), has declared that it is within the public interest to authorize and require local agencies to make adequate provisions for handling solid waste, including garbage, garbage/recyclables, recyclables, yard waste, industrial garbage, and salvageable waste handling within their jurisdictions; and

WHEREAS, pursuant to California Public Resources Code Section 40059, the City Council of the City of Modesto has determined that the public health, safety, and well-being require that a service agreement be executed with a qualified firm for the collection, transport, recycling, and disposal of solid waste, including garbage, garbage/recyclables, recyclables, containerized yard waste, industrial garbage, and salvageable waste in residential, commercial, and industrial areas and construction/demolition sites in the CITY; and

WHEREAS, the City Council of the City of Modesto declares its intention of maintaining reasonable rates for the services to be provided within the City limits by COLLECTOR under this Agreement: and

WHEREAS, pursuant to California Public Resources Code Section 49510 (b), the City Council of the City of Modesto finds that it is in the public interest to foster and encourage solid waste enterprises so that, at all times, there will continue to be competent enterprises willingly and financially able to furnish needed solid waste handling services: and
WHEREAS, Section 5-5.23 through 5-5.31 of the Modesto Municipal Code, inclusive, establish the process by which proposals may be submitted to enter into service agreements with the City, and the procedure by which the City reviews and determines whether to enter into such service agreements; and

WHEREAS, Bertolotti Disposal has submitted such a proposal to enter into a service agreement, and the City Council has held the required public hearing and considered testimony related thereto.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that a third service agreement between the City of Modesto and Bertolotti Disposal is hereby authorized, for the purposes of providing solid waste collection services in that area designated on that certain map entitled “Garbage Districts” dated September 29, 1993, on file in the office of the City Clerk; and,

BE IT FURTHER RESOLVED by the Council that it hereby authorizes the negotiation of the terms and conditions of said service agreement with Bertolotti Disposal by the designated city officials, with said service agreement to be returned to the Council for approval; and,

BE IT FURTHER RESOLVED by the Council that it hereby authorizes the negotiations with the two current service providers, Gilton Solid Waste and Waste Management (Modesto Disposal), for an amendment to the current impact fee; and,

BE IT FURTHER RESOLVED by the Council that at such time such negotiations are entered into, Map 2, shown as Scenario 2 in the January 23, 2001 City Council staff report for the Continued Public Hearing on annexations will be adopted, in which map customers at buildout are allocated to the three service providers in the following ratios; Gilton Solid Waste 40%: Waste Management (Modesto Disposal) 40%: Bertolotti Disposal 20%; and,
BE IT FURTHER RESOLVED by the Council that at such time of adoption of Map 2 as referenced above, that certain map entitled “Garbage Districts” dated September 29, 1993, on file in the office of the City Clerk will become void.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Smith

NOES: Councilmembers: Conrad, Serpa, Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-36

A RESOLUTION DEFERRING CONSIDERATION OF THE REQUEST TO TRANSFER THE CABLE ONE FRANCHISE TO UNITED CABLE TELEVISION, A SUBSIDIARY OF AT&T CORP. FROM JANUARY 30, 2001 TO NO LATER THAN FEBRUARY 13, 2001.

WHEREAS, the City Council has determined that Cable One is in material breach of the cable franchise agreement, and

WHEREAS, Cable One and the City are still negotiating a cure or an adequate plan for cure of the material breach of the franchise agreement, and

WHEREAS, United Cable Television Corporation, a subsidiary of AT&T (hereinafter "AT&T") and Cable One are still negotiating responsibility for bringing the system into compliance by reason of Cable One’s material breach, and

WHEREAS, the City Council is not willing to approve transfer of the franchise unless and until the system operator has cured all material breaches of the franchise or the proposed transferee is willing to take full responsibility for the material breaches and the City and the cable operator and proposed transferee have agreed upon a complete resolution and plan for cure, and

WHEREAS, the City Council is required to act on the transfer on or before January 30, 2001 or the transfer will be deemed approved, and

WHEREAS, Cable One and AT&T have requested a continuance of the transfer application through and including February 13, 2001,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Council hereby agrees, at the request of Cable One and AT&T, to defer consideration of the transfer application of Cable One to transfer ownership and control of the Modesto Cable franchise to AT&T to the Council’s meeting on or before February 13, 2001.

SECTION 2. The City Council encourages Cable One to submit a compliance and remedy plan to the City that is satisfactory to the City so that Cable One and AT&T can resubmit an application for approval of the proposed transfer no later than February 13, 2001.

SECTION 3. The City Council directs staff to determine AT&T’s plan to provide broadband and Internet services to Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-37

A RESOLUTION APPROVING AN AGREEMENT FOR CONSULTANT SERVICES BETWEEN THE CITY OF MODESTO AND AARON READ & ASSOCIATES TO PROVIDE STATE LEGISLATIVE SERVICES REGARDING TRANSPORTATION ISSUES

BE IT RESOLVED by the Modesto City Council that the agreement in the amount of Sixty-Six Thousand Dollars ($66,000), between the City of Modesto and Aaron Read & Associates to provide consultation and lobbying services regarding transportation issues is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk
A RESOLUTION AMENDING THE CITY MANAGER BUDGET TO APPROPRIATE FUNDS FROM THE GENERAL FUND CONTINGENCY RESERVE

WHEREAS, the Modesto City Council has approved an agreement with Aaron Read & Associates to provide State legislative services regarding transportation issues; and

WHEREAS, staff is requesting that funds be transferred from the General Fund Contingency Reserve to the City Manager budget.

NOW, THEREFORE, BE IT RESOLVED by the Modesto City Council that the budget is hereby amended to appropriate funds from the General Fund Contingency Reserve 0100-800-8000-8003 in the amount of $66,000 to the City Manager Budget 0100-020-0201-0235.

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 23rd day of January, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Freidman, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr, City Clerk
RESOLUTION NO. 2001-38

MODESTO CITY COUNCIL

A RESOLUTION REAPPOINTING MICHAEL PRATT TO THE PLANNING COMMISSION

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

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

SECTION 1. Michael Pratt is hereby reappointed to the Planning Commission with a term expiration of January 1, 2005.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2001, by Councilmember Serpa, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-39

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND ATMOSPHERIC INCORPORATED FOR A SMALL PARCEL OF AIRPORT LAND FOR THE LESSEE’S WEATHER EQUIPMENT.

WHEREAS, Atmospheric Incorporated, a firm located in Fresno, California performs cloud seeding services, and

WHEREAS, Atmospheric, Inc. has a contract with Turlock Irrigation District to perform cloud seeding when the condition is favorable between December 1st and March 31st in years of 2000/2001, 2001/2002, and 2002/2003, and

WHEREAS, Atmospheric, Inc. has conducted similar service from Modesto City-County Airport the past nine (9) years, and

WHEREAS, Atmospheric, Inc. has again requested to park a radar trailer and an aircraft at Modesto City-County Airport during the months of the cloud seeding operations, and

WHEREAS, use of the airport for commercial purposes requires a lease with the City of Modesto, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a lease with Atmospheric Incorporated to use vacant airport land and an aircraft tiedown to support its cloud seeding operation.

BE IT FURTHER RESOLVED, the lease agreement will be for the current winter months and the two (2) subsequent winters with an effective date of December 1st each of the years.
BE IT FURTHER RESOLVED, the City Manager is authorized to execute the lease agreement on behalf of the City.

The following resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2001 by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote;

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-40

A RESOLUTION ACCEPTING THE BID OF SOARES PIPELINE, INC. FOR THE PROJECT TITLED “ANNUAL SEWER REHABILITATION – PHASE 2 99/00”

WHEREAS, the bids received for “Annual Sewer Rehabilitation – Phase 2 99/00” were opened at 11:00 a.m. on January 9, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $334,174.00 received from Soares Pipeline, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $334,174.00 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 6th day of February, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By _________________________

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-41

A RESOLUTION AMENDING THE CAPITAL IMPROVEMENTS BUDGET TO APPROPRIATE $34,184, FROM THE WASTEWATER RESERVE FUND, AND CREATE A NEW ACCOUNT TO FUND A REIMBURSEMENT AGREEMENT WITH REDEV, INC., FOR THE INSTALLATION OF A SUBTRUNK SEWER

WHEREAS, on September 17, 1996, the City Council approved the vesting tentative map for Symphony Park subdivision, and

WHEREAS, Redev, Inc. has completed the construction of the Subtrunk Sewer, and

WHEREAS, the City Council accepted the improvements constructed for Symphony Park on September 8, 1998, and

WHEREAS, the Symphony Park subdivision map was recorded on September 9, 1998, and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current capital improvement budget for the appropriation of $34,184 from the Wastewater Contingency Reserve Fund to new account titled, “Village One Subtrunk Sewer,” to fund a reimbursement agreement with Redev, Inc.

12/29/00 / Engineering & Transportation / Robert Meleg
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Freidman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

12/29/00 / Engineering & Transportation / Robert Meleg
A RESOLUTION SUPPORTING THE PEDESTRIAN SAFETY SUMMIT TO BE HELD MARCH 10, 2001 IN THE CITY OF MODESTO.

WHEREAS, the Surface Transportation Policy Project is planning a series of Pedestrian Safety Forums in Fresno, Stanislaus and Sacramento Counties, and

WHEREAS, the forum in Stanislaus County will be held in Modesto on March 10, 2001 and will be entitled the Pedestrian Safety Summit, and

WHEREAS, the organizers of this Summit have requested that the Modesto City Council express its formal support of the upcoming Summit, and

WHEREAS, the Council’s Transportation Policy Committee considered this request at the January 18, 2001 meeting and concurred with the request for support, and

WHEREAS, pedestrian safety is an issue that is of importance to the City of Modesto and the Summit will provide an opportunity to initiate positive public dialogue on this important topic,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it supports the efforts of the Surface Transportation Policy Project to conduct a Pedestrian Safety Summit on March 10, 2001 in the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-43

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2000-272 TO REVISE THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ESTABLISH A SALARY FOR THE CLASSIFICATIONS OF SCADA SUPERVISOR AND PURCHASING SUPERVISOR AND ABOLISH THE SALARY RANGE FOR PURCHASING OFFICER; AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO ABOLISH THE SALARY RANGE FOR FIRE PLANS CHECKER AND ESTABLISH A SALARY FOR THE CLASSIFICATION OF DEPUTY FIRE MARSHAL.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2000-272 AND Exhibit "A" of Resolution 95-26,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2000-272. Exhibit "A" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 20, 2000", is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective February 6, 2001", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds SCADA Supervisor (Range 434) and Purchasing Supervisor (Range 438), to the Class Range Table, and abolishes the salary range for Purchasing Officer.

SECTION 2. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" of Resolution No. 95-26 entitled, "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995", is hereby amended as shown on the amended Exhibit "A" entitled
City of Modesto Class Range Table General Non-Sworn Classes Effective February 6, 2001, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Deputy Fire Marshal (Range 134), and abolishes the salary range for Fire Plans Checker.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after February 6, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By, 
MICHAEL D. MILICH, City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 101   | Custodian I  
       | Maintenance Aide  |
| 103   | Administrative Clerk I |
| 104   |       |
| 105   |       |
| 106   |       |
| 107   | Administrative Clerk II  
       | Custodian II |
| 108   |       |
| 109   | Police Clerk |
| 110   | Maintenance Worker I  
       | Equipment Service Worker I  
       | Animal Control Officer I |
| 111   | Account Clerk  
       | Evidence and Property Specialist |
| 112   |       |
| 113   | Computer Operator  
       | Administrative Technician  
       | Drafting and Graphics Technician |
| 114   | Electrical Technician I  
       | Storeskeeper  
       | Maintenance Worker II  
<pre><code>   | Equipment Service Worker II |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 115   | Accounting Technician  
|       | Planning Technician I  
|       | Wastewater Treatment Plant Attendant  
|       | Community Service Officer I  
|       | Assistant to the Events Coordinator  
|       | Code Enforcement Officer I  
|       | Animal Control Officer II |
| 116   | Equipment Operator  
|       | Fire Prevention Technician I  
|       | Motor Sweeper Operator  
|       | Traffic Technician  
|       | Traffic Painter  
|       | Traffic Sign Worker  
|       | Wastewater Collection System Operator  
|       | Water Distribution System Operator  
|       | Used Oil Coordinator |
| 117   | Electrical Technician II |
| 118   | Fleet Procurement Specialist  
|       | Senior Storeskeeper  
|       | Parking Lot Maintenance Crewleader  
|       | Parks Crewleader  
|       | Tree Trimmer  
|       | Recreation Coordinator |
| 119   | Maintenance Mechanic – Parks  
|       | Planning Technician II  
|       | Maintenance Mechanic – Pumps  
|       | Wastewater Treatment Plant Operator  
|       | Civil Engineering Technician I  
|       | Building Maintenance Mechanic  
|       | Public Information Technician  
|       | Code Enforcement Officer II  
|       | Community Service Officer II  
<p>|       | Assistant Buyer |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 120   | Welder/Fabricator  
       | Senior Equipment Operator  
       | Fire Prevention Technician II  
       | Equipment Mechanic  
       | Assistant Electrician  
       | Traffic Painter Crewleader  
       | Accountant I  
       | Meter Reader Crewleader  
       | Laboratory Analyst I |
| 121   | Wastewater Treatment Plant Relief Operator |
| 122   | Coach Mechanic  
       | Fire Equipment Mechanic  
       | Tree Trimmer Crewleader  
       | Programmer Analyst I  
       | Industrial Waste Inspector I  
       | Cross Connection Specialist |
| 123   | Civil Engineering Technician II  
       | Maintenance Mechanic Crewleader – Parks |
| 124   | Plant Mechanic  
       | Equipment Mechanic Crewleader  
       | Planning Assistant  
       | Equipment Crewleader  
       | Community Development Program Specialist I  
       | Wastewater Collection System Crewleader  
       | Laboratory Analyst II  
       | Maintenance Mechanic Crewleader – Pumps |
| 125   | Crime Analyst |
| 126   | Coach Mechanic Crewleader  
       | Building Inspector I  
       | Electrician  
       | Housing Rehabilitation Specialist I  
       | Housing Financial Specialist  
<pre><code>   | Industrial Waste Inspector II |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 127   | Civil Engineering Assistant  
        Senior Fire Equipment Mechanic |
| 128   | Instrument Repair Technician  
        Programmer Analyst II  
        Community Development Program Specialist II  
        Sr. Wastewater Treatment Plant Operator |
| 129   |   |
| 130   | Building Inspector II  
        Construction Inspector  
        Housing Rehabilitation Specialist II  
        Hazardous Material Program Coordinator  
        Project Coordinator |
| 131   | Sr. Civil Engineering Assistant |
| 132   |   |
| 133   |   |
| 134   | Senior Building Inspector  
        Senior Construction Inspector  
        Plan Review Engineer  
        Deputy Fire Marshal |
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-43A

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

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

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

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

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

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

Deputy Fire Marshal
Purchasing Supervisor
SCADA Supervisor

The specifications for the classifications of Deputy Fire Marshal (Range 134), as shown in Exhibit "A", SCADA Supervisor (Range 434), as shown in Exhibit "B", and Purchasing Supervisor (Range 438), as shown in Exhibit C, which are hereby made a part of this resolution by reference, are 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:

Urban Forestry Superintendent

The revised specification for the classification of Urban Forestry Superintendent, as shown on the attached Exhibit "D", 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 3. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby amended to abolish the following classifications:

Fire Plans Checker

Purchasing Officer

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after February 6, 2001.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By
MICHAEL D. MILICH, City Attorney
DEPUTY FIRE MARSHAL

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

DEFINITION

Under direction to conduct highly technical plan check and inspection activities. Assists in the management and coordination of programs assigned within the Fire Prevention Bureau. May be assigned to participate in any program assigned to the Fire Prevention Bureau.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Fire Marshal. In the absence of the Fire Marshal exercises direct and indirect supervision over Fire Prevention Bureau staff, including staff performing related duties while assigned to other departments.

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

Essential Functions:

- Check routine building plans for conformance to City codes and pertinent fire and building codes.
- Review and check automatic sprinkler plans and hydraulic calculations for conformance with pertinent codes and regulations.
- Check underground fire suppression water systems, standpipe systems and chemical fire suppression systems for conformance to pertinent codes and regulations.
- Check fire alarm systems for conformance to pertinent codes and regulations.
- Interpret building plans and fire and building codes.
- Conduct complex fire inspections to insure compliance with federal, state and local laws and regulations.
- Coordinate assigned activities with consultants, architects, developers, contractors, other City departments and divisions, and with outside agencies.
Essential functions: (Continued)

Provide support and assistance at the public counter and over the telephone; provide general information and assistance to the public regarding codes and ordinances.

Assist in taking static, residual and flow readings for sprinkler designs.

Assist in developing and/or providing public education in fire prevention for schools, community groups and other organizations or institutions.

Issue warnings and citations for fire code violations. Prepare reports, maintain evidence and follow violations through administrative or criminal hearing processes.

Assist in the development, implementation and coordination of training programs and standards for Fire Department personnel to learn and maintain technical competency.

Marginal functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

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

Fire prevention principles, procedures, techniques and equipment.

Building, electrical, mechanical and fire codes.

Fire suppression devices including alarm and sprinkler systems.

Principles and procedures of record keeping.

Principles of mathematics and their application to fire engineering work.

Modern office procedures, methods and computer equipment.
QUALIFICATIONS: (Continued)

Ability to:

Learn and apply City fire policies and procedures.

Learn applicable laws and regulatory codes applicable to areas of assigned responsibility.

Learn to understand and interpret construction plans, specifications and other contract documents.

Communicate clearly and concisely, both orally and in writing.

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

Recognize fire hazards such as structural conditions and hazardous materials and recommend techniques for correcting them.

Effectively apply standard fire prevention techniques.

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

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

Experience and Training Guidelines:

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

**Experience:**

Three years of increasingly responsible technical experience in all areas of fire prevention including at least one year of fire department plan review experience.
Training:

Equivalent to an Associate of Arts degree with major course work in fire science, construction technology, civil engineering or a related field.

Completion of California State Fire Marshal Fire Prevention training courses 1A, 1B, 1C and 3B or equivalent by date of hire.

License or Certificate:

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

WORKING CONDITIONS

Environmental Conditions

Office and field environment.

Physical Conditions

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time.
SCADA 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 plan, organize and supervise the advanced technical work in the administration, maintenance, and operation of SCADA, computerized distributed control, telemetry input, and computer systems for the Water Division, Collections Division and Water Quality Control (WQC) Division. The SCADA Supervisor will coordinate with others about telemetry, RTU and instrumentation fieldwork.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Water Quality Control Superintendent.

Exercises control over contract services and administration of the SCADA system.

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

Essential functions:

Oversees all divisions’ computerized information activities including administration, programming, database administration, telemetry, and RTU input management.

Develops policies and procedures for SCADA computer related operations.

Develops and implements strategies for meeting Water, Collections and WQC division’s short and long-term SCADA computer-related objectives.

Prepares SCADA related consulting services agreements and acts as project manager for contract services.

Performs SCADA related needs assessments, feasibility studies, and provides recommendations.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – (Continued)

Essential functions:

Designs and oversees development of in-house programming efforts; employs various computer programming to upgrade, configure, and debug new control systems, process sequences, telemetry and RTU input, graphic displays, and data management.

Coordinates with Division Management, consultants, and contractors to obtain efficient and effective use of each division's SCADA computer-related equipment and systems.

Administers in-house SCADA computer training programs, coordinates in-house and outside training with Division Management.

Designs and implements extensions and improvements of the divisions' automation, SCADA, instrumentation, Distributed Control Systems, communication systems, interoperability, and data integration.

Assures adequate inventory of SCADA computer related supplies.

Assures proper installation, operation, maintenance, and upgrade of all divisions' SCADA systems, and computer hardware and software.

Provides lead direction, as required, to contractors and consultants.

Marginal functions

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

SCADA systems, programming, LAN administration, VAX systems, associated operating systems and other computer related environments.
QUALIFICATIONS - Continued

Knowledge of:

Computer based telemetry and distributed control systems.

Considerable knowledge of instrumentation and process control.

Fundamental engineering mathematics and methods of statistical analysis.

Fluid system dynamics as they relate to water/wastewater systems.

LAN configurations, International Electronic and Electrical Engineer (IEEE) communication protocols, telemetry, and distributed control system diagnostics.

Standard Query Language (SQL).

Ability to:

Learn HSQ programming tools and language in addition to some demonstrated ability to program in Fortran, Assembly, C or C++, and/or Xbase compatible languages.

Implement training programs about the effective and proficient use of SCADA.

Design and/or oversee development of software control systems, database applications and front-ends, and communication applications.

Prepare clear, concise, and comprehensive records, reports, correspondence, and other written materials.

Establish and maintain effective working relationships with those contacted in the performance of assigned duties.

Provide lead direction to consultants and contractors.
QUALIFICATIONS - Continued

Ability to:

Use computer systems and a variety of application software, such as, spread sheets, data base managers, and word processors.

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:

Two years of increasingly responsible experience in LAN administration, computer programming, SCADA/Telemetry system management, distributed control systems, or Process Control Instrumentation.

Training:

Graduation from an accredited college or university with a Bachelor's Degree in computer science, engineering, water science, or closely related field; and

Additional qualifying experience may be substituted for the required education on a year-for-year basis.

License or Certificate:

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

WORKING CONDITIONS

Environmental Conditions:

Computer control room related. Field work as required.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting at a computer for prolonged periods of time; operating a motorized vehicle.
DEFINITION

To plan, coordinate, administer, and perform the most complex buying functions assigned to the Purchasing Division including centralized procurement, central stores, and to carry out special projects as assigned.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Finance Director or Deputy Finance 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:

Essential Functions:

Develop and direct the implementation of goals, objectives, policies, procedures and work standards for the purchasing division; prepare and administer the division's budget.

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

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

Represent the City in meeting with representatives of governmental agencies, professional and business organizations, vendors, suppliers and contractors.

Confer with other city departments regarding purchasing, stores or related activities or problems; direct the implementation of inventory, and other internal control systems to ensure that items in stores are accounted for, that governmental and policy regulations are met, and that needed supplies are available.

Direct the development of new sources of supply and recommends alternative materials, equipment, and supplies.
EXAMPLES OF DUTIES (Continued)

Monitor developments related to purchasing and materials management matters, evaluate their impact upon City operations and recommend and implement policy and procedural improvements.

Direct and conduct analytical studies; develop and review reports.

Review contracts and purchase orders; maintain contact and negotiate with vendors; keep informed of market conditions and new products; evaluate vendor performance.
Supervise and participate in development of bid specifications; solicit and analyze bids; make award of purchase.

Confer with department representatives to determine purchasing needs, specifications and areas of standardization.

Assist with department budgets by providing information on prices, products, materials, and services.

Participate in intergovernmental meetings for the purpose of standardizing specifications, preparing purchasing ordinances, and developing cooperative methods and practices.

Fulfill the duties of Minority Business Enterprises Liaison Officer.

Marginal functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

   Terminology, principles, practices and methods used in public purchasing.

   Principles and practices of supervision, training and personnel management.

   Commodity markets, marketing practices and commodity pricing methods.
Knowledge of: (Continued)

Laws and regulations as they apply to public purchasing.

Principles of financial forecasting, materials planning and budget procedures and techniques.

Market conditions, current prices, trade names and brands relating to purchasing for a municipality.

Methods of establishing specifications and methods of stores inventory control.

Sources of supplies, materials and equipment commonly used by municipalities.

Modern office methods, practices, procedures, and equipment.

Ability to:

Organize, direct and implement a comprehensive purchasing program to produce the greatest efficiency, service and value to the organization.

Analyze, evaluate, and modify operating methods and procedures.

Analyze and interpret market prices and trends.

Make accurate price and quality comparisons in the evaluation of bids, materials and equipment needs.

Prepare equipment and materials specifications.

Plan, organize, administer, review and evaluate purchasing and administrative support activities.

Analyze complex problems, evaluate alternatives and make creative recommendations.

Interpret applicable laws, rules, and regulations.

Prepare and administer a Division budget.
QUALIFICATIONS (Continued)

Ability to:

Prepare clear and concise reports, specifications, requests for proposals, correspondence and other written materials; and communicate effectively verbally.

Supervise, train and evaluate personnel.

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

Experience and Training Guidelines

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

Experience:

Four years of increasingly responsible experience in purchasing and materials management work, including one year of supervisory or lead responsibility.

Training:

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

Certificate:

Certification by the National Association of Purchasing Managers (NAPM) or Institute of Governmental Purchasing (IGP) or other recognized purchasing organization is highly desirable.

WORKING CONDITIONS

Environmental Conditions:

Office Environment.

Physical conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing, sitting and using a computer for prolonged periods of time.
URBAN FORESTRY SUPERINTENDENT

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 manage, direct, and coordinate the activities of the Urban Forestry, Sidewalks, and Green Waste Divisions of the Operations and Maintenance Department, including tree planting, pruning, removal, pest management and tree preservation activities; to coordinate urban forestry related activities with other divisions, departments, and outside agencies or groups.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Operations and Maintenance Director. Exercises direct supervision over supervisory, maintenance, technical and clerical staff, including the City Arborist.

ESSENTIAL AND FUNCTIONAL STATEMENTS – Essential and other responsible duties, may include but are not limited to, the following:

Essential functions:

Direct, oversee, and participate in the development of the Division work plan; assign work activities, projects, and programs; monitor work flow and productivity; implement policies and procedures; review and evaluate work products and productivity, methods and procedures.

Coordinate the preparation of the organization’s operating and capital improvement budget; manage budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials and supplies; administer the approved budget.

Manage, direct and organize a comprehensive urban forestry maintenance program, including strategic planning of urban forestry activities including inspection and monitoring of the urban forest for needed maintenance making technical assessment of trees pertaining to liability, health and maintenance.

Direct street tree inventory activities.
ESSENTIAL AND FUNCTIONAL STATEMENTS – (Continued)

Essential functions:

Manage, direct and organize the City’s sidewalk maintenance, green waste removal, street sweeping, and graffiti.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Establish performance standards and evaluate performance of subordinate personnel.

Recommend goals and objectives; assist in the development of policies and procedures.

Review capital improvement plans related to the assigned services and provide input regarding future maintenance activities. Identify and initiate needed capital improvement projects.

Receive, investigate and respond to citizen requests, suggestions, and complaints.

Coordinate organization’s activities with those of other organizations, departments, and outside agencies; provide staff assistance to the Operations and Maintenance Director; prepare and present staff reports and other necessary correspondence.

Manage and encourage employee involvement efforts within the division and coordinate such efforts with other divisions and departments.

Inspect work sites before, during and after completion to assure work is completed in a satisfactory and thorough manner; inspect work sites, equipment and tools for compliance with safety standards; inspect and approve work done by outside contractors.

Supervise safety program; coordinate and attend safety meetings; ensure the adherence to safe work practices by subordinate personnel.

Supervise employees performing line clearance tree pruning.

Supervise public relations activities; coordinate special events; manage volunteers and non-paid or alternative labor resources; make presentations to various groups.

Marginal functions:

Perform related duties as assigned.
QUALIFICATIONS (Continued)

Knowledge of:

Materials, methods, practices and equipment used in tree maintenance, planting, preservation and pest management activities.

Materials, methods, practices and equipment used in the area of sidewalk maintenance and street sweeping.

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

Principles of budget preparation and expenditure control.

Types and level of maintenance, planting, preservation and pest management activities generally performed in an urban forestry program.

Occupational hazards and standard safety precautions necessary in the work, including line clearance tree pruning.

Record keeping and reporting procedures, including computerized maintenance systems.

Integrated pest management principles and techniques.

Pesticide application regulations pertaining to pesticide use in the urban forest.

Entrepreneurial methods and techniques used in the public sector.

The management of contractual services.

Principles of tree biology.

Ability to:

Organize, direct and implement comprehensive urban forestry maintenance programs in the service areas described above.

Conduct studies, prepare comprehensive reports and determine cost-effective ways for conducting the assigned maintenance activities.

Supervise, train and evaluate assigned staff.
QUALIFICATIONS (continued)

Ability to:

Interpret and apply Federal, State and local policies, procedures, laws, and regulations.

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

Communicate clearly and concisely, both orally and in writing.

Develop and manage automated management information systems

Use computers and computer technology.

Prepare requests for proposals and contracts for professional services.

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 in an urban forestry or public works maintenance environment, including three years of supervisory responsibility.

Training:

An Associate's Degree from an accredited college or university with major course work in supervision, landscape maintenance, urban forestry, ornamental horticulture, biology, or a related field. A Bachelor's Degree in one of the stated fields is desirable.

License or Certificate:

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

Possession of a Pesticide Applicator's Certificate from the State of California is required within six months of appointment.
Experience and Training Guidelines:

License or Certificate:

International Society of Arboriculture Certification (ISA) as an Arborist is required within 12 months of appointment.

Possession of a Pest Control Advisor's License is desirable.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site; exposure to noise, dust, grease, smoke, fumes, gases, inclement weather conditions.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles and using a personal computer.
A RESOLUTION APPROVING AN AGREEMENT WITH THE SECOND HARVEST FOOD BANK OF SAN JOAQUIN AND STANISLAUS COUNTIES, INC. IN PLACE OF APPROVED AGREEMENT WITH MODESTO-RIVERBANK-STANISLAUS COUNTY FOOD BANK

WHEREAS, the City Council at its June 27, 2000 meeting adopted a resolution approving the City of Modesto 2000-2001 Annual Action Plan, and

WHEREAS, included in the Annual Action Plan were recommendations for funding projects addressing a variety of needs in the community eligible for funding with CDBG public service funds, and

WHEREAS, one of the projects included in the recommendation was the Modesto-Riverbank-Stanislaus County Food Bank, Inc. “Emergency Food Procurement” program, for a total of $32,100, and

WHEREAS, staff has since been notified that the Modesto-Riverbank-Stanislaus County Food Bank, Inc. has merged with the Second Harvest Food Bank of San Joaquin and Stanislaus Counties, Inc. and all assets and liabilities of the former agency have been assumed by the latter agency, and

WHEREAS the Memorandum of Understanding between the two agencies has been reviewed by the City Attorney’s Office, and

WHEREAS the newly formed agency will continue to provide the food procurement and distribution program as originally proposed

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an agreement for the allocation of $32,100 in CDBG public service funds with the Second Harvest Food Bank of San Joaquin and Stanislaus Counties, Inc. is approved and the City Manager is authorized to execute the agreement documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-45

A RESOLUTION APPROVING ALLOCATION OF $30,000 IN CDBG PUBLIC SERVICE FUNDS TO COMMUNITY HOUSING AND SHELTER SERVICES

WHEREAS, during last year’s round of Requests for Proposals for CDBG public service funds, Community Housing and Shelter Services requested a total of $93,206 ($25,000 CDBG and $68,206 ESG) to provide Emergency Shelter and Housing Counseling for homeless families, and

WHEREAS, the agency was funded for a total of $48,124 ($18,020 CDBG and $30,104 ESG) to provide those services, and

WHEREAS, at the time that funding decisions were being made, staff had concerns regarding accounting issues that had been brought to the agency’s attention by their auditors in their 1998-99 audit management letter, and

WHEREAS, since that time, staff has received a clarification letter from the audit firm regarding those concerns, and has met with agency management to discuss new procedures for tracking clients and monitoring funding sources, and

WHEREAS, due to the Council’s decision to move the City’s Fair Housing Program (operated by Project Sentinel) out of the public service funds and into administration, the funds set aside for that project, $30,000, are now available for public services, and

WHEREAS, the Citizens Housing and Community Development Committee considered this item at its January 5, 2001 meeting and recommended approval of the $30,000 allocation

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an agreement for the allocation of $30,000 in CDBG public service funds with Community Housing and Shelter Services to provide additional Emergency Shelter slots and Housing Counseling services to families who are homeless or at risk of becoming homeless is hereby approved, and the City Manager is authorized and directed to execute agreement documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
A RESOLUTION DESIGNATING TRUCK ROUTES IN THE CITY OF MODESTO AND
RESCINDING RESOLUTION No. 90-795

WHEREAS, Section 3-2.1301(d) of the Modesto Municipal Code authorizes the Council to determine and designate truck routes by resolution, which designation shall become effective when appropriate signs are placed giving notice of said designations to the public.

WHEREAS, by Resolution No. 90-795, adopted on September 25, 1990, the City Council designated truck routes in the City of Modesto; and

WHEREAS, the City Council now desires to redesignate truck routes in the City of Modesto.

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

SECTION 1. Truck routes are hereby designated as shown on the attached maps entitled "Modesto Truck Routes," marked Exhibit "A".

SECTION 2. The Engineering and Transportation Director is hereby directed to cause the truck routes to be marked and designated in accordance with the provisions of this resolution.

SECTION 3. The provisions of this resolution shall be subject to the provisions of Section 3-2.815 of the Modesto Municipal Code requiring the approval of the Caltrans insofar as they pertain to the regulations of traffic upon State highways within the City.

SECTION 4. Resolution No. 90-795 adopted by the Council on 25th day of September 1990 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
City Clerk

02/07/01

Traffic/Council Agendas/Resolutions/Designating Truck Routes/Paula
NEEDHAM (S. R. 108)

EXISTING TRUCK ROUTE TO BE ELIMINATED

MODESTO TRUCK ROUTES
EStablished by resolution 90-795, 9/25/90
EXHIBIT A
PAGE 2
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-47

A RESOLUTION APPROVING AN AMENDMENT TO THE
MODESTO URBAN AREA GENERAL PLAN LAND USE
DIAGRAM TO RE-DESIGNATE PROPERTY LOCATED ON
THE EAST SIDE OF DALE ROAD OPPOSITE NIGHTINGALE
DRIVE FROM RESIDENTIAL TO MIXED USE.

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

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

WHEREAS, said General Plan has been amended by Modesto City Council
Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564,
2000-303, and 2000-633 copies of which are on file in the office of the City Clerk, and

WHEREAS, Government Code Section 65358 permits the amendment of General
Plans by the legislative body, and

WHEREAS, Redev Inc. has applied for an amendment to the General Plan to re-
designate 7.34 acres located on the east side of Dale Road opposite Nightingale Drive from
Residential to Mixed Use to allow office development, and

WHEREAS, the Community Development Department has analyzed the proposed
amendment and concluded that the site is in an appropriate location for offices, in that it is
located on a Minor Arterial street and is immediately adjacent to existing office and institutional uses and is compatible with nearby single-family housing, and

WHEREAS, the Community Development Department recommended that the proposed General Plan amendment be expanded to include property to the north and south of the applicants' proposal to a total of fifteen acres for the reasons cited above and because amendments to the General Plan should be comprehensive in nature and not parcel-specific; and

WHEREAS, on December 18, 2000, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, relating to this proposed amendment to the Modesto Urban General Plan Land Use Diagram, and

WHEREAS, the Planning Commission agreed with the recommendation of the Community Development Department to expand the proposed General Plan amendment to include the additional land; and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 2000-64, recommending to the City Council an amendment to the Modesto Urban General Plan Land Use Diagram to re-designate fifteen acres located on the east side of Dale Road opposite Nightingale Drive from Residential to Mixed Use, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 6, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the Modesto Urban General Plan Land Use Diagram,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban General Plan Land Use Diagram to re-designate fifteen acres located on the east side of Dale Road opposite Nightingale Drive from Residential to Mixed Use is in the public interest and is required for the public health, safety and welfare of the citizens of Modesto and said General Plan is hereby amended to read as shown on Exhibit "A" attached hereto and incorporated herein by reference.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
EXHIBIT A
Staff Recommendation for General Plan Amendment
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-48

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT
IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE
MODESTO URBAN AREA GENERAL PLAN MASTER
ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017):
AMENDING THE GENERAL PLAN LAND USE DIAGRAM TO
RE-DESIGNATE FIFTEEN ACRES FROM RESIDENTIAL TO
MIXED USE, AND REZONING 7.34 ACRES OF THE
PROPERTY FROM R-1 TO P-O, PROPERTY LOCATED ON
THE EAST SIDE OF DALE ROAD OPPOSITE NIGHTINGALE
DRIVE. (REDEV INC.)

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

WHEREAS, Redev Inc. has proposed an amendment to the Modesto Urban Area
General Plan Land Use Diagram to re-designate property located on the east side of Dale Road
opposite Nightingale Drive from Residential to Mixed Use, and

WHEREAS, Redev Inc. has also proposed to rezone this property from Low
Density Residential (R-1) Zone to Professional Office (P-O) Zone, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing
subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on
any proposed subsequent project to analyze whether the subsequent project may cause any
significant effect on the environment that was not examined in the master environmental impact
report and whether the subsequent project was described in the master environmental impact
report as being within the scope of the project, and
WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study CDD 2000-75 reviewed the proposed amendment to Modesto Urban Area General Plan and rezone to P-O to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Modesto Urban Area General Plan and rezone to P-O, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

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

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

3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

ATTEST: JEAN ZAHR, City Clerk

(SEAL)
EXHIBIT A

Initial Study

EA/CDD 2000-75
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.

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:
General Plan Amendment No. 14 and Rezone from R-1 to P-O

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

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

A. Project Location:
The east side of Dale Road opposite Nightingale Drive

E. Project Sponsor:
Redev Inc., 2020 Standiford Ave., Ste. D-5, Modesto, CA 95350

F. General Plan Designation:
Residential

G. Current Zoning:
R-1, Low Density Residential

H. Description of Proposed Project:
This is an amendment to the General Plan to redesignate 15 acres from Residential to Mixed Use, and to rezone 7.34 acres from R-1, Low Density Residential Zone, to P-O, Professional Office Zone.

I. Surrounding land uses:
The project is bounded on the east by existing single-family homes, to the south by
existing offices, to the north by an existing church, and to the west by vacant land and existing multi-family dwellings.

J. Other public agencies whose approval is required: None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. Traffic and Circulation

Traffic and Circulation impacts are analyzed on pages IV-1-1 through IV-1-37 of the MEIR. The City's Engineering and Transportation Department has analyzed the potential traffic impacts of this GPA and rezoning. They have concluded that the intensity of development that would be allowed with the GPA and rezoning would, given the level of detail for the project at this point, most likely not result in any significant traffic impacts that were not analyzed in the MEIR. Therefore, the traffic impacts analyzed in the Traffic and Circulation section of the MEIR are still valid, and no changes are needed to this section of the MEIR.

B. Degradation of Air Quality

The air quality impacts for this GPA and rezoning are directly related to the traffic impacts. Since the GPA and rezoning will create no significant additional traffic impacts beyond what were anticipated in the General Plan Master EIR, they will similarly not create any significant impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are therefore still valid.

C. Generation of Noise

The development resulting from this GPA and rezoning would be office development, which is not significantly noisier than the residential development that was previously. In addition, any development will be required to construct sound walls between the development and the adjacent residential uses. Therefore, the conclusions in the Generation of Noise section of the MEIR (pages IV-3-1 through IV-3-33) are still valid, and this section of the MEIR does not need to be changed.

D. Loss of Productive Agricultural Land

The proposed GPA and rezoning will not result in any conversion of agricultural land that was not already analyzed by the Master EIR. 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 conversion of 15 acres from Residential to Mixed Use will not generate increased demand for water supplies over what was assumed in the MEIR, as studies
have shown that water usage for both land uses is approximately the same. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are therefore still valid.

F. Increased Demand for Sanitary Sewer Services

The proposed GPA and rezoning will not generate increased demand for sanitary sewer services over what was assumed in the MEIR, as studies have shown that sewer service usage for both land uses is approximately the same. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The proposed GPA and rezoning will not result in any conversion of sensitive wildlife and plant habitat that was not already analyzed by the Master EIR. Further, the area of the GPA and rezoning is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the GPA and rezoning will not impact any sensitive wildlife or plant habitat beyond those identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

H. Disturbance of Archaeological and Historic Sites

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

I. Drainage, Flooding and Water Quality

The proposed development will conform to the City’s standards for drainage, flood control and water quality, which was assumed in the MEIR. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

J. Increased Demand for Storm Drainage

The proposed development will be drained via the storm-water basins designed for Village One, which was assumed in the MEIR. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.
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 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. Since this project would be required to pay these fees, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

M. Increased Demand for Police Services

The proposed GPA and rezoning will not result in any significant increase in the demand for police services in the context of the MEIR, because of the small size of the project. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are still valid.

N. Increased Demand for Fire Services

The proposed GPA and rezoning will not result in any significant increase in the demand for fire services in the context of the MEIR, because of the small size of the project. In addition, the development will be required to conform to all standards and conditions of the Fire Department. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are still valid.

O. Generation of Solid Waste

The proposed GPA and rezoning will not result in any significant increase in the generation of solid waste, because of the small size of the project. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are still valid.

P. Generation of Hazardous Materials

The proposed GPA and rezoning will not result in any increase in the generation of hazardous materials, because of the small size of the project. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are still valid.

Q. Landslides and Seismic Activity

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

R. Energy

The proposed GPA and rezoning will not result in any significant increase in the use of energy, because of the small size of the project. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

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

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

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

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

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

Signature:

Steve Mitchell,
Associate Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-49

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(545). (RANDALL
O’DELL)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the
Zoning Map was filed by Randall O'Dell on October 24, 2000, to reclassify from Planned
Development Zone, P-D(539), to Planned Development Zone, P-D(545), to allow for a
professional office building and off-street parking areas, property located on the north side of
Scenic Drive west of Coffee Road, described as follows:

P-D(539) to P-D(545)

All that portion of Lot 12, as shown on that certain map filed in the office of the
Recorder of Stanislaus County, State of California, on March 17, 1904 in Volume
1 Page 78 of Maps, lying within a portion of Section 22, Township 3 South,
Range 9 East, Mount Diablo Base and Meridian, being more particularly
described as follows:

Commencing at a point on the North line of Scenic Drive running Southwest,
bearing from the Southeast corner of the Northeast quarter of the Northeast
quarter of Section 28, Township 3 South, Range 9 East M.D.B & M., North 89°
18’ West, distant 38 links; thence along the North line of said County Road,
67° 33’ West, 7.24 chains to the point of beginning; thence North 0° 4’ West,
5.9965 chains to a point, thence North 89° 10’ West, 221 feet to a point, thence
South 0° 4’ East to a point in the North line of said Scenic Drive, thence North
67° 33’ East along the North line of said Scenic Drive, to the point of
beginning, subject to reservations and restrictions of record.

Also including the southerly half of the alley immediately adjacent to the above-
described property and that portion of Scenic Drive between the southerly line of the
above described property and the centerline of Scenic Drive.
WHEREAS, after a public hearing held on December 18, 2000, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2000-66, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed planned development zone, by reason of its plot plan design and conditions of approval, tends to be compatible with surrounding land uses.

2. That the requested planned development zone for an office complex is within a portion of the Redevelopment Planning District (RPD) designated for commercial, residential, and public uses by the General Plan and that this development is consistent with uses included within this designation.

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 6, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Randall O'Dell for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2000-66 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3202-C.S. on the 6th day of February, 2001, reclassifying the above-described property from Planned Development Zone, P-D(539), to Planned Development Zone, P-D(545).

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

01/02/01/CDD/Steve Mitchell

2
SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(545), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Proposed New Project, 1165 Scenic Drive, Modesto, CA" as amended in red, stamped approved by the Planning Commission on December 18, 2000.

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

3. Prior to the issuance of a building permit a six-foot-high decorative masonry wall shall be constructed along the north property line and shall include provision for an emergency fire access gate with a knox box lock.

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

5. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

6. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Department.

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

8. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
9. Ten-foot public utility easements, and planting easements located within the ten-foot public utility easements, as required by the Recreation and Neighborhoods Director, be dedicated along all street frontages.

10. The developer shall, in a manner approved by the City Attorney, provide a reciprocal vehicular access-way for on-site traffic circulation for the benefit of the property to the east, substantially as shown in red on the plot plan. The access-way may be secured during non-business hours.

11. All signs shall comply with the sign requirements of the P-O Zone.

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

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(545):

The entire construction program be accomplished in one phase, construction to begin on or before December 18, 2002, and completion to be not later than December 18, 2003.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(545), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

APPROVED AS TO DESCRIPTION:

By Steve Mitchell

Community Development Department
Planning Division

01/02/01/CDD/Steve Mitchell
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-50

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 28-3-9 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(539) TO PLANNED DEVELOPMENT ZONE, P-D(545), PROPERTY LOCATED ON THE NORTH SIDE OF SCENIC DRIVE WEST OF COFFEE ROAD. (RANDALL O'DELL)

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

WHEREAS, Randall O'Dell has proposed an amendment to section 28-3-9 of the Zoning Map to rezone property from Planned Development Zone, P-D(539) to Planned Development Zone, P-D(545) to allow a professional office complex, and

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

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study CDD 2000-77 reviewed the proposed rezoning to P-D(545) to determine whether the project is within the scope of the project covered by the Modesto Urban
Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR.

Now, Therefore, be it resolved by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezoning to P-D(545), a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

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

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

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

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

5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT A

Initial Study

EA/CDD 2000-77
City of Modesto  
Initial Study  

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of a planned development zone for a professional office complex, property located on the north side of Scenic Drive west of Coffee Road. The Final Master EIR (SCH #92052017) was certified by the Modesto City Council on August 15, 1995.

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

II. PROJECT DESCRIPTION

A. Project title:  
Public Hearing - Application of Randall O'Dell to Rezone From P-D(539) to A New P-D to Allow A Professional Office Development, Property Located on the North Side of Scenic Drive West of Coffee Road

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

C. Contact person, address and phone number:  
John Stack, CDD, City of Modesto  
801 11th Street  
Modesto, CA 95354  
phone (209) 577-5282

D. Project Location:  
1165 Scenic Drive, Modesto, CA

E. Project Sponsor:  
Randall O'Dell

F. General Plan Designation:  
Redevelopment Planning District (RPD)

G. Zoning:  
existing P-D(539)

H. Description of Proposed Project:  
This is an application to rezone 1.94 acres, located on the north side of Scenic Drive west of Coffee Road, from P-D (539) to a new planned development zone for a one-story office complex. This property is separated from the adjacent residential uses to the north by a 20 foot wide alley. The property also fronts along Scenic Drive with C-2 zoning to the west, east and south. This portion of
Scenic Drive is developed primarily with auto related repair shops, with the exception of the "Scenic Drive-in" restaurant located immediately to the west. The rear of this drive-in property is also developed with a number of one-story multifamily units. The applicant's development proposal will provide an 18,798 square foot professional office complex containing three one-story buildings and 91 off-street parking spaces. The plot plan indicates that the nearest office building to the residential alley along the rear or north property line will have a minimum setback of 56-feet. The applicant also proposes to provide a solid six-foot-high solid masonry wall along this rear alley line. At the request of the Fire Marshall, a man-gate secured with a Knox box lock will be provided in this wall for emergency fire access only. Any fencing along the side property lines of this complex will abut the existing C-1, commercial zone and is left to the discretion of the applicant. The minimum parking requirement for this general office use complex is 63 spaces. This parking area will be served by a single drop-curb type approach at Scenic Drive. Two existing driveways on Scenic Drive will be removed as a result of this development. Landscaped setbacks of buildings and parking areas will be provided as typical of professional office zone developments.

I. Surrounding land uses: refer to 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 for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

A. Traffic and Circulation
The proposed, planned development zone and professional office complex will not contribute to increased traffic beyond that which is projected for development of this commercial property. A site traffic mitigation study was not required as a result of this tentative map. The proposed mini-storage warehouse facility is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

B. Degradation of Air Quality
This proposed planned development zone and resulting professional office complex is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.
C. **Generation of Noise**
The proposed planned development zone and resulting professional office complex is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of commercial and residential uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this commercial use, nor will the adjacent neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. **Loss of Productive Agricultural Land**
The planned development zone and resulting professional office complex is located on land noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. This property is currently zoned C-1 for commercial uses. The requested planned development zone and resulting mini-storage warehouse facility subject to conditions of approval. This property is also within the (RPD) area as designated by the Modesto General Plan. 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, therefore still valid.

E. **Increased Demand for Water Supplies**
The proposed planned development zone and resulting professional office complex will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are, therefore, still valid.

D. **Increased Demand for Sanitary Sewer Services**
The proposed planned development zone and resulting professional office complex will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. **Loss of Sensitive Wildlife and Plant Habitat**
The proposed planned development zone and resulting professional office complex 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. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.
H. Disturbance of Archaeological and Historic Sites
This planned development zone and resulting professional office complex will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. Drainage, Flooding and Water Quality
The proposed planned development zone and resulting professional office complex will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are, therefore still valid.

J. Increased Demand for Storm Drainage
The proposed planned development zone and resulting professional office complex will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are, therefore still valid.

K. Increased Demand for Parks and Open Space
This proposed planned development zone and resulting professional office complex will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are, therefore still valid.

L. Increased Demand for Schools
The proposed planned development zone and resulting professional office complex will not impact the Modesto School system, as the commercial uses will not increase enrollment in the public schools. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are, therefore still valid.

M. Increased Demand for Police Services
This proposed planned development zone and resulting professional office complex will have a less than significant impact upon the need
for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are, therefore still valid.

N. Increased Demand for Fire Services
This proposed planned development zone and resulting professional office complex will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 1 is located approximately one miles away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore still valid.

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

P. Generation of Hazardous Materials
The planned development zone and resulting professional office complex will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are, therefore still valid.

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

R. Energy
This planned development zone and resulting professional office complex will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.
IV CONCLUSIONS / DETERMINATIONS OF FINDINGS

A. The planned development zone for a professional office complex is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Development Area.

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

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

D. There are no specific features unique to this planned development zone that require specific mitigation measures. All certified mitigation measures identified in the General Plan Master EIR will apply Citywide, including this project as appropriate.

E. The Initial Study, provides the substantial evidence to support finding “A, B, C, and D above.

Signature: [Signature]
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-51

A RESOLUTION APPOINTING TWO HIGH SCHOOL STUDENTS TO THE
MODESTO YOUTH COMMISSION

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

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

SECTION 1. Two Modesto area high school students are hereby appointed to the
Modesto Youth Commission, the senior with a one year term limit, and the junior with a two
year term limit, as follows:

Alicia Oliver             Senior, Elliott Alternative Education Center
Rebecca Perry             Junior, Elliott Alternative Education Center

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to
the newly appointed members of the Modesto Youth Commission, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO.2001-52


WHEREAS, the California Air Resources Board has approved regulations that require transit agencies to select either a diesel path or an alternative-fuel path to comply with the requirements of title 13, California Code of Regulations, sections 1956.1, 1956.2, 1956.3 and 1956.4, and

WHEREAS, selection of a path commits the transit agency to follow a set of rules regarding transit bus purchases, and

WHEREAS, 85% of buses purchased by transit agencies on the alternative fuel path must be alternatively fueled using technologies such as compressed natural gas engines, and

WHEREAS, transit agencies selecting the diesel fuel path may purchase either diesel or alternatively fueled buses, and

WHEREAS, the City of Modesto has the capability to fuel only diesel buses at its bus maintenance facility, and

WHEREAS, due to the flexibility offered by the diesel fuel path, the planned purchase of up to fifteen buses within the next year and the City’s inability to provide an alternative fuel at the bus maintenance facility within the next two years, staff is recommending the adoption of the diesel fuel path, and
WHEREAS, the Transportation Policy Committee met on, January 18, 2001 and supported the recommendation of City staff, and

WHEREAS, by an agenda report to the City Council dated February 2, 2001, from the Engineering and Transportation Director, City staff recommended to the Council that the diesel path be selected,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the diesel fuel path be selected for compliance with California Air Resources Board regulations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-53

A RESOLUTION APPROVING THE SUBMITTAL OF A PASSENGER FACILITY CHARGE (PFC) APPLICATION FOR MODESTO CITY-COUNTY AIRPORT IN THE AMOUNT OF $124,180 TO THE FEDERAL AVIATION ADMINISTRATION (FAA) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION ON BEHALF OF THE CITY OF MODESTO

WHEREAS, Federal Aviation Regulation (FAR) Part 158, Passenger Facility Charge (PFC), established a program that allows the nation’s commercial air carrier airports to pay for eligible needed airport improvements with a charge to enplaned passengers, and

WHEREAS, the regulation requires sponsors (airport owners) to submit an application and receive Federal Aviation Administration (FAA) approval before a collection of the PFC can commence, and

WHEREAS, the City Council, through the City Airport’s Rental Charges and Fees Resolution, approved a PFC of three dollars ($3.00) to pay for a number of airport improvements, and

WHEREAS, the list of approved projects is nearing completion, and in order for the airport to continue partially funding airport improvements with PFC, it is necessary for the City to submit a new application, and

WHEREAS, the new application includes five (5) projects with a combined cost of $1,241,800, and

WHEREAS, the projects have already received funds from the Federal Airport Improvement Program (AIP) amounting to $863,520, and the City is anticipating approval of an additional $254,100 in federal grant funds, and the approval of the FAA to increase the collection of PFCs for an additional $124,180 between September 1, 2001 and September 2003, and
WHEREAS, the Transportation Policy Committee recommended approval of the PFC application at its November, 2000 meeting, subject to meeting FAR Part 158 regulations,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of a Modesto City-County Airport PFC application in the amount of $124,180 to the Federal Aviation Administration.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to sign the application on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Fisher, who moved its adoption, with motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-54

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA STATE LANDS COMMISSION FOR PROPERTY FOR REPLACEMENT OF THE EXISTING 9TH STREET BRIDGE ACROSS THE TUOLUMNE RIVER

WHEREAS, the existing 9th Street Bridge was studied, under the direction of the State of California, Department of Transportation (Caltrans), through the Seismic Safety Retrofit Program; and

WHEREAS, said study determined that the bridge structure is seismically deficient and in need of replacement; and

WHEREAS, upon Council making a determination in May 1997 that the 9th Street Bridge is a critical link to the Modesto Urban Area’s transportation network, the final recommendation from Caltrans was to replace the bridge; and

WHEREAS, the replacement bridge will cross the Tuolumne River and connect the City of Modesto's downtown area with the southern portion of Modesto; and

WHEREAS, the California State Lands Commission holds title to the Tuolumne River waterway and controls its use; and

WHEREAS, the alignment of the replacement bridge will be on the east side of the existing bridge to allow the four lanes of traffic to remain open during construction; and

WHEREAS, the alignment or the replacement bridge requires a lease agreement with the California State Lands Commission to cover the property where the replacement bridge will cross the Tuolumne River.
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and California State Lands Commission for property for replacement of the existing 9th Street Bridge across the Tuolumne River be, and it is hereby approved; and

BE IT FURTHER RESOLVED that the execution of said agreement by the City of Modesto’s City Manager be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-55  

A RESOLUTION ACCEPTING THE BID OF FAGUNDES & SON, INC. FOR THE PROJECT TITLED "PELANDALE / MCHENRY INTERSECTION UPROVEMENTS"  

WHEREAS, the bids received for "PELANDALE / MCHENRY INTERSECTION UPROVEMENTS" were opened at 11:00 a.m. on December 12, 2000, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and  

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $451,604.00 received from Fagundes & Son, Inc. be accepted as the lowest responsible bid.  

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $451,604.00 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 13th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:  

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

ATTEST:  
JEAN ZAHR, City Clerk  

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

02/14/01 / E&T / Dean Phillips
MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-56

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $68,829.00 TO FULLY FUND THE PELANDALE / MCHENRY INTERSECTION IMPROVEMENTS PROJECT

WHEREAS, costs in the CIP account to construct Pelandale / McHenry Intersection Improvements exceeded the estimated budget, and

WHEREAS, this was the result of higher costs associated with the current construction market and the difficulties imposed by working conditions in an area of high traffic volumes,

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

FROM: 141-430-K229-6020; $28,829.00
FROM: 1410-430-M197-6040; $40,000.00
TO: 1410-430-M189-6040; $68,829.00

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By  
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-57

A RESOLUTION ACCEPTING IMPROVEMENTS IN ARBOR LANE NO. 1 SUBDIVISION, IN THE COFFEE-CLARATINA SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Florsheim Bros., a California General Partnership by Florsheim Properties, a California Corporation, subdividers of Arbor Lane No. 1 subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of $1,441,400 and $720,700 respectively to guarantee improvements in Arbor Lane No. 1 subdivision and;

WHEREAS, the Community Development Director, in a memorandum to Council, indicates that all work required by the subdivision agreement has been completed, to the satisfaction of the Community Development Department; and,

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

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

1. The improvements in Arbor Lane No. 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $1,441,400 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of $720,700 upon expiration of the statutory period.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th, of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-58

A RESOLUTION ACCEPTING THE BID OF SILVEIRA GENERAL CONSTRUCTION FOR THE PROJECT TITLED “WATER QUALITY CONTROL LABORATORY REMODEL”

WHEREAS, the bids received for Water Quality Control Laboratory Remodel were opened at 11:00 a.m. on January 23, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $101,830 received from Silveira General Construction be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Silveira General Construction 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 13th day of January, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By Michael D. Milich, City Attorney

1/30/01 / Engineering and Transportation / Don Milam
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-59

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $76,884.00 TO FULLY FUND THE WATER QUALITY CONTROL LABORATORY REMODEL PROJECT

WHEREAS, costs in the CIP account to construct the Water Quality Control Laboratory Remodel exceeded the estimated budget, and

WHEREAS, this was the result of higher costs associated with the current construction market and the difficulties imposed by the complexity and small size of the project.

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

FROM: 6210-480-L078-6040; $45,000.00
FROM: 6210-480-L079-6040; $16,764.00
FROM: 6210-480-L085-6040; $15,119.00

TO: 6210-480-K038-6040; $76,883.00

Costs in the CIP account to construct the Water Quality Control Laboratory Remodel exceeded the planned budget. This was the result of higher construction costs associated with the project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

ATTEST: MEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-60

A RESOLUTION ACCEPTING THE PROJECT TITLED “ANNUAL SEWER REHABILITATION – PHASE 1 – 99/00” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Annual Sewer Rehabilitation – Phase 1 – 99/00, has been completed by Miller Pipeline Corporation, in accordance with the contract agreement dated March 21, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Annual Sewer Rehabilitation – Phase 1 – 99/00 be accepted from said contractor, Miller Pipeline Corporation; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $91,446.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: \(\text{Jean Zahr, City Clerk}\)

(SEAL)

APPROVED AS TO FORM:

By \(\text{Michael D. Milich, City Attorney}\)

1/30/01 / Engineering & Transportation / TPARMER
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HJW, INC. FOR DIGITAL ORTHO-RECTIFIED AERIAL PHOTOGRAMMETRY.

WHEREAS, the proposals for DIGITAL ORTHO-RECTIFIED AERIAL PHOTOGRAMMETRY were received on January 24th, 2001, and later analyzed by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the consulting agreement from HJW, Inc. for $153,650 be accepted as the most qualified consultant for the City’s needs.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and HJW, Inc. for Digital Ortho-Rectified Aerial Photos be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

02/14/01
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-62

A RESOLUTION AUTHORIZING THE TRANSFER OF SEWER AND WATER RESERVES AND ENGINEERING AND TRANSPORTATION ABS CARRYOVER SAVINGS AND AMENDING THE PERMITS AND MAPPING’S PROFESSIONAL SERVICES BUDGET TO RECOGNIZE THE ADDITIONAL REVENUE REQUIRED TO PROVIDE SUFFICIENT FUNDS TO FULLY COVER THE ANTICIPATED CONTRACT EXPENSE.

WHEREAS, on January 24th, 2001, the City Council received proposals for a project titled “Modesto Ortho-rectified Photogrammetry”, and
WHEREAS, the selected consultant was HJW of Oakland, California, with a contract proposal of $153,650, and
WHEREAS, the City has already budgeted $100,000 of the project costs, and
WHEREAS, $72,000 in additional funds are required to fully fund this project, and
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the transfer of $36,000 from Water Fund Reserves, and $36,000 from Engineering and Transportation ABS Carryover Savings to the project account for the “Modesto Ortho-rectified Photogrammetry” and an amendment to the current the Permits and Mapping’s professional services budget to recognize the additional revenue required to provide sufficient funds to fully cover the anticipated contract expense.

2/13/01
P:\kevin/agendas misc/021301 resolution aerial budget amend.doc
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-63

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING TRAFFIC SIGNAL EQUIPMENT

WHEREAS, the Engineering & Transportation Department-Transit Engineering Service Division has requested the purchase of traffic signal equipment, to improve maintenance issues, Pedestrian safety and visibility at intersections throughout the City, and

WHEREAS, by soliciting competitive bids, the Finance Department-Purchasing Division will comply with the Modesto City Code, Section 8-3.204, 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 furnishing traffic signal equipment to be opened in the office of the City Clerk, 1010 10TH Street, in the City of Modesto, on March 20, 2001 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: "Jean Zahr City Clerk

2/13/01 Finance/ Tom Reddie
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-64

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF MODESTO APPROVING THE SETTLEMENT AGREEMENT
WITH CABLE ONE TO RESOLVE ISSUES OF NON-COMPLIANCE
RELATED TO THE CABLE FRANCHISE.

WHEREAS, the City Council has determined that Cable One is in material breach
of the cable franchise agreement, and

WHEREAS, Cable One and the City desire to settle and resolve the areas of
dispute, without any admissions of liability by any party; and

WHEREAS, the City Council finds that the proposed settlement is in the best
interests of the City; and

WHEREAS, the settlement agreement facilitates the transfer of the franchise and
the rebuild of the cable system;

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

SECTION 1. That certain settlement agreement between the City and Cable One,
Inc., a copy of which is attached hereto as Exhibit A, is hereby approved.

SECTION 2. The Mayor is hereby authorized to execute the Settlement
agreement on behalf of the City.

SECTION 3. The City Manager is hereby authorized to take such actions within
his authority, as may be necessary to implement the settlement agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-65

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(546). (TIM
FISHER/ARCHITECTURE PLUS)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the
Zoning Map was filed by Tim Fisher/Architecture Plus on November 2, 2000, to reclassify a
portion of Planned Development Zone, P-D(363), to Planned Development Zone, P-D(546), to
allow for a single-story senior housing complex and off-street parking areas, property located on
the west side of Nelson Avenue south of East Orangeburg Avenue, described as follows:

P-D(363) to P-D(546)

All that certain real property situated in a portion of Section 21, Township
3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of
Modesto, County of Stanislaus, State of California; being a portion of Lot
3 as shown on the map of A Subdivision Of Lots 21 And 22 Of The
Mensingr Colony as recorded in Volume 11 of Maps, at Page 2,
Stanislaus County Records, more particularly described as follows:

BEGINNING at the Southeast corner of said Lot 3; thence South
89° 52' 00'' West, along the South line of said Lot 3, a distance of 330.58
feet to Southwest corner of said Lot 3; thence North 1° 18' 00'' West,
along the West line of said Lot 3, a distance of 90 feet; thence North
89° 52' 00'' East, a distance of 330.66 feet; thence South 1° 16' 00'' East,
along the East line of said Lot 3, a distance of 90.00 feet to the Southeast
corner of said Lot 3 and the Point of Beginning of this description.

and

WHEREAS, after a public hearing held on January 8, 2001, in the Tenth Street
Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by
the Planning Commission, by its Resolution No. 2001-02, that rezoning of the property as
requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed planned development zone, by reason of its plot plan design and conditions of approval, tends to be compatible with surrounding land uses.

2. That the requested planned development zone for a senior housing complex is within the Residential (R) use area as designated by the General Plan and that this development is consistent with uses included within this designation.

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 13, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Tim Fisher/Architecture Plus for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-02 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3204-C.S. on the 13th day of February, 2001, reclassifying the above-described property from a portion of Planned Development Zone, P-D(363), to Planned Development Zone, P-D(546).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(546), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Nelson Avenue, Senior Housing" as amended in red,
stamped approved by the City Council on February 13, 2001.

2. Prior to the issuance of a building permit a six-foot-high solid double-board fence with decorative masonry pilasters at 16-foot on centers shall be constructed along the south property line. A pilaster and wood fence along the alley shall also include provision for a four-foot emergency fire access gate with a Knox box lock.

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

4. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

5. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Department.

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

7. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

8. All signs shall comply with the sign requirements of the R-1 Zone.

9. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.
10. Existing underground and overhead electric facilities and existing irrigation lines within the property shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Engineering and Transportation Director. Appropriate easements for electric facilities and irrigation lines to remain shall be dedicated as necessary.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(546):

The entire construction program be accomplished in one phase, construction to begin on or before February 13, 2003, and completion to be not later than February 13, 2004.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(546), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: 

JHAN ZAHR City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By

Community Development Department
Planning Division

01/22/01/CDD/Steve Mitchell
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-66

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017):
AMENDING SECTION 21-3-9 OF THE ZONING MAP TO REZONE A PORTION OF PLANNED DEVELOPMENT ZONE, P-D(363) TO PLANNED DEVELOPMENT ZONE, P-D(546), PROPERTY LOCATED ON THE WEST SIDE OF NELSON AVENUE SOUTH OF EAST ORANGEBURG AVENUE. (TIM FISHER/ARCHITECTURE PLUS)

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

WHEREAS, Tim Fisher/Architecture Plus has proposed an amendment to section 21-3-9 of the Zoning Map to rezone property from a portion of Planned Development Zone, P-D(363), to Planned Development Zone, P-D(546), property located on the west side of Nelson Avenue south of East Orangeburg Avenue, in the City of Modesto, to allow a single-story senior housing complex ("the project"), and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and
WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study CDD 2000-83 reviewed the proposed rezoning to P-D(546) to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezoning to P-D(546), a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

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

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

3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT A

Initial Study

EA/CDD 2000-83
I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of a proposed rezone from a portion of P-D(363) to a new planned development zone, property located on the west side of Nelson Avenue south of East Orangeburg Avenue. The Final Master EIR (SCH #92052017) was certified by the Modesto City Council on August 15, 1995.

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

II. PROJECT DESCRIPTION

A. Project title:
Application of Tim Fisher/Architecture Plus to Rezone A portion of P-D(363) to A New P-D to Allow A 10-Unit One-Story Senior Living Complex, Property Located on the West Side of Nelson Avenue South of East Orangeburg Avenue

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

C. Contact person, address and phone number:
John Stack, CDD, City of Modesto
1010 10th Street
Modesto, CA 95354
phone (209) 577-5282

D. Project Location:
County of Stanislaus, City of Modesto, on the west side of Nelson Avenue south of East Orangeburg Avenue

E. Project Sponsor:
Tim Fisher/Architecture Plus, Inc.

F. General Plan Designation:
(MU) Mixed Use

G. Zoning:
existing P-D(363)

H. Description of Proposed Project:
This is an application to rezone 0.64 acres, located on the west side of Nelson Avenue south of East Orangeburg Avenue, a portion of P-D (363) to a new planned development zone for a one-story senior living complex. This portion of P-D(363) is now approved for a two-story office building. The rezoning will allow a proposed ten-unit senior housing development. The applicant's plot plan indicates that these living units will be one-story manufactured units which will be sited individually along the north property line of the parcel. Eleven parking spaces will be inner spaced and adjacent to these detached units. Access to the parking area will be served by an automated gate entry at Nelson Avenue. The applicant's plot plan indicates a six-foot-high masonry and wrought iron fence will be provided along the Nelson Avenue frontage of the property. The plan does not indicate fencing along the south property line of the project, however, a pilaster and wood fence does seem to be represented along the west or alley line of the development. Fencing along the north property line is provided by the adjacent senior complex to the north. Landscaped yard areas are proposed in and around the living units. Additionally, an open space is shown for the purpose of a shaded patio setting area with adjacent tool shade and garden area.

I. Surrounding land uses:
refer to 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 for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

A. Traffic and Circulation
The proposed P-D zone and resulting senior housing complex will not contribute to increased traffic beyond that which is projected for development of this property. A site traffic mitigation study was not required as a result of this proposal. The proposed residential use is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

B. Degradation of Air Quality
This proposed P-D zone and resulting senior housing complex is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. Generation of Noise
The proposed P-D zone and resulting senior housing complex is adjacent to and surrounded by urban development. The adjacent
developed neighborhood contains a mixture of residential and office uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this commercial use, nor will the adjacent neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. **Loss of Productive Agricultural Land**
The proposed P-D zone and resulting senior housing complex is located on land noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. This property is currently zoned P-D for office uses. The proposed P-D zone and resulting senior housing development is subject to conditions of approval. This property is also within a (MU) Mixed Use area as designated by the Modesto General Plan. 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, therefore still valid.

E. **Increased Demand for Water Supplies**
The proposed P-D zone and resulting senior housing complex will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are, therefore, still valid.

D. **Increased Demand for Sanitary Sewer Services**
The proposed P-D zone and senior housing complex will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. **Loss of Sensitive Wildlife and Plant Habitat**
The proposed P-D zone and resulting senior housing complex 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. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. **Disturbance of Archaeological and Historic Sites**
The proposed P-D zone and resulting senior housing complex will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional
site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. **Drainage, Flooding and Water Quality**
The proposed senior housing complex will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are, therefore still valid.

J. **Increased Demand for Storm Drainage**
The proposed senior housing complex will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are, therefore still valid.

K. **Increased Demand for Parks and Open Space**
The proposed P-D zone and resulting senior housing complex will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are, therefore still valid.

L. **Increased Demand for Schools**
The proposed P-D zone and resulting senior housing complex will not impact the Modesto School system, as the senior housing use will not increase enrollment in the public schools beyond that which is projected for this residential development. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are, therefore still valid.

M. **Increased Demand for Police Services**
The proposed P-D zone and resulting senior housing complex will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are, therefore still valid.

N. **Increased Demand for Fire Services**
The proposed P-D zone and resulting senior housing complex will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 5 is located approximately one and one-half miles away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore still valid.

O. **Generation of Solid Waste**
The proposed P-D zone and resulting senior housing complex will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10), are therefore still valid.

P. **Generation of Hazardous Materials**
The proposed P-D zone and resulting senior housing complex will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are, therefore still valid.

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

R. **Energy**
The proposed P-D zone and resulting senior housing complex will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.
IV CONCLUSIONS / DETERMINATIONS OF FINDINGS

A. The proposed planned development zone for a senior housing complex is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Development Area.

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

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

D. There are no specific features unique to this planned development zone that require specific mitigation measures. All certified mitigation measures identified in the General Plan Master EIR will apply Citywide, including this project as appropriate.

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

Signature: _______________________________
A RESOLUTION APPROVING ALLOCATION OF FISCAL YEAR 2000-2001 HOME FUNDS FOR AFFORDABLE HOUSING PROJECTS AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED DOCUMENTS

WHEREAS, on September 13, 2000 the City Council authorized staff to solicit Requests for Proposals for the development of affordable housing, and

WHEREAS, on October 8, 2000, a Request for Proposals was advertised and distributed to past applicants and interested parties, and

WHEREAS, the City has received four proposals for financial assistance in connection with affordable housing proposals, and

WHEREAS, there is a total of $1,027,658 in HOME funds available for allocating, $157,800 of which is set aside for Community Housing Development Organizations (CHDO's), and

WHEREAS, said HOME program funds must be committed, and binding agreements executed thereon between the City and developers by June 30, 2001, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) met on January 5, 2001 and recommended that the City Council allocate HOME funds as recommended by City staff, and

WHEREAS, a copy of the report to the CH&CDC, including staff recommendations subject to certain conditions, is attached as Exhibit "A", and incorporated herein by reference, and

WHEREAS, approval of these recommended allocations furthers the City's goal to provide affordable housing to its citizens and is consistent with the authorized use of HOME funds,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an allocation of $937,000 in HOME funds for affordable housing projects to include HOME and CHDO funds for Chicago Winds, HOME funds for Pine Meadows and HOME and CHDO funds for Bennett Place, is hereby approved, subject to the conditions set forth in the staff report to the CH&CDC, attached as Exhibit “A”, and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute any and all documents that may be required in relation to the approval of the allocation of said HOME funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

Attest: Jeann Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
City of Modesto

MEMORANDUM

December 29, 2000

TO: Citizen's Housing and Community Development Committee (CH&CDC)
FROM: Julie G. Hannon, Deputy Director Recreation and Neighborhoods Department
Subject: Affordable Housing Proposals Funding Recommendations

Prepared by: Ken Horrillo, Housing Rehabilitation Specialist II
Miguel Galvez, Associate Planner

RECOMMENDED ACTION:

Consider forwarding a recommendation that the City Council adopt a resolution allocating $937,000 in HOME Funds, along with associated conditions of approval and disbursement schedules as contained herein.

BACKGROUND:

The Committee at its August 25, 2000 meeting, considered recommending approval of the HOME Request For Proposals. The City Council at its September 19, 2000 meeting considered and approved the publication of the Request For Proposals (RFP).

On October 8, 2000, City staff published a public notice advertising the RFP in the Modesto Bee, refer to Exhibit A. Staff also mailed copies of the RFP to past applicants and interested parties.

A total of $1,027,658.00 of assistance was advertised as available. This amount consists of $869,858.00 of regular HOME funds and $157,800.00 of Community Housing Development Organizations (CHDO) HOME funds. CHDO funds are available only to approved Community Housing Development Organizations.

The City of Modesto received four applications for affordable housing proposals in response to the RFP. These proposals are summarized on Table 1 of this report. A project comparison table is attached at Table 2. A regional map indicating the location of the proposals is attached as Exhibit B.

The four proposals were presented to the Committee at its November 20, 2000 meeting. On December 13, 2000, City staff conducted a public information meeting to present the proposals and address comments from members of the public.
City staff reviewed the proposals and requested clarifying information from the applicants by letter. Copies of the staff letters and the applicant responses are attached as Exhibit C.

APPLICATION REVIEW:

Staff assessed the merits of each application as to how well the project services the City’s affordable housing goals and affordable housing policy requirements. Development proposals containing affordable units for large families, seniors, and projects that include supportive services and amenities were given priority consideration. Development proposals exhibiting extensive developer capacity and a readiness to proceed immediately were also given priority.

In addition, each of the proposals were evaluated in terms of the following specific criteria:

- Funding leveraging ratio (extent to which funds are leveraged on a per unit basis)
- Unit/cost ratio
- Development Schedule
- Owner equity contribution
- Site control
- Project location
- Developer experience
- Management experience
- Availability of permanent and construction financing
- Utilization of innovative, cost effective design techniques and building materials that reduce construction, rehabilitation, or operating costs
- Plans for preventing the permanent displacement of low and moderate income tenants (if applicable)
- Number of housing units that will be made available to low and moderate income households

PROJECT ANALYSIS:

All of the four proposals are briefly described below, followed by staff's recommended funding allocation and conditions of approval. A summary table of staff recommendations is attached as Table 1.

PROJECT #1. PIN MEADOWS

APPLICATION SUMMARY

This application is a request by the Housing Authority of the County of Stanislaus (HACS) for a total of $594,000 to acquire and rehabilitate an existing 36-unit apartment complex at 608 Granger Avenue. This project is targeted at very-low and low-income tenants.

ANALYSIS OF APPLICATION

This proposal met and addressed all of the application requirements. Staff believes that this project will help the City achieve its affordable housing goals by improving and preserving 36 dwelling units for low and very low-income households for up to 50 years. With the City’s contribution, 11 units, or 30.5% of the complex will be designated as HOME units for the very low-income households. The remaining 24 units will be available for low-income households earning under 60% of the Area Median Income.
(AMI) and will also include affordability covenants for 50 years. All of the 36 two-bedroom units consist of 820 square feet. For every $100,000 the City contributes the rents will be reduced $18.00 per month. No households will be displaced as part of the rehabilitation work. The Housing Authority is contributing $360,000 in equity contribution. The Authority has set aside replacement reserves ($10,800 annually) from their own operating budget to insure the long-term viability of this project.

The purchase price of the property has been substantiated by a property appraisal. The applicant proposes to use $240,000 towards the purchase of the property and $354,000 for the associated rehabilitation costs. The Housing Authority has a proven record in the construction and management of multi-family projects.

**HOUSING GOALS MET BY THIS PROJECT**

- Establish and/or support programs to supply below market housing for very-low, low, and moderate-income households, as well as market rate housing.
- Work to supply housing for the unmet needs of lower income special needs groups, including the disabled, the elderly, the homeless and large families (families with five or more persons).
- Continue to make a strong commitment to the issue of fair housing practices, as well as ensure that fair housing opportunities prevail for all City residents regardless of age, sex, family status, income or source of income, race, creed, national origin or disabilities.
- Maintain the supply of safe, decent and sound affordable housing in the City of Modesto through the conservation and rehabilitation of the City’s existing housing stock.
- Make a maximum effort to preserve, for its lower-income households, the units in assisted housing developments that are eligible to change to non-lower-income uses, due to terminations of subsidy contracts, mortgage prepayment, or expiration of use restrictions.

**STAFF FUNDING RECOMMENDATION**

Staff recommends funding the full request of $594,000 in HOME funds subject to the following terms and conditions:

The funding will be provided as follows:

**Property Acquisition:** $240,000  
**Rehabilitation Costs** $354,000

1. The applicant will be responsible for all any temporary or permanent relocation costs.

2. The funding allocation of $594,000 will be provided as a 20-year deferred loan with a 3% annual fixed interest rate.

3. Eleven of the 36 units will be designated as HOME units and be rented to very-low income households.

4. Participate annually in the City’s Crime Free Multi-housing, if available.
5. Consider the participation and involvement of graduates from the Workforce Development Program in the actual rehabilitation work.

PROJECT #2. CHICAGO WINDS

APPLICATION SUMMARY

This application is a request by Desarrollo-Latino-Americano Inc. (DLA) for a total of $245,000.00 to develop nine single-family dwellings for low-income families at 921 Chicago Avenue. The applicant had previously requested a larger amount but amended the request. The HOME funds would be used to acquire the property and pay for predevelopment costs. Of the $245,000.00 requested, $125,000.00 would be funded from the CHDO HOME set aside funds, this would be used for land acquisition and operating costs. The balance of $120,000.00 would be funded from regular HOME funds, of which, $90,000.00 would be used for down payment assistance and $30,000.00 will be applied towards pre-construction expenses. This project would help the City achieve its affordable housing goals of promoting the development of affordable housing on underdeveloped or vacant land.

ANALYSIS OF APPLICATION

The requested use of HOME and CHDO HOME funds does not comply with HOME regulations. The funding request needs to be realigned to comply with HOME regulations. This proposed project should be funded 100% from HOME/CHDO funds. Staff has some concerns about the project, but strongly supports the concept of adding sweat-equity houses to the Modesto housing stock.

Staff's concerns focus on the development of the 9-lot subdivision as described below:

The subdivision map, which shows parcel #1, shows no street frontage. This condition may be problematic in terms of providing public utilities and access. The proposed design does not appear to meet the City's Subdivision Ordinance. An exception to the Subdivision Ordinance may be required to develop the project as submitted.

a. The extension of the alley right-of-way will need to also comply with the City's subdivision standards. This issue appears to affect the overall design of the subdivision.

b. Could this project work with only eight parcels instead of nine?

c. DLA has yet to demonstrate its ability to carry out a project of this kind.

A property appraisal has not been submitted to support the acquisition price, nor has a preliminary title report been prepared. These items will need to show that the property is free of other encumbrances and worth of the asking purchase price. The overall
development costs seem higher than the Self-help home developed nearby – those homes were priced at $94,000.

**HOUSING GOALS MET BY THIS PROJECT**

- Work to supply entry level housing as well as “step-up” housing.
- Promote the development of affordable housing on surplus, underused or vacant public lands, where appropriate and where compatible with existing uses.
- Promote equal opportunity for all residents to reside in the housing of their choice.
- Work to establish programs to assist in the removal of constraints to the production of housing, where feasible.

**STAFF FUNDING RECOMMENDATION**

Staff is recommending funding only a portion of the application at this time, until the development concerns listed above are addressed. Staff recommends an initial funding allocation of $15,000 from the HOME/CHDO funds, and the balance of $230,000.00 HOME/CHDO funds be allocated subject to the following conditions:

2. Obtain approval of the City’s Capital Facilities Fees waiver/deferrals.
3. Obtain approval of the County’s Public Facilities Fees waiver/deferrals.
4. Provide proof of permanent financing.
5. Submit a copy of a property appraisal that supports the purchase price of the site.
6. Receipt of grants to families from California Homebuyers Assistance Program.
7. Receipt of grants to families from School Facility Fee Down Payment Assistance Program.
8. Submit copies of development and pro-formas submitted to CHFA and other lenders.
9. No more that $25,000 in total funding be used for CHDO operating costs.
10. CHDO operating funds to be awarded as a grant.
11. Pre-construction and acquisition funds cannot be used for staff salaries.
12. The households purchasing the lots will assume an equal portion of the HOME loan as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-construction</td>
<td>$3,333.33</td>
</tr>
<tr>
<td>Acquisition</td>
<td>$11,111.11</td>
</tr>
<tr>
<td>Subtotal</td>
<td>$14,444.44</td>
</tr>
<tr>
<td>DPAP Loan</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Total Household HOME Loan</td>
<td>$24,444.44</td>
</tr>
</tbody>
</table>

13. HOME Loan is to be a 10-year deferred payment and interest-free loan. The loan would then be amortized during the subsequent 10 years (years 11-20).
APPLICATION SUMMARY

The application is a joint request by STANCO and Community Housing & Shelter Services for a total of $98,000.00 to pursue the development of a 40 to 60-unit shelter facility. Initial HOME funding would be applied to predevelopment costs. The proposal would target very-low and low-income households.

ANALYSIS OF APPLICATION

Staff is supportive of the concept of adding another transitional housing shelter for homeless families in Modesto. STANCO and Community Housing & Shelter Services (CHSS) are committed to helping to address the needs of homelessness within the City of Modesto and County of Stanislaus. Staff is concerned with the lack of detail that these organizations can presently supply regarding this project. Some of staff specific concerns are:

- Lack of specific property and location details.
- Lack of a development and operating pro-forma.

Staff recognizes the value of assisting in the purchase of a permanent shelter facility where the funds are used for property purchase instead of rental payments.

HOUSING GOALS MET BY THIS PROJECT

- Work to supply housing for the unmet needs of lower income special needs. Groups including the disabled, the elderly, the homeless and large families (families with five or more persons).
- Continue to make a strong commitment to the issue of fair housing practices, as well as ensure that fair housing opportunities prevail for all City residents regardless of age, sex, family status, income or source of income, race, creed, national origin or disabilities.
- Maintain the supply of safe, decent and sound affordable housing in the City of Modesto through the conservation and rehabilitation of the City’s existing housing stock.

STAFF FUNDING RECOMMENDATION

Staff is recommending funding only a portion of the application at this time, until the above concerns are addressed. Staff recommends an initial funding allocation of $25,000 of HOME/CHDO funds be approved and the balance of $73,000.00 HOME /CHDO funds be allocated subject to the following conditions:

1. Obtain all required development entitlements.
2. Provide proof of site control.
3. Provide proof of permanent financing.
4. Submit a copy of a property appraisal.
5. Submit copies of development and operating pro-formas.
6. Loan is to be a 10-year deferred payment with no interest during the first ten years.
7. The loan would be amortized from years 11-20 at a 3% fixed interest rate
8. The property will contain affordability covenants for 30 years.
9. No more that $25,000 in total funding will be used for CHDO operating costs.
10. CHDO operating funds to be awarded as a grant.
11. Pre-construction and acquisition funds cannot be used for staff salaries.
12. Participate annually in the City's Crime Free Multi-housing Program if available.

PROJECT #4 SCENIC RIVER OAKS RETIREMENT CENTER

SUMMARY OF APPLICATION

The request by DANO Construction Inc. was revised for a new total request of $300,000.00 to develop a retirement community to be located on 1340 Scenic Drive. These funds would be applied to development of a new 40-unit senior citizen multi-family complex.

ANALYSIS OF APPLICATION

The original application was for $750,000 in HOME funds to assist with the property acquisition and construction costs of a fully assisted senior citizen care facility. The applicant proposes to develop a total of 205 units in a three-phased development. Due to the HOME regulations - Phase I, consisting of an 84-unit assisted living facility, would not be feasible under the program. Phase II, an 81-unit development is not requesting funding. The developer has requested $300,000.00 for Phase III of the project, a 40-unit development on .60 acres. These units would consist of one bedroom independent living units (as per letter dated December 26, 2000). This project would provide a total of 205 additional units for senior housing, however, only three units of the total 205 units would be targeted for low-moderate income residents for twenty years. Staff has two main concerns regarding this project:

- The small amount of units (3) available for low-mod income seniors.
- The timeline involved in building Phase III of the project. It is staff's understanding that this phase would not begin until next year, so we hesitate in holding funds for this purpose.

Staff believes that this project would be more suitable other HUD funding sources such as Section 202 Projects to Support Assisted Living Activities for Frail Elderly and People with Disabilities.

HOUSING GOALS MET BY THIS PROJECT

- Establish and/or support programs to supply below market housing for very-low, low, and moderate-income households, as well as market rate housing.
- Work to supply housing for the unmet needs of lower income special needs groups, including the disabled, the elderly, the homeless and large families (families with five or more persons).
- Promote the development of affordable housing on surplus, underused or vacant public
lands, where appropriate and where compatible with existing uses.

☐ Promote equal opportunity for all residents to reside in the housing of their choice.

STAFF FUNDING RECOMMENDATION

Staff does not recommend funding this project through HOME funds at this time.

SUMMARY:

Again, staff has summarized the proposals and funding recommendation on Table 1.

The balance of the unallocated HOME funds (approximately $90,658) together with left over HOME funds (approximately $144,000) will be brought back to the Committee and City Council for other funding options. These funds can also be applied to increase the funding allocations for the Proposals presently under review.

Attachments:

Exhibit A: Request For Proposal Public Notice
Table 1: Staff Recommendations
Table 2: Project Comparison Chart
Exhibit B: Location Map
Exhibit C: Staff Letters and Applicant responses
Exhibit D: Informational Meeting Public Notice and notice area
Exhibit E: Time Frame for Applications

C: James E. Niskanen, Recreation and Neighborhoods Department Director
    Phil Testa, Community Development Department Director
    Richard Evans, Senior Deputy City Attorney
    Applicants
MODESTO CITY COUNCIL
Resolution No. 2001 -68

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA, SUPPORTING THE CONCEPTS AND EFFORTS OF THE CALIFORNIA HIGHWAY PATROL IN A TRAFFIC STOP DEMOGRAPHIC DATA COLLECTION GRANT PROGRAM

WHEREAS, the California Highway Patrol has received grant funds to distribute monies to those participating California local law enforcement agencies to offset the costs created by traffic stop demographic data collection; and

WHEREAS, the City of Modesto is located within the geographic area where data collection is to occur; and

WHEREAS, the grant allows funds for California local law enforcement; and,

WHEREAS, the Public Safety Committee unanimously recommended participation in said study at its November 27, 2000 meeting.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto expresses a strong support in the collection of demographic data.

BE IT FURTHER RESOLVED that the execution of said agreement for $50,000 to offset costs of this data collection project between the City of Modesto and the State of California by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on 13th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers None

Attest: John Zahr, City Clerk
A RESOLUTION APPROVING THE SUBMITTAL OF AN AIRPORT CAPITAL IMPROVEMENT PLAN AND AN AIRPORT IMPROVEMENT PROGRAM APPLICATION FOR THE MODESTO CITY-COUNTY AIRPORT PROJECTS FOR THE FISCAL YEARS 2001 – 2004 AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE THE PLAN AND APPLICATION ON BEHALF OF THE CITY OF MODESTO

WHEREAS, Modesto City-Council Airport is certified for air carrier service and is eligible for Federal funds to complete needed improvements, and

WHEREAS, each year the City of Modesto is eligible for Airport Improvement Program (AIP) funding to improve the Modesto City-County Airport, and

WHEREAS, the Federal Aviation Administration (FAA), the agency responsible for administering the AIP fund program, has requested that the City submit a new Airport Capital Improvement Plan (ACIP) and an Airport Improvement Program (AIP) application so that airport funding can be based on a long-range planning and priority basis as well as local need for development, and

WHEREAS, the City has identified projects for either airport development or improvement amounting to a total of $11,893,723 of which $10,560,100 is the federal share under the AIP formula, as set forth in the attached Attachment A, and

WHEREAS, the Transportation Policy Committee reviewed the ACIP and AIP application at its January 18, 2001 meeting and recommended approval of said application,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approve an Airport Capital Improvement Plan, and an Airport Improvement Program application be submitted to the Federal Aviation Administration for Fiscal Years 2001 – 2004 funding needs,

BE IT FURTHER RESOLVED that the City Manager or authorized designee is hereby authorized to execute the application documents on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-70

A RESOLUTION APPROVING ACCEPTANCE OF PAYOFF ON AN OUTSTANDING LOAN FROM CHARLIE CRANE OF UNCLE CHARLIE’S GROUP HOME, SECURED BY 523 NORTH MARTIN LUTHER KING DRIVE, AS BASED ON THE FAIR MARKET VALUE OF $137,000.

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) first considered the default of a loan to Charlie Crane of Uncle Charlie’s Group Home at its May 16, 2000 meeting and recommended the start of foreclosure proceedings, and

WHEREAS, Charlie Crane and representatives from the Church of Modesto presented a proposal to pay off the loan on behalf of Mr. Crane in the amount of $80,000 and requested that the balance of the principal and accrued interest be forgiven, and the CH&CDC did not take action on this request, and

WHEREAS, staff ordered a property appraisal, performed by James Cogdill on June 14, 2000, and he appraised the property at $105,500, and

WHEREAS, at the CH&CDC’s August 25, 2000 meeting, Mr. James D. Grothe, representing Charlie Crane, submitted a second proposal to pay off the outstanding loan, accrued interest and penalties based on the fair market value of the property, and the committee questioned the appraisal and requested a title report on the adjoining road easement and a second appraisal, and

WHEREAS, at the CH&CDC meeting of November 30, 2000, staff reported that a title report on the adjoining road easement had no impact on the value of the property, and

WHEREAS, a property appraisal conducted by Gerald Regalia on January 2, 2001 valued the property at $137,000, and

WHEREAS, a second meeting was convened by City staff on January 16, 2001 between neighborhood agency representatives and Charlie Crane and his representatives, and
WHEREAS, the CH&CDC considered this matter at its January 26, 2001 meeting, where Mr. Grothe, representing Charlie Crane submitted a letter agreeing to pay off the loan at the appraised value of $137,000, and

WHEREAS, staff recommends the acceptance of the pay off of the loan at the appraised value of $137,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the pay off of an outstanding loan made to Charlie Crane of Uncle Charlie's Group Home, secured by 523 North Martin Luther King Drive, based on the fair market value of $137,000 be approved.

BE IT FURTHER RESOLVED that said pay off shall be made by February 28, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
RESOLUTION APPROVING THE 2001 LEGISLATIVE PLATFORM

WHEREAS, one of the responsibilities of the City Manager's Office is to maintain a legislative program to provide Council with a more proactive approach for influencing policy and other governmental entities; and

WHEREAS, approval of the platform will allow the City's position on bills to be expressed without the need for Council action on individual legislative measures. Staff will provide periodic reports to the Economic Development, Community and Intergovernmental Relations Committee on the status of legislative matters; and

WHEREAS, the key component of this approach is development of a legislative platform, which would consist of policy statement adopted by the Council on an annual basis; and

WHEREAS, no modification to Council's existing legislative platform is needed; and

WHEREAS, the proposed platform was reviewed by the Economic Development, Community and Intergovernmental Relations Committee on February 8, 2001; and

WHEREAS, the Council considered the proposed legislative platform at its meeting held February 13, 2001.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2001 Legislative Platform, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13 day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN Zahr, City Clerk
2001 LEGISLATIVE PLATFORM

New items and/or language are underlined.

1. Economic Development:
   a. Support additional funding from the California Department of Education for funding for public adult schools for worker literacy programs at work sites.
   b. Support modification to Federal Reform legislation to minimize impacts of caseload shift to counties and cities.
   c. Support legislation which provides additional funds for infrastructure or which provides options for financing developer requirements.
   d. Support legislation expanding the California State Enterprise Program, assuming such legislation does not penalize a community for growth impact fees.
   e. Support legislation giving cities/counties which have adopted developer fees "Self Help" status.
   f. Support legislation to streamline CEQA requirements and utilization of a Master EIR concept, and facilitate economic development and job creation.
   g. Seek Federal funding to assist with the construction of a parking structure for 800 spaces in the Downtown.
   h. Support legislation to increase funding and local flexibility to design and develop economic development programs that would increase job opportunities.
   i. Support legislation to ensure and coordinate continued funding for programs providing training and job preparation.
   j. Support legislation designed to encourage business creation and expansion and training opportunities for residents.
   k. Support legislation to continue receiving credit for redevelopment "outside" project areas. The current law permits crediting two units outside the project as if they were a single unit inside the project area. The two for one credit is due to expire by the end of year 2000 at which time no credit will be given for redevelopment outside the project area.

2. Employee Relations/Workers Compensation:
   a. Oppose any measure, which would grant employee benefits that would be more properly decided at the local bargaining table.
   b. Oppose any efforts, which would reduce local control over public employee disputes, and impose regulations of an outside agency.
c. Oppose efforts to make disciplinary proceedings for police officers similar to criminal proceedings, making it impossible for employers to prove an administrative violation.

d. Oppose any form of mandatory Social Security Coverage.

e. Oppose expansion of requirement for the City to pay Medicare coverage of local employees beyond the current requirement of new hires.

f. Support legislation, which manages costs of workers' compensation benefits for occupational injuries/illnesses.

g. Oppose legislation, which expands or extends any presumptions of occupational injury or illness.

h. Oppose any expansion to the California Police Officers Bill of Rights or a creation of new Federal “Police Officers Bill of Rights.” Oppose extending these rights to firefighters.

i. Support Federal legislation to modify or eliminate FLSA requirements on public agencies.

3. Environment

a. Oppose air quality legislation for the San Joaquin Basin which gives a competitive edge or any particular advantage to any individual county in regards to offset credits.

b. Oppose legislation which would limit or reduce recycling credits for Waste to Energy projects in California.

c. Support legislation, which would enhance or provide market incentives for recycling materials (e.g., newspapers, compost).

d. Oppose legislation limiting reuse of greenwaste, bio-solids, or compost material.

e. Support amendments to the 1987 Clean Water Act that would clarify that numerical effluent standards do not apply to NPDES Stormwater Discharge Permits and that “Maximum Extent Practicable” (MEP) is the standard for stormwater discharges.

f. Support legislation which would amend the Porter Cologne Water Quality Act in such a way that the local governments would not be held accountable to assess and remediate water contamination (such as PCE in the case of Turlock) by the sole virtue of being the discharger of water contaminated by a second party.

g. Support legislation which repeals Fish and Game filing fees, unless these fees are clearly related to the level of service provided by the Department of Fish and Game in promptly reviewing environmental documents.
h. Support legislation which minimizes, or streamlines, project level environmental review (particularly cumulative effects and growth inducing effects), if key issues have already been adequately addressed at the “Master EIR” or “Program EIR” level.

i. Support legislation such as HR 3000 to provide a role for state and local government for designation of hazardous waste sites.

4. Finance (Local Government):
   a. Support measures which relieve taxpayers of the burden of paying for services which could be charged directly to the service users.
   b. Support efforts, which would provide greater accountability on the part of counties for the distribution of funds back to municipalities, including, but not limited to, fines and forfeitures.
   c. Support the repeal or reimbursement of property tax administration collection fees.
   d. Support legislation to increase reimbursement and funding necessary for the management and booking of prisoners.
   e. Oppose any increases in City costs to fund State programs by the legislature to manipulate the Public Employees' Retirement System.
   f. Oppose any further shift that would make local agencies more dependent on the State for financial stability and policy direction.
   g. Oppose the shift of any city fees to any other jurisdiction.
   h. Oppose measures, which would impose State and Federal mandated costs for which there is no guarantees of local reimbursement or offsetting benefits.
   i. Oppose any change in tax allocations, which would negatively affect local government, including potential loss of franchise fees due to Federal efforts to deregulate the utility industry.
   j. Oppose any requirement that there be a mutual agreement for cities and counties for sales tax distribution for all annexation proposals.
   k. Support legislation exempting local entities from the prohibition of filing more than two small claims actions of a specified amount of money in any calendar year.
   l. Support legislation allowing attorney representation at small claims court in cases where the amount in question is less than $5,000 (the current “ceiling”).
m. Support legislation which would allow for voter-approved simple majority vote for General Obligation Bonds.

n. Oppose legislation which reduces local agency reimbursement from the Police Officers Standards and Training (POST) fund.

o. Support legislation to improve collection capabilities for cities and counties.

p. Support Federal legislative efforts, which will facilitate the collection of sales tax on out-of-state mail order and Internet sales.

q. Oppose the redistribution of the local share of sales tax to an equal per capita allocation within the County in which the sales tax is collected.

r. Support the redistribution of the local share of sales tax to a statewide equal per capita allocation of all sales tax collected in the entire state.

s. Oppose legislation that restricts investment options for all municipal agencies because of problems in Orange County. Specifically, oppose legislation restricting or banning the use of Tax Revenue Anticipation Notes allowable under United States law. Oppose legislation further restricting investment options available to municipalities. Instead, support legislation mandating the "prudent investor" rule for investing public funds. Support legislation strengthening the public reporting requirements for investment policies and investment portfolio composition and earnings.

t. Support comprehensive long-term reform efforts to return to local governments their historical discretionary use of local revenues. Such efforts would include amending or permanently ameliorating the impacts of ERAF property tax shifts and unfunded mandates.

5. General Government:
   a. Support legislation which provides State assistance for local public libraries.
   
   b. Participate in seeing the implementation of cable and telecommunications legislation and regulatory developments meet the promise of the 1992 Cable Act.

6. Housing
   a. Oppose changes to the Federal CDBG Program which eliminate or reduce qualified activities or areas qualifying for assistance.

   b. Support funding of the CDBG Program and other core spending efforts, which target local communities; work to streamline and focus Federal housing programs to better meet the needs of California communities.

   c. Support the permanent extension of the Federal Low Income Housing Tax Program to help implement affordable housing.
7. Infrastructure
   a. Support legislation which enhances resources for local jurisdiction to maintain and operate their infrastructure.
   
b. Support legislation that provides increased local control over spending on streets and highways.
   
c. Support State legislation which would make contractors financially responsible for costs incurred by local agencies in response to defending frivolous construction claims.
   
d. Support legislation amending Section 1810 of the Streets & Highway Code relating to acquisition of property outside boundaries in unincorporated areas, deleting the requirement that counties must consent to such acquisition, and thereby “leveling the playing field” for cities which can be required to accept such streets.

8. Land Use and Planning:
   a. Encourage the Legislature to adopt a statewide policy for growth management and a study of regional government issues which seeks recommendations from local government.
   
b. Oppose legislation which places constraints on a totally unrelated sector of government than the one being addressed (e.g., tying allocation of park bonds to an agency’s housing element).
   
c. Support legislation which would prohibit the issuance of building permits or land use approval in a city’s sphere of influence without an agreement between the city and the county.
   
d. Support legislation to reduce building permits outside of spheres of influence.
   
e. Support legislation to require LAFCO to approve new development in counties.

9. Parks:
   a. Support legislation authorizing State Park Bond monies, administered by the State Parks and Recreation Department, based on a per capita basis for either capital or operating monies for cities.
   
b. Support legislation that would send the money allocated to parks from the Cigarette and Tobacco Products Surcharge or litigation settlement directly to cities and counties on a per capital basis, to be used for Capital Projects and/or maintenance and operations, at the discretion of each municipality.
   
c. Support funding legislation, which has the primary intent to fund recreation-related projects (i.e., excluding wetlands or other non-related to subjects best dealt with in separate legislation).
d. Encourage inclusion to any park related legislation, per capita funds to renovate public recreation facilities to conform to Federal Americans with Disabilities Act (ADA) regulations.

e. Support legislation specifically for Historic Preservation.

f. Support/encourage funding for general facility rehabilitation and asbestos/toxic material abatement.

g. Support/encourage funding for treatment of wastewater to be used for golf course and park irrigation.

h. Support legislation to provide Air Quality Districts funding for urban forestry programs within their districts and require that the districts provide fee credits to businesses that locate in communities that have urban forestry programs that offset or mitigate the negative effects of factories, processing plants and other high emissions industry.

10. Redevelopment:
   a. Support legislation which would curb proven abuses of the redevelopment process or resolve procedural or technical problems in the law.
   
b. Oppose additional or expanded mandates on redevelopment activities or local authority to allocate funds.

11. Safety:
   a. Support measures which would provide a greater share of seized assets to localities.
   
b. Support efforts, which allow local agencies to recover costs from the guilty party in accidents involving driving under the influence of drugs and/or alcohol.
   
c. Oppose attempts to transfer more fines and forfeiture funds to counties.
   
d. Oppose legislation which allows state or county charges, penalties or assessments to be levied in lieu of or to replace actual fines and forfeitures.
   
e. Support legislation encouraging, establishing, or enhancing drug use prevention programs and policies.
   
f. Oppose legislation which would shorten the current 10-day California waiting period for the purchase of a gun.
   
g. Oppose State legislation to expand authority for persons carrying concealed weapon.
   
h. Support legislation which would outlaw private possession of semi-automatic weapons.
i. Support additional legislation to fight graffiti which would:

1) Expand parental responsibility.
2) Prohibit issuance of a driver’s license to anyone under age 18 who has been convicted of graffiti offenses.
3) Require publication of names of anyone arrested for graffiti offenses.

j.—Encourage local legislative action banning fireworks on a countywide basis.
Fireworks is defined as the individual discharging of fireworks for personal use.

k.—Support legislation banning fireworks statewide.

l. Support legislation providing cities and counties with state funding for retrofitting essential buildings (e.g. hospitals, fire, and police) to current earthquake building standards.

m. Support legislation granting cities the right to determine which ambulance companies operate within their jurisdiction.

n. Support Federal legislation to continue funding the Omnibus Crime Bill for the benefit of our communities.

o. Support legislation that will increase funding for public safety technology improvement.

p. Support legislation and increased funding for juvenile crime abatement programs.

q. Support legislation that will reimburse agencies responsible for identifying, tagging and removing waste from illegal drug labs.

12. Solid Waste

a. Support legislation which would extend the deadline for the completion of the Source Reduction and Recycling Element under the Integrated Waste Management Act of 1989 (AB 939).

b. Oppose legislation which would reduce a local agency’s source reduction credits relating to compliance with AB 939.

c. Oppose legislation prohibiting any city from receiving credit for its existing programs; in order to meet the mandates of AB 939 (recycling).

d. Oppose legislation that would limit the local jurisdiction’s authority by the County to regulate or direct municipal solid waste.

e. Support legislation that would give cities which use transformation a 25% or higher credit towards meeting the 50% mandated diversion in AB 939.

f. Support legislation which would continue the Local Government Technical Advisory Committee to the California Integrated Waste Management Board, or,
alternatively, which would add a 7th member to the Waste Board representing Local Governments.

g. Oppose legislation which would increase diversion mandates above 50%.

h. Oppose legislation which would assess State solid waste fees on waste sent to transformation facilities.

i. Support legislation which would prohibit counties from imposing outright bans or overly restrictive ordinance that would impose defacto bans on the land application of biosolids or biosolids composts.

13. Tort Reform:
   a. Support measures to reform California's tort system to curtail unreasonable liability exposure for public agencies and restore the ability of public agencies to obtain affordable insurance.

14. Transportation:
   a. Support measures to finance local transportation facilities including the balance for the Bus Maintenance facility.

   b. Oppose legislation which prohibits airport expansion when the existing facility is within close proximity (e.g., two miles) of a proposed or established public school site.

   c. Support legislation which requires Notice of Public Disclosure be made a part of the property deed for the property next to or near an airport.

   d. Oppose legislation which would allow taxes collected from aviation fuel sales to be used for any other purpose than airport and aviation

   e. Support legislation which provides additional funding to improve transportation and the existing infrastructure in the City and region.

   f. Support a comprehensive national air transportation strategy that includes adequate, predictable, and long-term funding necessary to sustain the planning and financing of airport development projects that accommodate needed growth and to ensure the safety and security of airline passengers through reauthorization of the Federal Aviation Administration (FAA). For local governments, an FAA reauthorization could increase funds at both large and small airports, as well as funding to reduce air noise problems.

   g. Support legislation to halt preemption of local government authority in relation to railroad activities, especially with regard to traditional municipal authority. Local governments have the authority to protect their citizens public safety and environment.
h. Support legislation to increase transportation funding sources and financial programs to ensure local government receives a reasonable share of competitive funds for congestion relief and transportation systems.

i. Support SCA 3—This constitutional Amendment, subject to majority approval of the electorate, would allow statewide half-cent sales and use tax for the purpose of funding transportation needs for the next 20 years. In order for the tax to become effective in a particular county, the county would have to place the expenditure plan on the ballot and receive a majority vote on the plan.

15. Water Supply/Management:
   a. Support measures which increase water supply or improve water quality within the city/region.
   b. Support legislation which will encourage the use of drought tolerant plant material and water conservation techniques.
   c. Oppose mandatory groundwater management unless it is reasonable and the management reflects the representative views of all agencies which will be regulated, particularly local government.
   d. Support a fiscally and environmentally responsible reauthorization of the Safe Drinking Water Act.
   e. Support measures that will fund water management improvements.

16. Communication/Technology
   a. Continue to support California Public Utilities Commission’s petition to the Federal Communications Commission in its efforts to gain increased authority to relieve telephone area code proliferation and confusion in the state.
   b. Support State and Federal legislation to reaffirm home rule in oversight and revaluation of telecommunication entities, using public right—a-ways and affecting conditions addressed by local planning and land use policies.
   c. Support legislation to fund telecommunication planning and implementation.
   d. Support legislation to fund geographic information systems (GIS) to better manage regional resources, respond to emergencies and plan for growth.
MODEST CITY COUNCIL  
RESOLUTION NO. 2001-72

A RESOLUTION APPROVING THE APPLICATION FOR MAKING APPLICATION FOR FEDERAL GRANT FUNDS UNDER THE JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT 2000 FOR $50,340 AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID GRANT APPLICATION

WHEREAS, the Office of Criminal Justice Planning (OCJP) has released a request for proposal under the federal Juvenile Accountability Incentive Block Grant program, and

WHEREAS, the Modesto Police Department desires to apply for a grant to undertake a certain project designated “Modesto Juvenile Impact Program” to continue the WAKE-UP classes (Willing to become Aware and to gain Knowledge of Experiences that are Useful Program) which are offered to juveniles and their parents, and

WHEREAS, the grant application will also provide funding for some juvenile offenders accountability options such as graffiti paint-outs and for juvenile mentoring, and

WHEREAS, the application requires a ten (10%) percent match by the City in the sum of $5,593.00, and

WHEREAS, the program is a 15-month grant program, commencing April 2001.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of the application for a federal grant in the amount of $50,340.00 and authorizes its execution by City Manager, Jack Crist, or his designee.

BE IT FURTHER RESOLVED that the City Manager or his designee is also authorized to execute and submit all documents, including but not limited to certifications and assurances, any extensions, amendments, payment requests, and other documents which may be necessary regarding the aforementioned grant.

BE IT FURTHER RESOLVED that the City of Modesto agrees to provide the matching funds required for the grant project (including any amendment thereto).

BE IT FURTHER RESOLVED that the grant funds received hereunder shall not be used to supplant expenditures controlled by this body.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held of the 20th of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JHAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

Michael D. Milich, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-73  

A RESOLUTION ACCEPTING THE PROJECT TITLED “PELANDALE EXPRESSWAY – PHASES 1B & 1C” AS COMPLETE  

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Pelandale Expressway – Phases 1B & 1C, has been completed by George Reed, Inc., in accordance with the contract agreement dated December 7, 1999.  

NOW, THEREFORE, BE IT RESOLVED that the Pelandale Expressway – Phases 1B & 1C be accepted from said contractor, George Reed, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $928,413.40 as provided in the contract, be authorized.  

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of February, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:  

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

ATTEST:  

(SEAL)  

APPROVED AS TO FORM:  

By  

MICHAEL D. MILICH, City Attorney  

February 21, 2001/Engineering & Transportation/ TParmer
A RESOLUTION REQUESTING THE STANISLAUS COUNTY BOARD OF SUPERVISORS AMEND OUR BRADLEY BURNS SALES TAX AGREEMENT AND DISCONTINUE FIVE PERCENT (5%) SALES TAX TRANSFER TO STANISLAUS COUNTY

WHEREAS, on March 27, 2000, Council directed staff to refer the sales tax division agreement between the City and Stanislaus County to the Economic Development, Community & Intergovernmental Relations Committee; and

WHEREAS, on September 12, 2000, Council authorized the City Manager and Mayor to initiate discussion with the Stanislaus County Board of Supervisors for an amendment to our Bradley Burns Sales Tax Agreement to discontinue the five percent (5%) transfer to Stanislaus County, and to invite Mayors from Turlock and Oakdale to participate in discussion for the same purpose on behalf of their cities; and

WHEREAS, on September 19, 2000, the Stanislaus County Board of Supervisors refused to discuss the current sales tax sharing agreement with the City of Modesto; and

WHEREAS, on September 26, 2000, Council referred the issue of sales tax revenue sharing to the City Manager and City Attorney for further study and referral to the Financial Policy Committee; and

WHEREAS, the Financial Policy Committee considered sales tax sharing and finds that the City of Modesto has transferred more than eighteen million dollars ($18 million) in sales tax sharing revenues to Stanislaus County since 1958; and

WHEREAS, sales tax sharing is not required under state law; and

WHEREAS, only 18 of the state's 58 counties receive sales tax revenues from their cities.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby requests that the County of Stanislaus amend our Bradley Burns Sales Tax Agreement and discontinue the five percent (5%) sales tax transfer to Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-75

A RESOLUTION AFFIRMING THE CITY’S CO-SPONSORSHIP
OF “EARTHDAY IN THE PARK FESTIVAL, 2001!” AT GRACEADA
PARK AND ALLOWING THE SALE OF MERCHANDISE IN THE
PARK DURING THE EVENT.

WHEREAS, in 1970, Earth Day was established to make the public aware of
programs successful in protecting the environment and conserving natural resources, and

WHEREAS, by Resolution No. 92-129, adopted March 24, 1992, the City
Council acknowledged “Earth Day in the Park” as an annual event, and

WHEREAS, the Citizen’s Advisory Committee on Recycling (CACOR) sponsors
the event, and the 12th Annual “Earth Day in the Park” will be held on Saturday, April 21, 2001,
at Graceada Park, and

WHEREAS, “Earth Day in the Park Festival, 2000!” drew 76 vendors and an
estimated 15,000 residents, and

WHEREAS, because the CACOR is an advisory committee to the City Council,
the group’s ability to obtain event liability coverage is restricted, and City co-sponsorship of the
event will allow provision of automatic coverage under the umbrella of the City’s existing
insurance policy, and

WHEREAS, the City’s Risk Manager has assessed the scope of the event and
determined it to be of minimal exposure to the City, and

WHEREAS, as in prior years’ events, the Committee seeks Council approval for
the sale of merchandise in the Park during the event, and
WHEREAS, this event provides a forum for merchants to display and sell their “environmentally friendly” merchandise, and for the creation of a “festival atmosphere”, while giving the public an opportunity to make purchases of positive benefit to the environment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City hereby affirms its co-sponsorship of “Earth Day in the Park Festival, 2001!”, at Graceada Park.

BE IT FURTHER RESOLVED by the Council that it hereby approves the sale of merchandise at Graceada Park during the “Earth Day in the Park Festival, 2001!” event.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  
MICHAEL D. MILICH, City Attorney

02/28/01, Bev McCullough
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-76

A RESOLUTION APPROVING THE FINAL MAP OF MONTEREY BAY, UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, BRIGHT DEVELOPMENT, A California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 9.02 acres, known as MONTEREY BAY, UNIT NO. 1 in the Carver-Bangs Specific Plan Area (“Subdivision”), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 17th day of April, 2000, 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 MONTEREY BAY, UNIT NO. 1 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 Agreement hereinafter referred to.

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 27th day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jihan Zahr

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: ALISON A. BARRATT-GREEN
Senior Deputy City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-77

A RESOLUTION APPROVING THE FINAL MAP OF VILLA FRANCAIS UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, TARO PROPERTIES ARIZONA 1, LLC, an Arizona limited liability company, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 11.0 acres, known as VILLA FRANCAIS UNIT NO. 1 in the Carver-Bangs Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 21st day of June, 1999, 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 VILLA FRANCAIS UNIT NO. 1 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 Agreement hereinafter referred to.

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 27th day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: ALISON A. BARRATT-GREEN
Senior Deputy City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-78

A RESOLUTION APPROVING THE FINAL MAP OF VILLA FRANCAIS UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, TARO PROPERTIES ARIZONA 1, LLC, an Arizona limited liability company, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 14.34 acres, known as VILLA FRANCAIS UNIT NO. 2 in the Carver-Bangs Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 4th day of October, 1999, 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 VILLA FRANCAIS UNIT NO. 2 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 Agreement hereinafter referred to.

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 27th day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: ALISON A. BARRATT-GREEN

Senior Deputy City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-79

A RESOLUTION ACCEPTING IMPROVEMENTS IN MADISON POINTE SUBDIVISION, IN THE PELANDALE-SNYDER SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Western Pacific Housing – Windsor Pointe, LLC, A Delaware Limited Liability Company, subdividers of Madison Pointe subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of $620,800 and $310,400 respectively to guarantee improvements in Madison Pointe subdivision and;

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

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

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

1. The improvements in Madison Pointe Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $620,80 upon recordation of notice of completion.

3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of $310,400 upon expiration of the statutory period.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-80

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN APPLICATION IN RESPONSE TO THE STANISLAUS COUNTY WORKFORCE INVESTMENT BOARD COMMUNITY BEAUTIFICATION REQUEST FOR PROPOSALS FOR THE FOLLOWING PROJECT: CLEAN-UP, PLANT AND CARE FOR TWO PROPOSED AREAS ALONG STATE ROUTE 99 WITHIN CITY BOUNDARIES OF MODESTO.

WHEREAS, the County of Stanislaus in cooperation with the Quality of Life ad hoc committee, has enacted a Community Beautification Initiative, which provides funds to promote a better community image for those that live and work here as well as aiming to attract more businesses and jobs to Stanislaus County; and

WHEREAS, the County of Stanislaus Workforce Investment Board has been delegated the responsibility for the administration of the program within the County, setting up necessary procedures governing application by local agencies and non-profit organizations under the program; and

WHEREAS, said procedures established by the County of Stanislaus require the applicant to certify by resolution the approval of application before submission of said application to the County; and

WHEREAS, the applicant will enter into an agreement with the County of Stanislaus to carry out a community beautification project;

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

1. Approves the filing of an application for the “BEAUTIFICATION EFFORTS ALONG HIGHWAY 99” landscaping project listed above; and

2. Certifies that said applicant has or will have sufficient funds to operate and maintain the project; and

3. Certifies that funds under the jurisdiction of the City of Modesto are available to begin this project.

4. Certifies that said applicant will expend project funds prior to January 1, 2002.

5. Appoints the City Manager of the City of Modesto to submit application, of the aforementioned project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-81

A RESOLUTION ACCEPTING THE PROJECT TITLED "MARK TWAIN NEIGHBORHOOD PARK" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Mark Twain Neighborhood Park, has been completed by Duley’s Landscape, Inc., in accordance with the contract agreement dated September 28, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Mark Twain Neighborhood Park be accepted from said contractor, Duley’s Landscape, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $531,192.86 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

2/21/01/Engineering & Transportation/TParker
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-82

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS FOR THE DEVELOPMENT, IMPROVEMENT OR PRESERVATION OF LOW-AND-MODERATE-INCOME AFFORDABLE HOUSING UNITS WITH HOME FUNDS.

WHEREAS the Recreation and Neighborhoods Department, by an Agenda Report dated February 7, 2001, has recommended that authorization be given for City staff to proceed with a Request for Proposals (RFP) for the development, improvement or preservation of low-and-moderate-income affordable housing units using HOME funds, a copy of the Agenda Report is on file in the office of the City Clerk, and

WHEREAS, this matter was presented to the Citizens Housing and Community Development committee on January 26, 2001 and the Committee supported staff’s recommendation to proceed with solicitation of Requests for Proposals, and

WHEREAS, at its meeting of February 27, 2001, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes City staff to proceed with a Request for Proposals for the development, improvement or preservation of low-and-moderate-income affordable housing units using HOME funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: [Signature]
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: [Signature]
MICHAEL D. MILICH, City Attorney

R&N / Ken Horrillo / 2/27/01
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-83

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 98-509 ENTITLED "A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 77-384 ENTITLED "A RESOLUTION AMENDING RESOLUTION NO. 73-213 TO APPROVE A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(109). (VINTAGE FAIRE REGIONAL SHOPPING CENTER)". (THE MACERICH COMPANY).

WHEREAS, the Modesto City Council, by Ordinance No. 1259-C.S., which was introduced on March 12, 1973, finally adopted on March 26, 1973, and which became effective on April 25, 1973, granted Planned Development Zone, P-D(109), to allow development of a regional shopping center of 1,300,000 square feet on property located on the east side of Sisk Road north of Standiford Avenue, and

WHEREAS, City Council Resolution No. 73-213 adopted by the City Council on March 12, 1973, approved the development plan for Planned Development Zone, P-D(109), and contained the conditions of approval thereof, and

WHEREAS, the Modesto City Council, by Ordinance No. 1343-C.S., which was introduced on March 25, 1974, finally adopted on April 8, 1974, and which became effective on May 8, 1974, approved an application to expand the boundaries of Planned Development Zone, P-D(109), to include an area to the south to be used as a storm water ponding basis, and

WHEREAS, City Council Resolution No. 74-228 adopted by the City Council on March 25, 1973, approved a revised development plan for Planned Development Zone, P-D(109), and contained the conditions of approval thereof, and
WHEREAS, City Council Resolution No. 75-604 adopted by the City Council on May 27, 1975, amended condition no. 11 of Section 1 of Resolution No. 73-213 to correct the number of street trees that had to be paid for by the developer of Planned Development Zone, P-D(109), and

WHEREAS, City Council Resolution No. 76-269 adopted by the City Council on February 9, 1976, denied the appeal of Ernest W. Hahn, Inc., Carter Hawley Hale Properties, Inc., and Sears Roebuck and Company for an amendment to Planned Development Zone, P-D(109), to permit construction of wall signs in excess of 35 feet in height, and affirmed the decision of the Planning Commission, and

WHEREAS, the Modesto City Council, by Ordinance No. 1610-C.S., which was introduced on April 11, 1977, finally adopted on April 18, 1977, and which became effective on May 18, 1977, granted an amendment to Planned Development Zone, P-D(109), to include a family amusement machine center, and

WHEREAS, City Council Resolution No. 77-384 adopted by the City Council on April 11, 1977, approved an amendment to the development plan for Planned Development Zone, P-D(109), and contained the conditions of approval thereof, and

WHEREAS, the Modesto City Council, by Ordinance No. 3097-C.S., which was introduced on September 22, 1998, finally adopted on October 6, 1998, and which became effective on November 5, 1998, granted an amendment to Planned Development Zone, P-D(109), to allow a sixteen-screen theater and two restaurants in addition to the uses already specified, and
WHEREAS, City Council Resolution No. 98-509 adopted by the City Council on September 22, 1998, approved an amendment to the development plan for Planned Development Zone, P-D(109), and contained the conditions of approval thereof, and

WHEREAS, the Modesto City Council, by Ordinance No. 3098-C.S., which was introduced on September 22, 1998, finally adopted on October 6, 1998, and which became effective on November 5, 1998, approved a development agreement with the Macerich Company related to development of the sixteen-screen theater, and

WHEREAS, the Macerich Company never signed or executed said development agreement, which was required by Condition of Approval No. 1 of Resolution 98-509 for the zoning approval to allow the theater to be effective, and

WHEREAS, the Macerich Company now wishes to pursue other development plans for P-D(109) and no longer wishes to develop the theater, and

WHEREAS, consequently, on October 16, 2000, the Planning Commission of the City of Modesto initiated proceedings to revoke the approval for the theater and the accompanying development agreement by setting a public hearing for November 20, 2000, to consider an amendment to P-D(109) to revoke said theater approval and development agreement, and

WHEREAS, after a public hearing on November 20, 2000, in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2000-57, that amendment of Planned Development Zone P-D(109) to revoke the approval for a sixteen-screen theater and accompanying development agreement, was required for lack of development progress, and
WHEREAS, by Resolution No. 2000-57 the Planning Commission recommended to the Council that Planned Development Zone, P-D(109), be amended to revoke the approval for a sixteen-screen theater and the accompanying development agreement but retain the requirement for accessways to be provided for adjacent properties, and

WHEREAS, subsequent to the Planning Commission hearing, Macerich offered to provide an accessway to the property to the northwest zoned P-D(166), in exchange for not being required to provide accessways to the property to the north owned by the Gagos family, and this proposal was found acceptable to City staff, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m., on January 23, 2001, in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which date and time the City Council continued the hearing to February 13, 2001 to allow for continued negotiations with the Macerich Company regarding the requirement for accessways, and

WHEREAS, on February 13, 2001, the City Council again continued the hearing to February 27, 2001 to allow for continued negotiations, and

WHEREAS, at 5:15 p.m. on February 27, 2001, in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, a duly noticed public hearing of the Council was held for the purpose of considering the proposed amendment to P-D(109) to revoke the approval for a sixteen-screen theater and development agreement, and

WHEREAS, after said public hearing held on February 27, 2001, in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, the Council found and determined that an amendment to Planned Development Zone, P-D(109), to revoke the
approval for a sixteen-screen theater and the accompanying development agreement, and to modify the condition of approval to require an accessway only to the site zoned P-D(166), was required due to lack of development progress, and

WHEREAS, the Council has introduced Ordinance No. 3206-C.S. on the 27th day of February, 2001, amending Section 1 of Ordinance No. 3097-C.S., to delete a 16-screen theater complex as an allowed use, and

WHEREAS, the Council has also introduced Ordinance No. 3207-C.S. on the 27th day of February, 2001, rescinding Ordinance 3098-C.S. approving a development agreement between the City of Modesto and Macerich Vintage Faire Limited Partnership and Signature Theatres, L.L.C., and

WHEREAS, at the time of any discretionary land use approval in the future with respect to the Vintage Faire Regional Shopping Center and/or the property immediately to the north, the City may in its discretion seek to impose reciprocal access way between said properties,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Modesto City Council Resolution No. 98-509 entitled "A Resolution Amending Section 1 of Resolution No. 77-384 entitled "A resolution amending Resolution No. 73-213 to Approve a Development Plan for Planned Development Zone, P-D(109). (Vintage Faire Regional Shopping Center)" (The Macerich Company)" is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(109), is hereby approved subject to the following conditions:
1. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.

2. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

3. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.

4. Prior to issuance of a certificate of occupancy, the developer shall construct a vehicular accessway to connect to P-D(166) for on-site traffic circulation for the benefit of the property to the northwest, as approved by the Engineering and Transportation Director.

5. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

6. The plan shall provide safe bike paths and secure bicycle parking to encourage nonmotorized forms of transportation to and from the facility.

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

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

9. All conditions of City Council Resolution No. 77-384 not in conflict with this resolution shall remain in full force and effect.
SECTION 2. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-84

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017):
AMENDING PLANNED DEVELOPMENT ZONE P-D(109) TO REVOKE THE APPROVAL FOR A 16-SCREEN THEATER AND ACCOMPANYING DEVELOPMENT AGREEMENT

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

WHEREAS, the City of Modesto has initiate proceedings to amend Planned Development Zone, P-D(109), to revoke a previous approval for a 16-screen theater and accompanying development agreement, and

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

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study CDD 2000-70 reviewed the proposed amendment to P-D(109) to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed amendment will
have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to P-D(109), a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed amendment to P-D(109) is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.

2. That the amendment to P-D(109) will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.

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

4. That there are no specific features which are unique to the proposed amendment to P-D(109) that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.

5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT A

Initial Study

EA/CDD 2000-70
City of Modesto
Initial Study

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area
General Plan allows for limited environmental review of this request to amend
the development plan for a portion of P-D(109). The Final Master EIR (SCH
#92052017) was certified by the Modesto City Council on August 15, 1995.

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

II. PROJECT DESCRIPTION

A. Project title:
   Public Hearing – Amend P-D(109) to Modify and/or Revoke Theater Entitlement,
   Accessways, and Development Agreement, Property Located at 3401 Dale Road

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

C. Contact person, address and phone number:
   John Stack, CDD, City of Modesto
   1010 - 10 Street, Suite 3300
   Modesto, CA 95353
   phone (209) 577-5282

D. Project Location:
   3401 Dale Road, Modesto, CA

E. Project Sponsor:
   Macerich Vintage Faire Limited Partnership
   401 Wilshire Blvd., Suite 700
   Santa Monica, CA 90401
   (310) 394-6000

F. General Plan Designation:
   Commercial (C)

G. Zoning:
   P-D(109), Planned Development

H. Description of Proposed Project:
   This is a hearing to consider an amendment to P-D(109) to modify and/or
   revoke the 16-screen theater entitlement, the related development agreement,
   and vehicular accessways required to connect with the properties to the north
   and northwest, property located at 3401 Dale Road.
The Commission has a couple of directions in which to go with this amendment to P-D(109):

1. The commission may wish to recommend that the previous approval for the development of the theater complex be revoked. This would include the Development Agreement for the project and any conditions of approval such as the requirement for new vehicular accessways to adjacent properties to the north.

2. A recommendation to modify P-D(109) could also be made to Council. This recommendation could include the deletions of the theater approval and the corresponding Development Agreement. However, the requirement for the provision of vehicular accessways connections to adjacent properties might remain.

I. Surrounding land uses:
   Commercial uses

J. Other public agencies whose approval is required:
   None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR
There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

A. Traffic and Circulation
The proposed amendment to P-D(109) and resulting commercial uses will not contribute any more to the traffic in the area than was anticipated by previously approved commercial uses for this site. A site traffic mitigation study was not required for the proposed change in use of this property. Development of the proposed commercial building addition is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

B. Degradation of Air Quality
The proposed amendment to P-D(109) and resulting commercial uses is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. Generation of Noise
The proposed amendment to P-D(109) and resulting commercial uses are adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of commercial uses. Because of building walls, fencing and structure setbacks, the Day-
Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this commercial use, nor will the adjacent neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. **Loss of Productive Agricultural Land**
The proposed amendment to P-D(109) and resulting commercial uses are located on land noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. This property is currently zoned for regional commercial uses. The proposed plot plan amendment will allow commercial uses as permitted by P-D(109). This property is also within a Commercial area (C) as designated by the Modesto General Plan. 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, therefore still valid.

E. **Increased Demand for Water Supplies**
The proposed amendment to P-D(109) and resulting commercial uses will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

D. **Increased Demand for Sanitary Sewer Services**
The proposed amendment to P-D(109) and resulting commercial uses will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. **Loss of Sensitive Wildlife and Plant Habitat**
The proposed amendment to P-D(109) and resulting commercial uses are 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. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. **Disturbance of Archaeological and Historic Sites**
The proposed amendment to P-D(109) and resulting commercial uses will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for
Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. **Drainage, Flooding and Water Quality**
The proposed amendment to P-D(109) and resulting commercial uses will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are, therefore still valid.

J. **Increased Demand for Storm Drainage**
The proposed amendment to P-D(109) and resulting commercial uses will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are, therefore still valid.

K. **Increased Demand for Parks and Open Space**
The proposed amendment to P-D(109) and resulting commercial uses will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are, therefore still valid.

L. **Increased Demand for Schools**
The proposed amendment to P-D(109) and resulting commercial uses will not impact the Modesto School system, as these commercial facilities will not increase enrollment in the public schools. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are, therefore still valid.

M. **Increased Demand for Police Services**
The proposed amendment to P-D(109) and resulting commercial uses will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are, therefore still valid.

N. **Increased Demand for Fire Services**
The proposed amendment to P-D(109) and resulting commercial uses will have a less than significant impact upon the need for additional
fire services to this area. Fire Station Number 6 is located approximately one mile away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore still valid.

O. **Generation of Solid Waste**
The proposed amendment to P-D(109) and resulting commercial uses will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10), are therefore still valid.

P. **Generation of Hazardous Materials**
The proposed amendment to P-D(109) and resulting commercial uses will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are, therefore still valid.

Q. **Landslides and Seismic Activity**
The proposed amendment to P-D(109) and resulting commercial uses will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-17-11) are, therefore still valid.

R. **Energy**
The proposed amendment to P-D(109) and resulting commercial uses will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.
IV CONCLUSIONS / DETERMINATIONS OF FINDINGS

A. The proposed amendment to P-D(109) is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH # 92052017).

B. The proposed amendment to P-D(109) and resulting commercial development will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).

D. There are no specific features unique to this amendment of P-D(109) that requires project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

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

Signature: [Signature]

Date: 11/18/2020
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-85

A RESOLUTION APPROVING THE EXPANSION OF THE ACE EXPRESS COMMUTER SERVICES BY ADDING A THIRD BUS TRIP IN THE MORNING AND AFTERNOON TO THE ACE TRAIN STATION IN LATHROP.

WHEREAS, on October 19, 1998, the City of Modesto initiated the Modesto Area Express ACE Commuter Bus Service concurrently with the start-up of Altamont Commuter Express (ACE) train service with two runs each morning and two in the evening, and

WHEREAS, a third ACE train in the morning and evening is planned to start on March 5, 2001, and

WHEREAS, the City of Modesto Transit Division has budgeted and planned for the start of a third bus in the morning and evening during the 2000-2001 fiscal year, and

WHEREAS, the Long-Range Transit Plan adopted by the City Council on August 8, 2000, includes the addition of a third bus trip to and from the ACE train station, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto to approve the addition of a third run of the MAX ACE Express bus in the morning and evening effective March 5, 2001.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith

NOES: Councilmembers: Conrad, Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-86

RESOLUTION RESCINDING RESOLUTION NO. 2001-71 APPROVING THE
2001 LEGISLATIVE PLATFORM

WHEREAS, on February 13, 2001, the Modesto City Council adopted Resolution No.
2001-71 approving the 2001 Legislative Platform; and,

WHEREAS, on February 27, 2001, it was determined that all items in the Legislative
Platform did not meet with the Council’s approval;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that
Resolution No. 2001-71 adopted by the Council on February 13, 2001, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 27 day of February, 2001, by Councilmember Conrad, 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, Friedman, Frohman, Serpa, Smith,
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JOSEPH MARTINEZ OF THE EQUAL OPPORTUNITY COMMISSION, EFFECTIVE MARCH 6, 2001

WHEREAS, Joseph Martinez was appointed a member of the Equal Opportunity Commission on February 22nd 2000; and

WHEREAS, Joseph Martinez has tendered his resignation from the Equal Opportunity Commission, effective March 6, 2001; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Joseph Martinez from the Equal Opportunity Commission be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-88

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM ROSE FOR AN OFFICE IN THE AIRPORT'S OLD ADMINISTRATION BUILDING

WHEREAS, William Rose, hereafter referred to as LESSEE, wishes to rent a vacant office in the airport's old administration building from which he can conduct general office activities, and

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

WHEREAS, LESSEE agrees to the terms of a lease agreement allowing the use of City of Modesto property for an initial one-year period, and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a lease with William Rose for an office for general office activities, and

BE IT FURTHER RESOLVED, the City Manager is authorized to execute the lease agreement on behalf of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March 2001 by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR (City Clerk)

(SEAL)

APPROVED AS TO FORM:

by 
MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE USE OF COMMUNITY DEVELOPMENT FUNDS TO COVER THE COST OF NON-CITY EMPLOYEES TO ATTEND THE THIRD AND FINAL CONVENING SESSION OF THE NATIONAL LEAGUE OF CITIES’ WORKFORCE DEVELOPMENT FOR POVERTY REDUCTION PROJECT, TO BE HELD IN WASHINGTON D.C.

WHEREAS, the City of Modesto was selected by the National League of Cities, along with four other cities, to participate in a three-year project entitled, “Workforce Development for Poverty Reduction”; and

WHEREAS, the National League of Cities works with the selected cities to assist and enable local government officials and other key leaders to help local residents move from poverty to living wage jobs through improved workforce development strategies; and

WHEREAS, the City has invited community agencies and members working within workforce development programs to participate as members of the City team; and

WHEREAS, the team has met annually during the last three years to plan, develop and implement the City’s action plan; and

WHEREAS, there are some costs to be incurred for the City to participate in the convening session, including airfare, hotel accommodations, and transportation costs; and

WHEREAS, the Community Development Department desires to cover costs of some of the team members (non-city employees) who may not have the means to cover these costs; and

WHEREAS, the estimated cost of this convening is $5,800 ($1,160 per person for each of the 5 team members (non-city employees) who will need assistance); and
WHEREAS, the Community Development Department has allocated funds within its department budget to pay for these costs.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby authorizes the use of Community Development funds to cover the costs of non-city employees to attend the National League of Cities’ Workforce Development for Poverty Reduction Project third and final convening, to be held in Washington D.C., March 23-24, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST
Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-90

A RESOLUTION AUTHORIZING THE PURCHASE OF THREE LOW FLOOR TRANSIT COACHES FROM THE GILLIG CORPORATION.

WHEREAS, the Engineering & Transportation-Transit Division has requested the waiver of formal bids by five (5) affirmative votes and authorizing the purchase of Three (3) Low Floor Transit Coaches from Gillig Corporation of Hayward, California for a total cost of $906,948.81 for use in the Modesto Area Express (MAX) bus service, and

WHEREAS, the Council of the City of Modesto, at its regular meeting held on the 4th day of January, 2000, adopted Resolution No. 2000-2, approving the creation of a Capital Improvement Program project for the purchase of three (3) transit coaches, and

WHEREAS, CITY is utilizing the County of Merced’s competitive bid process to purchase said coaches from the Gillig Corporation, and

WHEREAS, the Gillig Corporation provided the City with a quote based on the bid price the Gillig Corporation submitted to the County of Merced.

WHEREAS, the Gillig Corporation has quoted the following total price F.O.B. Modesto, including state and local sales taxes: Nine Hundred Six Thousand Nine Hundred Forty-Eight And 81/100 Dollars ($906,948.81).

WHEREAS, by an agenda report to the City Council dated February 2, 2001, from the Finance Department/Purchasing Division, City staff recommended to the Council that said buses be purchased from the Gillig Corporation at the quoted price, and

Finance/Tom Reddie/3/6/01
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the purchase of three low floor transit coaches from the Gillig Corporation at a cost of $906,948.81 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney

Finance/Tom Reddie/3/6/01
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-91

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR LIQUID FERRIC CHLORIDE

WHEREAS, the Operations & Maintenance Department-Water Quality Control (WQC) has requested the purchase of Liquid Ferric Chlorine for FY 2001/2002 with three one-year extensions for the reduction of damage caused to plant equipment and piping by sulfuric acid and eliminate the use of chlorine gas for odor control at the Primary Wastewater Treatment Plant.

WHEREAS, by soliciting competitive bids, the Finance Department-Purchasing Division will comply with the Modesto City Code, Section 8-3.204, 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 furnishing traffic signal equipment to be opened in the office of the City Clerk, 1010 10TH Street, in the City of Modesto, on April 24, 2001 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr, City Clerk

Finance/Tom Reddie/3/6/01
MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-92  

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED DEVELOPMENT ZONE, P-D(547). (MICHAEL PURNELL, M.D.)  

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Michael Purnell, M.D, on November 28, 2000, to reclassify Low Density Residential Zone, (R-1), to Planned Development Zone, P-D(547), to allow for a two-story orthopedic medical center, including surgery and therapy, and landscaped parking area for property located on the west side of Coffee Road, east of Allen Drive, and south of East Orangeburg Avenue, described as follows:  

R-1 to P-D(547)  

A portion of the Northeast quarter of the Southeast quarter of the Northeast quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:  

BEGINNING at a point on the East line of said Section 21, where said line is intersected by the easterly extension of the northerly line of the premises conveyed to H.H. Copeland and Minnie N. Copeland, his wife, by Deed dated April 17, 1947 and recorded May 2, 1947, as Document No. 12009; thence northerly and along the East line of the premises conveyed to said Copeland, a distance of 60.00 feet; thence westerly parallel with the northerly line of the premises conveyed to said Copeland by Deed first hereinabove referred to, a distance of 175.00 feet, more or less (found to be 199 feet, more or less as shown on that particular Record of Survey filed in Volume 10 of Surveys, at Page 138 and that particular Subdivision Map filed in Volume 19, of Maps at Page 56, Stanislaus County Records) to a point on the East line of the premises conveyed to Minnie McIntyre by Deed dated August 28, 1947 and recorded September 8, 1947 as Document No. 23016; thence southerly along the easterly line of the premises so conveyed to said McIntyre a distance of 60.00 feet of the southeasterly corner of the said premises conveyed to Minnie McIntyre; thence westerly along the northerly line of the aforementioned premise conveyed to Copeland, a distance of 155.00 feet; to the westerly line of the said Copeland premises; thence southerly along said westerly line a distance of 74.00 feet to the southwesterly corner of the said
Copeland premises; thence, continuing southerly along the westerly line of the premises conveyed to Marion C. Billingsley by deed dated March 20, 1947 and recorded March 25, 1947 as Document No 8580, a distance of 75.00 to the southwesterly corner of said Billingsley premises; thence easterly parallel with the northerly line of the said Copeland premises a distance of 330 feet, more or less (found to be 354.00 feet, more or less as shown on that particular Record of Survey filed in Volume 10 of Surveys, at Page 138, and that particular Subdivision Map filed in Volume 19 of Maps, at Page 56, Stanislaus County Records), to a point on the East line of said Section 21, said point being distant 149.00 feet southerly along said Section line from the point of beginning; thence northerly along the East line of said Section 21, a distance of 149.00 feet to the POINT OF BEGINNING.

and

WHEREAS, after a public hearing held on January 22, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-(06), that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed planned development zone, by reason of its plot plan design and conditions of approval, tends to be compatible with surrounding land uses.

2. That the requested planned development zone for an orthopedic medical center is within the Mixed Use (MU) use area as designated by the General Plan and that this development is consistent with uses included within this designation.

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 27, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Michael Purnell, M.D. for a Planned Development Zone should be granted as
consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-06 and quoted above, and

WHEREAS, the Council has introduced Ordinance No3209—C.S. on the 6th day of March, 2001, reclassifying the above-described property from Low Density Residential Zone, (R-1), to Planned Development Zone, P-D(547).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(547), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Orthomed Center" as amended in red, stamped approved by the City Council on February 27, 2001.

2. Prior to the issuance of a building permit a six-foot-high solid double-board fence with decorative masonry pilasters at 16-foot on centers shall be constructed along the south, west, and north property line. A pilaster and wood fence along the west property line shall also include provision for a 24-foot-wide emergency fire access gate with a Knox box lock.

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

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

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

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

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

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

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

10. The developer shall in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the north and south, substantially as shown in red on the plot plan.

11. Prior to the issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to the construction of any structures.

12. Ten-foot public utility easements, and planting easements located within the ten-foot public utility easements, as required by the Community Development Director, shall be dedicated along all street frontages.

13. All signs shall comply with the requirements of the P-O Zone.

14. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this development shall be based on the rates in effect at the time of issuance of a building permit.

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

16. Existing underground and overhead electric facilities and existing irrigation lines within the property shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Engineering and Transportation Director. Appropriate easements for electric facilities and irrigation lines to remain shall be dedicated as necessary.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(547):

Construction to begin on or before February 27, 2003, and completion to be not later than February 27, 2004.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(547), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEN ZAHN City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By Community Development Department
Planning Division
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-93

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 21-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, (R-1), TO PLANNED DEVELOPMENT ZONE, P-D(547), PROPERTY LOCATED ON THE WEST SIDE OF COFFEE ROAD, EAST OF ALLEN DRIVE, AND SOUTH OF EAST ORANGEBURG AVENUE. (MICHAEL PURNELL, M.D.)

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

WHEREAS, Michael Purnell, M.D. has proposed an amendment to Section 21-3-9 of the Zoning Map to rezone property from Low Density Residential Zone, (R-1), to Planned Development Zone, P-D(547), in the City of Modesto ("the Project") to allow a two-story orthopedic medical center, including therapy and surgery, and landscaped parking and,

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

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study EA/CDD 2001-02 reviewed the proposed amendment to the Zoning Map and rezone to P-D(547) project, to determine whether the project is within the scope of the
project covered by the Modesto Urban Area General Plan Master EIR, and made the
determination that the proposed project will have no additional significant effect on the
environment that was not identified in the Master EIR and, further, that no new or additional
mitigation measures or alternatives are required, and that, therefore, the proposed project is
within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
Council has reviewed and considered the Initial Study prepared for the proposed amendment to
the Zoning Map and rezone to P-D(547) project, a copy of which is attached hereto as Exhibit
"A", and incorporated herein by reference, and based on the substantial evidence included in said
Initial Study makes the following findings:

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

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

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

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

5. That all feasible mitigation measures set forth in the Master EIR which are
   appropriate to the project shall be incorporated in the project.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT A

Initial Study

EA/CDD 2001-02
City of Modesto
Initial Study

Rezoning R-1 to P-D Purnell

EA/CDD 2001-02
January 9, 2001

I. PURPOSE

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

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

II. PROJECT DESCRIPTION

A. Project Title:
Rezone R-1 to P-D, Purnell

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

C. Contact Person and Phone Number:
Barbara Denlis, Community Development Department, (209) 577-5276

D. Project Location:
1327, 1335, and 1339 Coffee Road, or the west side of Coffee Road south of East Orangeburg Avenue and east of Allen Drive.

E. Project Sponsor:
Michael B. Purnell, M.d., Inc., 1400 Florida Avenue, Suite 106, Modesto, CA 95350

F. General Plan Designation:
Mixed Use (MU)

G. Current Zoning:
Low Density Residential (R-1)

H. Description of Proposed Project:
This is a rezoning from R-1 to P-D to allow for an orthopedic medical center, including surgery and therapy, and a landscaped parking area on the west side of Coffee Road, south of East Orangeburg Avenue and east of Allen Drive.
I. **Surrounding Land Uses:**
The project is surrounded by commercial and professional office use to the north, a mix of commercial, office and residential uses across Coffee Road to the east, and residential uses to the south and to the west.

J. **Other Public Agencies Whose Approval is Required:**
None.

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

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

A. **Traffic and Circulation**

Although the proposed project is a rezoning to Planned Development, this rezone is nevertheless consistent with the General Plan in land use and intensity, because the General Plan anticipated professional office centers like this one in the Baseline Developed Area. Further, the access driveways proposed by the project have been approved by the City's Traffic Engineer as being consistent with City standards and the General Plan. Therefore, the traffic impacts analyzed in the Traffic and Circulation section of the MEIR (pages IV-1-1 through IV-1-37) are still valid, and no changes are needed to this Section.

B. **Degradation of Air Quality**

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

C. **Generation of Noise**

The proposed project will create some additional noise, but this additional noise is not significant in comparison to the general traffic noise on Coffee Road. Therefore, the conclusions in the Generation of Noise section of the MEIR (pages IV-3-1 through IV-3-33) are still valid, and this section of the MEIR does not need to be changed.

D. **Loss of Productive Agricultural Land**

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

E. **Increased Demand for Water Supplies**

The proposed project will not generate increased demand for water supplies over what was assumed in the MEIR, and will provide the necessary infrastructure to provide water service to the project. The Existing Conditions, Impacts Analysis
and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are therefore still valid.

F. Increased Demand for Sanitary Sewer Services

The proposed project will not generate increased demand for sanitary sewer services over what was assumed in the MEIR, and will provide the necessary infrastructure to provide sanitary sewer service for the project. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

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

H. Disturbance of Archaeological and Historic Sites

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

I. Drainage, Flooding and Water Quality

The proposed project will conform to the City's standards for drainage, flood control and water quality. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

J. Increased Demand for Storm Drainage

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

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

L. Increased Demand for Schools

The MEIR concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project is a commercial project that would not create additional demand for schools, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

M. Increased Demand for Police Services

The proposed project will not result in any significant increase in the demand for police services in the context of the MEIR, because of the small size of the project and its location in a highly urbanized area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are still valid.

N. Increased Demand for Fire Services

The proposed project will not result in any significant increase in the demand for fire services in the context of the MEIR, because of the small size of the project and its location in a highly urbanized area. In addition, the project provides for emergency access to meet City standards. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are still valid.

O. Generation of Solid Waste

The proposed project will not result in any significant increase in the generation of solid waste in the context of the MEIR, because of the small size of the project and its location in a highly urbanized area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are still valid.

P. Generation of Hazardous Waste

The proposed project will not result in any significant increase in the generation of hazardous materials in the context of the MEIR, because of the small size of the project and the fact that the General Plan anticipated medical facilities located throughout the Baseline Developed Area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are still valid.
Q. **Landslides and Seismic Activity**

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

R. **Energy**

The proposed project will not result in any significant increase in the demand for energy in the context of the MEIR, because of the small size of the project and its location in a highly urbanized area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are still valid.

**IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS**

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

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

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

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

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

Signature: [Signature]

Barbara Denlis
Associate Planner
A RESOLUTION APPROVING THE DRAFT TIMELINE FOR PUBLIC SERVICE GRANTS AND THE ANNUAL ACTION PLAN FOR 2001-2002 AND CITIZEN PARTICIPATION CALENDAR OF EVENTS

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

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

WHEREAS, the proposed calendar for citizen participation includes Phase I public service grant applications, which address immediate or short-term needs allowable under CDBG Public Service regulations as well as Emergency Shelter Grant proposals, and

WHEREAS, Phase II proposals addressing long-term developmental needs will be considered under a joint application process involving the City of Modesto, Stanislaus County and the United Way, the timeline for which will be announced subsequently, and

WHEREAS, at its February 23, 2001 meeting, the Citizens Housing and Community Development Committee considered and supported staff recommendations for the timeline for Public Service grants and the Annual Action Plan for 2001-2001 and the Citizen Participation Calendar of Events,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the timeline for Public Service grants and the Annual Action Plan for 2001-2001 and the Citizen Participation Calendar of Events.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: 

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-95

A RESOLUTION APPOINTING JOHN ROGERS TO THE AIRPORT ADVISORY COMMITTEE

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

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

SECTION 1. JOHN ROGERS is hereby appointed to the Airport Advisory Committee with a term expiration of January 1, 2005.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-96

A RESOLUTION APPOINTING STEPHEN KELLOGG TO THE BOARD OF BUILDING APPEALS

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

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

SECTION 1. STEPHEN KELLOGG is hereby appointed to the Board of Building Appeals with a term expiration of January 1, 2002.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: JIAN ZAHR, City Clerk

Date/Dept/Author
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-97

A RESOLUTION APPOINTING JACK JACQUES, DOUG MOORE, JEFF MOUNTAIN AND JIM PATTON TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

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

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

SECTION 1. JACK JACQUES, with a term expiring January 1, 2002; DOUG MOORE, JEFF MOUNTAIN and JIM PATTON, with terms expiring January 1, 2005, are hereby appointed to the Citizens Advisory Committee on Recycling.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Citizens Advisory Committee on Recycling, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR
City Clerk
A RESOLUTION APPOINTING MIKE BURNS AND JOHN NYBERG TO THE GOLF COURSES ADVISORY COMMITTEE

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

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

SECTION 1. MIKE BURNS, with a term expiring January 1, 2002, and JOHN NYBERG, with term expiring January 1, 2005, are hereby appointed to the Golf Courses Advisory Committee.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 
JEAN ZAHR, City Clerk
A RESOLUTION APPOINTING MIKE CONTENT, CARLOS DE LA FUENTE AND LINDA OHLSON TO THE HOUSING REHABILITATION LOAN COMMITTEE

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

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

SECTION 1. MIKE CONTENT, CARLOS DE LA FUENTE and LINDA OHLSON are hereby appointed to the Housing Rehabilitation Loan Committee with term expirations of January 1, 2005.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: 

 Date/Dept/Author
A RESOLUTION APPOINTING TRACI MILLER TO THE HUMAN RELATIONS COMMISSION

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

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

SECTION 1. TRACI MILLER is hereby appointed to the Human Relations Commission with a term expiration of January 1, 2005.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-101

A RESOLUTION APPOINTING MICHAEL BIRCH AND KATHY FASTENAU TO THE LOCAL CABLE PROGRAMMING COMMITTEE

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

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

SECTION 1. MICHAEL BIRCH and KATHY FASTENAU are hereby appointed to the Local Cable Programming Committee with term expirations of January 1, 2002.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR/City Clerk

Date/Dept/Author
A RESOLUTION APPOINTING KENT NEWSWANDER TO THE PLANNING COMMISSION

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

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

SECTION 1. KENT NEWSWANDER is hereby appointed to the Planning Commission with a term expiration of January 1, 2005.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Frohman, Serpa

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-103

A RESOLUTION APPOINTING ROBERT MOORE TO THE DISABLED ACCESS APPEALS BOARD

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

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

SECTION 1. ROBERT MOORE, with a term expiring January 1, 2005, is hereby appointed to the Disabled Access Appeals Board.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-104


WHEREAS, the Council of the City of the Modesto has approved a project to widen the McHenry/Pelandale intersection and install traffic signals; and

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

WHEREAS, Agreements are 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 the City of Modesto and Mary A. Kruse and the Allen R. Grant and Carolyn M. Grant Family 1996 Trust for the acquisition of property located at the northeast corner of McHenry Avenue and the Pelandale Expressway for the McHenry/Pelandale Intersection Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

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, City desires to acquire right of way from Mary A. Kruse and the Allen R. Grant and Carolyn M. Grant Family 1996 Trust for the McHenry/Pelandale Intersection Project.

NOW, THEREFORE, BE IT HEREBY 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 Mary A. Kruse and the Allen R. Grant and Carolyn M. Grant Family 1996 Trust located at the northeast corner of McHenry Avenue and the Pelandale Expressway for the McHenry/Pelandale Interchange Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-106

A RESOLUTION DECLARING A PORTION OF APN 102-02-39 EXCESS TO CITY NEEDS, AUTHORIZING THE SALE OF THE EXCESS PROPERTY BY PUBLIC BID

WHEREAS, the City of Modesto acquired right of way for Paradise Avenue, which is a portion of Assessor’s Parcel No. 102-02-39, and is located as shown on the attached map which is incorporated herein by reference; and

WHEREAS, said property is excess to the City’s needs; and

WHEREAS, the Council of the City of Modesto desires the property be sold by public bid; and

WHEREAS, the Council of the City of Modesto considered this matter at its meeting of March 13, 2001.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that APN 102-02-39 (portion), which was acquired when the City acquired right of way for Paradise Avenue, is excess property to the City’s needs, and the Council directs staff to sell the property by public bid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2001, by Councilmember Conrad, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _______________________
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-107

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BURCHELL NURSERY, INC., FOR THE ACQUISITION OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF MCHENRY AVENUE AND THE PELANDALE EXPRESSWAY FOR THE McHENRY/PELANDALE INTERSECTION PROJECT

WHEREAS, the Council of the City of the Modesto has approved a project to widen the McHenry/Pelandale intersection and install traffic signals; and

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

WHEREAS, Agreements are needed for the acquisition of the needed right of way.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Agreement between the City of Modesto and Burchell Nursery, Inc., for the acquisition of property located at the southwest corner of McHenry Avenue and the Pelandale Expressway for the McHenry/Pelandale Intersection Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-108

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ACCEPTANCE FORMS FOR GRANT DEEDS FOR THE ACQUISITION OF PROPERTY FROM THE BURCHELL NURSERY INC. LOCATED AT THE SOUTHWEST CORNER OF McHENRY AVENUE AND THE PELANDALE EXPRESSWAY FOR THE McHENRY/PELANDALE INTERSECTION 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, City desires to acquire right of way from Burchell Nursery, Inc. for the McHenry/Pelandale Intersection Project.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to sign acceptance forms for Grant Deeds for the acquisition of property from the Burchell Nursery Inc. located at the southwest corner of McHenry Avenue and the Pelandale Expressway for the McHenry/Pelandale Intersection Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-109

A RESOLUTION APPROVING A REQUEST FROM OVERCOMING THE ODDS FOR $4,700 IN DIRECT CITY ASSISTANCE FOR A CONFERENCE TO BE HELD AT MELLIS PARK AND KING-KENNEDY MEMORIAL CENTER ON MAY 19, 2001 AND AMENDING THE BUDGET TO TRANSFER $4,700 FROM THE GENERAL FUND RESERVE.

WHEREAS, Overcoming the Odds is a youth conference to be held at Mellis Park and King-Kennedy Memorial Center on May 19, 2001, and

WHEREAS, the primary goal is for youth to learn how adults from a variety of cultures “overcame” different odds in their youth and have become successful and productive citizens, and

WHEREAS, sponsors for the event include the 21st Century Community Learning Center, the City of Modesto Recreation and Neighborhoods Department, and Stanislaus Multi-Cultural Coalition/West Modesto King-Kennedy Collaborative, and

WHEREAS, the request for City assistance is for a cash contribution of $4,700 to include $200 for a young singer/speaker, $500 for publicity and $4,000 for T-shirts for participants, and

WHEREAS, the Committee has also requested that the City be responsible for liability insurance, which, since the City is a co-sponsor will be covered by the City’s insurance, and

WHEREAS, the Committee has also requested the use of Mellis Park and the City’s portable P.A. system and stage, which, since the City is a co-sponsor, will be provided at no charge, and

WHEREAS, the City Council, by Resolution No. 80-1066, as amended by Resolution No. 83-128, adopted a “policy for Evaluating Requests for Direct City Assistance”, and

WHEREAS, the Human Services Committee supported awarding the sum of $4,700 in funding to the event,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the request from Overcoming the Odds for $4,700 in direct City assistance for a conference to be held at Mellis Park and King-Kennedy Memorial Center on May 19, 2001,
BE IT FURTHER RESOLVED that the Fiscal Year 2000-01 operating budget is hereby amended to transfer $4,700 from the General Fund Reserve, 0100-800-8000-8003, to King-Kennedy Memorial Center, Services Professional & Other, 0100-370-3731-0235.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
Resolution No. 2001-110
Not Used
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-111

A RESOLUTION ENDORSING MODESTO CITY SCHOOLS CHARACTER EDUCATION PROGRAM

WHEREAS, in 1998, the Modesto City Schools District developed a new program, Character Education as a key element of the District’s Safe Schools Project, and

WHEREAS, a District/Community Task Force was developed and identified nine character traits which reflect core community values, specifically courage, honesty, loyalty, respect, responsibility, civility, compassion, initiative and perseverance, and

WHEREAS, in 2000, the Modesto City Schools Board of Education adopted the California Interscholastic Federation’s “Pursuing Victory with Honor Sportsmanship Program”, which is committed to developing character with student athletes and incorporates the character education traits into the athletic curriculum, and

WHEREAS, research shows that involving the wider community helps promote a school district’s character traits and core ethical values, and

WHEREAS, City staff has received a letter from Modesto City Schools requesting that the Modesto City Council endorse the Character Education Program, and

WHEREAS, the Human Services Committee met on February 21, 2001 and supported the recommendation to endorse the Modesto City Schools Character Education Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby endorses Modesto City Schools’ Character Education Program.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-112  

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 CAPITAL IMPROVEMENT PLAN TO AMEND PROJECT 6600-310-M264 AND ESTIMATING $135,020 IN REVENUE FROM FUND 0100 RESERVE AND APPROPRIATING $135,020 IN EXPENDITURES TO THE AMENDED FUND 6600 CAPITAL PROJECT.  

WHEREAS, the City of Modesto Municipal Golf Courses are now paying for landscape water, and  
WHEREAS, installation of a booster pump at Creekside Municipal Golf Course and renovation of an irrigation water well at Municipal Nine-Hole Golf Course will reduce the necessity to purchase water, and  
WHEREAS, the Human Services Committee met on February 21, 2001 and supported using General Fund monies for installation of a booster pump at Creekside Municipal Golf Course and renovation of an irrigation water well, and  
WHEREAS, the Fiscal Year 2000-01 Capital Improvement Plan contains a project, 6600-310-M264, Golf Course Wells, the scope of which is recommended to be amended to include Installation of a booster pump at Creekside Municipal Golf Course and renovation of a well at Municipal Nine-Hole Golf Course, and  
WHEREAS, expenditures for project 6600-310-M264 will be reduced to $135,020 and will be funded by a transfer from the General Fund Reserve,  

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby amends the Fiscal Year 2001 Capital Improvement Plan to amend project 6600-310-M264, Golf Course Wells.  

BE IT FURTHER RESOLVED that $135,020 in revenue be estimated from the General Fund 0100 Reserve and that $135,020 be appropriated in expenditures to the Fund 6600 Golf Course Wells Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: JEAN Zahr, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-113

A RESOLUTION AWARDING A CONTRACT TO HLA GROUP FOR
PROFESSIONAL ARCHITECTURAL SERVICES FOR SUTTON COMMUNITY
PARK AND AMENDING THE CAPITAL IMPROVEMENT PLAN

WHEREAS, the City of Modesto owns the twenty-three acre community park site immediately to
the south of Johansen High School, and

WHEREAS, Phase I will provide for the development of a Master Plan and Design Development
Report for the park, with these two documents to be used as a blueprint for developing construction
documents for future phases of park development, which would include street improvements, walkways,
landscaping and irrigation, lighted athletic fields, lighting of existing tennis courts, picnic areas,
community center, off-street parking and area lighting, and

WHEREAS, staff interviewed four architectural firms and determined that the HLA Group is the
most qualified, and

WHEREAS, the HLA Group has agreed to provide the Master Plan and Design Development
Report at a cost not to exceed $40,000, with the Master Plan to be developed with community input, and

WHEREAS, $40,000 has been allocated to Capital Project 1350-310-M178, Sutton Community
Park, and

WHEREAS, an additional $5,000 is needed for staff project management, and

WHEREAS, there are sufficient funds in Fund 1350, the Parks CFF Fund Reserve to transfer the
additional $5,000 needed to this project, and

WHEREAS, at its February 21, 2001 meeting, the Human Services Committee supported the
recommendation to award the contract to the HLA Group,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council
hereby awards a contract to the HLA Group for professional landscape architectural services to prepare a
Master Plan and Design Development Report for Sutton Community Park and authorizing the City
Manager to execute related documents.

Recreation & Neighborhoods/ Bob Ford/ 3/13/01
BE IT FURTHER RESOLVED that the Capital Improvement Plan is hereby amended to transfer $5,000 from Parks CFF Fund Reserve (Fund 1350) to the capital project account no. 1350-310-M178-6010.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH STANISLAUS COUNTY FOR INMATE SECURITY SERVICES.

WHEREAS, the City of Modesto desires to use inmate labor to perform certain tasks within its boundaries and whereas the City of Modesto desires that the Sheriff of Stanislaus County provide inmate security services to maintain security of said inmates while so assigned; and

WHEREAS, the County of Stanislaus agrees to provide the City of Modesto, through the Sheriff of Stanislaus County, with inmate security services and functions pursuant to the terms and conditions of said Agreement; and

WHEREAS, the performance by the County of Stanislaus for the City of Modesto of the inmate security service will require that the County incur certain costs and expenses; and

WHEREAS, it is the intent of both the City of Modesto and the County of Stanislaus that the City will compensate the County for all such reasonable costs and expenses incurred by the County; and

WHEREAS, the parties to this Agreement have the legal authority to enter into this Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between the City of Modesto and the County of Stanislaus for inmate security services be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION AND NEGOTIATE AN AGREEMENT FOR TRANSPORTATION ENHANCEMENT ACT (TEA) FUNDS FOR A LANDSCAPE BEAUTIFICATION PROJECT AT THE BRIGGSMORE GATEWAY.

WHEREAS, the State of California has announced the availability of Transportation Enhancement Act (TEA) funds for use on landscape beautification projects along state highways; and

WHEREAS, Caltrans has expressed a desire to partner with the City on an application for TEA funds for a landscape beautification project at the Briggsmore gateway; and

WHEREAS, the City of Modesto also desires partners in community beautification projects; and

WHEREAS, procedures established by the State of California in administration of the application process require the applicant to certify by resolution the approval of application before submission of said application to the County; and

WHEREAS, procedures established by the State of California will also require the successful applicant to commit matching funds to approved projects; and

WHEREAS, the applicant will enter into an agreement with the State of California for the use of TEA funds for a landscape beautification project;

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

1. Approves the filing of an application for the landscape beautification project at the Briggsmore gateway in partnership with Caltrans; and

2. Certifies that said applicant has or will have sufficient funds to provide matching funds up to $75,000; and

3. Appoints the City Manager of the City of Modesto to negotiate an agreement subsequent to approval of the aforementioned application; and

4. Directs the City Manager to return to the City Council for approval of the agreement prior to execution of any documentation, which may be necessary for the completion of the aforementioned project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-116

A RESOLUTION APPROVING THE FINAL MAP OF FERNWOOD PHASE 2 SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, FERNWOOD PROPERTIES LLC, a California limited liability company, by its manager member, Bennett Development, Inc., a California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 10.61 acres, known as FERNWOOD PHASE 2 SUBDIVISION in the Village One Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 25th day of January, 1999, 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 FERNWOOD PHASE 2 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 Agreement hereinafter referred to.

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 13th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: MICHAEL D MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-117

A RESOLUTION APPROVING THE JOINT POWERS AGREEMENT WITH STANISLAUS COUNTY FOR THE PLANNING, IMPLEMENTATION, MAINTENANCE, AND RIGHT-OF-WAY ACQUISITION FOR THE 9TH STREET BRIDGE REPLACEMENT PROJECT

WHEREAS, the existing 9th Street Bridge was studied, under the direction of the State of California, Department of Transportation (Caltrans), through the Seismic Safety Retrofit Program; and

WHEREAS, said study determined that the bridge structure is seismically deficient and in need of replacement; and

WHEREAS, upon Council making a determination in May 1997 that the 9th Street Bridge is a critical link to the Modesto Urban Area’s transportation network, the final recommendation from Caltrans was to replace the bridge; and

WHEREAS, the replacement bridge will cross the Tuolumne River and connect the City of Modesto's downtown area with the southern portion of Modesto; and

WHEREAS, the portion of the replacement bridge south of the Tuolumne River is in the unincorporated area of Stanislaus County; and

WHEREAS, the existing bridge is approximately 56 feet wide and the replacement bridge will be approximately 83 feet wide; and

WHEREAS, the alignment of the replacement bridge will be on the east side of the existing bridge to allow the four lanes of traffic to remain open during construction; and

03/15/01 / E&T / Steve Pace
WHEREAS, the width and alignment of the replacement bridge will require right-of-way acquisition from owners within the City and also within the unincorporated area of the County; and

WHEREAS, approval to acquire street right-of-way in the County is required of the County by Section 1810 of the Streets and Highways Code; and

WHEREAS, County desires to have City maintain portion of the bridge within County jurisdiction; and

WHEREAS, an agreement is needed between Stanislaus County and the City of Modesto for the planning, implementation, maintenance, and right-of-way acquisition for the 9th Street Bridge Replacement Project.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Joint Powers Agreement between the City of Modesto and Stanislaus County for the planning, implementation, maintenance, and right-of-way acquisition for the 9th Street Bridge Replacement Project is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the City of Modesto’s City Manager is hereby authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-118

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

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Outfall Rehabilitation – Phase I, has been completed by J. W. Ebert Corp., in accordance with the contract agreement dated October 24, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Outfall Rehabilitation – Phase I be accepted from said contractor, J. W. Ebert Corp.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $760,100.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

March 14, 2001/Engineering & Transportation/TParner
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER
OF $137,000 TO FULLY FUND THE EQUIPMENT AND OPERATING
EXPENSES OF THE MODESTO NARCOTICS ENFORCEMENT TEAM

WHEREAS, the Modesto Police Department has established the Modesto
Narcotics Enforcement Team, a street level narcotic unit; and

WHEREAS, the Modesto Narcotics Enforcement Team is necessary to respond
efficiently and effectively to neighborhood street level drug activity in the City of
Modesto; and

WHEREAS, the current operating budget of the Modesto Police Department will
not allow for the equipment and operating expenses necessary for this new team.

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

FROM: the Asset Forfeiture Trust Fund (Balance Sheet 8600-3410),
$137,000.00

TO: the General Fund Police Department Operating Budget of 2000/01
(0100-1900-1941-5700)

FOR: equipment and operating expenses of the Modesto Narcotics
Enforcement Team.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 13th day of March, 2001, by Councilmember Friedman,
who moved its adoption, which motion being duly seconded by Councilmember Fisher,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-120

A RESOLUTION ACCEPTING THE BID OF QUALITY CONTROL INSPECTION, INC. FOR CONSTRUCTION MATERIAL TESTING.

WHEREAS, the bids received for construction material testing, were opened at 11:00am on October 17, 2000, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Quality Control Inspection, Inc. for a total amount of $89,350.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Quality Control Inspection be accepted and the preparation of a formal purchase order 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 13th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR City Clerk

APPROVED AS TO FORM:

BY: MICHAEL D. MILICH, City Attorney

Finance/Lori Martinez/3/13/01
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-121

A RESOLUTION AUTHORIZING THE PURCHASE OF SOFTWARE LICENSING FROM H.T.E., INC. FOR A TOTAL COST OF $88,392.00; AND, APPROVING THE FUTURE PURCHASES OF SOFTWARE LICENSING.

WHEREAS, the City of Modesto has deemed it necessary to purchase software licenses in order to meet legal requirements for software use.

WHEREAS, the City of Modesto Municipal Code allows for this action in Section 8-3.203 (b).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the purchase of software licensing from H.T.E., Inc. is hereby approved.

BE IT FURTHER RESOLVED that future purchases of software licensing, from H.T.E. Inc., are hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

Finance/Lori Martinez/3/13/01
A RESOLUTION APPROVING EXCLAMATION FEST 2001 HOSTED BY CHRIS RICCI PRESENTS INC. IN DOWNTOWN MODESTO ON SATURDAY JULY 21, 2001.

WHEREAS, on April 25, 2000, by Resolution No.2000-189, the City Council approved a license agreement with Chris Ricci Presents Inc. to hold an annual Exclamation Fest and

WHEREAS, this event will take place again on Saturday, July 21, 2001, and

WHEREAS, Mr. Ricci has met with the Modesto Police Department, the Downtown Improvement District and Modesto Centre Plaza staff in order to secure approval and coordination for the event, and

WHEREAS, this event is of financial benefit to the City of Modesto and downtown merchants, and

WHEREAS, City Council approval is needed due to slight changes to the perimeters of the event as shown on Attachment A, and

WHEREAS, the Human Services Committee reviewed this item at its February 21, 2001 meeting and supported approval of the Exclamation Fest,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves Exclamation Fest 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-123

A RESOLUTION APPROVING AN AGREEMENT WITH COMPLETE COACH WORKS FOR THE REBUILDING OF NINE TRANSIT BUSES AND APPROVING AN APPROPRIATION TRANSFER TO FULLY FUND THE PROJECT

WHEREAS, the Council of the CITY of Modesto, at its regular meeting held on the 14th day of November, 2000, adopted Resolution No. 2000-571, approving solicitation of proposals for the rebuilding of up to eleven transit buses, and

WHEREAS, proposals were opened and read aloud by the City Clerk on January 23, 2001, and

WHEREAS, a committee of City staff rated the proposals and scored the proposal by Complete Coach Works of Riverside as the best submitted, and

WHEREAS, by an agenda report to the City Council dated March 20, 2001, from the Finance Director, City staff recommended approval of an agreement with Complete Coach Works to the Council, and

WHEREAS, costs in the CIP account to rebuild the nine buses exceeded the estimated budget, and

WHEREAS, this was the result of unanticipated costs associated with the condition of the buses to be rebuilt and the addition of current technology to the buses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:
FROM: 6510-160-F780-6070; $6,500.19
FROM: 6510-160-K816-6070; $21,090.28
FROM: 6510-160-K821-6070; $289,280.93

TO: 6510-160-F779-6070; $316,871.40

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the agreement with Complete Coach Works for the rebuilding of nine buses is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 2001, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney
A RESOLUTION AMENDING RESOLUTION 99-385 AND AMENDING RESOLUTION 98-27 TO PROVIDE FOR THE DEFERRAL AND EXEMPTION OF CAPITAL FACILITIES FEES

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; and

WHEREAS, the current capital facilities fees for residential development are set forth in Resolution No. 99-385; and

WHEREAS, on January 17, 2001, the Community Development and Housing Committee of the City Council recommended to the City Council that the City’s Capital Facilities Fee Program be amended to provide for the deferral and exemption of capital facilities fees in certain cases.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council finds and determines that Resolution No. 99-385 is hereby amended to add the following, and Resolution No. 98-27 is hereby amended to read as follows:

EXEMPTIONS FROM AND DEFERRAL OF CAPITAL FACILITIES FEES.

(a) The Capital Facilities Fees (CFF) established by this resolution shall not be imposed on any of the following:

1. Any low income housing units constructed or expanded by the Housing Authority of the County of Stanislaus.

2. Any low income housing units constructed or expanded by any other person or entity on a not-for-profit basis. The exemption authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the units to be constructed or expanded are in fact “low income” and whether or not the development will be on a not-for-profit basis. As used in this subparagraph and the preceding subparagraph, the term “low income housing” shall mean housing at rents affordable to households earning sixty percent (60%) or less of the Area Median Income as determined from time to time by the United States Department of Housing and Urban Development.
3. For each use listed above for which the fee is calculated on the basis of the total number of square feet of building space, the area of public or private parking garages shall not be included in the area of building space for the purpose of calculating the capital facilities fee for that use. As used herein, the term “public parking garage” and the term “private parking garage” shall mean the same as those terms are defined in the Uniform Building Code.

4. Any alteration or addition to a residential structure, except to the extent that additional units are created.

5. Any replacement or reconstruction of a residential structure existing on November 21, 1989 that has been destroyed or demolished since that time.

6. Any replacement or reconstruction of a non-residential structure existing on November 21, 1989, that has been destroyed or demolished since that time, unless the replacement or reconstruction increases the square footage of the structure, ten percent (10%) or more, changes the use of the structure to a higher density category, or will result in the generation of additional peak hour trip ends.

7. Any replacement of an existing residential or non-residential structure that has been or will be vacated due to the fact that the title to the property has been acquired by a public entity through eminent domain proceedings or the threat of such proceedings provided that the building permit for the replacement structure or structures is applied for within two (2) years after the transfer of title or within two (2) years after the property has been vacated, whichever occurs last. The exemption granted by this subparagraph shall not apply to the replacement of a non-residential structure to the extent it adds additional square feet, the use is devoted to a higher density category, or results in the generation of additional peak hour trip ends or to the replacement of a residential structure to the extent additional units are created.

8. Any single-family affordable housing unit constructed by any person or entity. As used in this subparagraph, the term “single-family affordable housing unit” shall mean a single-family home purchased by a homebuyer earning sixty percent (60%) or less of Area Median Income as determined from time to time by the United States Department of Housing and Urban Development to be used by the homebuyer as its principle place of residence. The homebuyer would be granted a full CFF exemption provided there is no resale for ten (10) years. If a resale should occur within the ten (10)-year period, the full CFF exemption would be due, with no interest thereon. The exemption authorized by this subparagraph may be granted by the City Council on a cases-by-case
basis after a public hearing. The public hearing shall focus on whether or not the unit to be constructed would be a single-family affordable housing unit. If approved by the City Council, the benefit of the CFF exemption would be transferred to the homebuyer at the time purchase. The homebuyer would be required to sign a CFF exemption agreement, promissory note, and City trust deed to secure the note, as prepared by the City Attorney.

(b) Any alteration or change of use of an existing building shall not trigger the payment of CFF, provided no new dwelling units are created or no new square footage is added with non-residential structures. When an additional residential unit or new square footage for a non-residential structure is created, CFF shall be due for the additional units or square footage only.

(c) Rather than paying CFF at the time a building permit is issued, the developer of a “qualified project” may elect to defer payment of all or a portion of those fees as hereinafter set forth.

1. There shall be two (2) categories of qualified projects defined as follows:

a. Category “A” qualified project shall include any non-residential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which CFF exceed $150,000.00. Category “A” qualified projects shall also include any industrial/warehouse project on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees exceed $50,000.00.

b. Category “B” qualified projects shall include any non-residential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which CFF is more than $25,000.00 but less than $150,000.00. Category “B” qualified projects shall also include industrial warehouse projects on one parcel of land or a group of contiguous parcels under the same ownership for which CFF is more than $25,000.00 but less than $50,000.00.

2. Other projects which may be designated by the City Council as “qualified projects”, are private construction projects on the City/Council Airport where the CFF exceed $5,000.00.

3. The property owner and/or developer in the case of “Category ‘A’ qualified projects” may enter into Deferred Payment Agreement with the City to pay ten percent (10%) of those fees at the time the building permit is issued with the remaining ninety percent (90%) to be paid in equal
installments over the next ten (10) years (or less at the property owner’s option).

The property owner and/or developer in the case of “Category B qualified projects” may enter into Deferred Payment Agreement with the City to pay twenty percent (20%) of those fees at the time the building permit is issued with the remaining eighty percent (80%) to be paid in equal installments over the next five (5) years (or less at the property owner’s option).

The unpaid balance of the fees will be subject to interest and collection charges. The annual interest rate shall be equal to the Wall Street Journal Prime Rate adjusted thereafter semi-annually every July and January. Adequate security acceptable to the City in the form of an irrevocable letter of credit in an amount sufficient to secure both principle and interest shall be provided for the duration of the deferral. The terms and conditions of the deferral shall be set forth in an agreement which shall also provide that the unpaid balance of the fee shall be due and payable on the sale or the transfer to the property. As an alternative to providing the irrevocable letter of credit, the agreement may, at the option of the property owner/developer, authorize the City to lien the property and collect the balance of the CFF due through property tax assessment.

4. For those projects where a mitigated negative declaration or an Environmental Impact Report (EIR) has been certified, no CFF deferral shall be allowed to the extent that one or more of the mitigation measures consists of payment of CFF or construction or installation of a public improvement, the cost of which is eligible as a credit toward the payment of CFF.

(d) Rather than paying CFF at the time of building permit is issued for the construction of a single-family affordable housing unit, the developer may elect to defer payment of all or a portion of those fees on the following:

1. Any single-family affordable housing unit constructed by any person or entity. As used in this subparagraph and the preceding subparagraph, the term “single-family affordable housing unit” shall mean a single family home purchased by a homebuyer earning between sixty-one percent (61%) and eighty percent (80%) Area Median Income as determined from time to time by the United States Department of Housing and Urban Development to be used by the homebuyer as its principle place of residence. The homebuyer would be granted a CFF deferral for five (5) years, with payments of principle and interest to begin in year six (6). Interest will not accrue during the deferral period, and the CFF would be paid over a ten (10)-year period with five percent (5%) interest rate on the unpaid balance. The deferral authorized by this subparagraph may be
granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the unit to be constructed would be a single-family affordable housing unit. If approved by the City Council, the benefit of the CFF deferral would be transferred to the homebuyer at the time of purchase. The homebuyer would be required to sign a CFF deferral agreement, promissory note, and City trust deed to secure the note, as prepared by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney
A RESOLUTION DENYING IN PART AND GRANTING IN PART AN APPEAL FROM A STAFF DECISION BY DENNIS WILSON OF HORIZON CONSULTING SERVICES REGARDING TRAFFIC ISSUES RELATED TO THE O'BRIEN CENTER PROJECT AT DALE ROAD AND PELANDALE AVENUE IN MODESTO, CALIFORNIA.

WHEREAS, on December 29, 2000, Mr. Charles M. O'Brien, of O'Brien's Development, requested through Horizon Consultants, the addition of a traffic signal on Dale Road between the Dale/Pelandale and Dale/Snyder intersections, and

WHEREAS, a request was also made for access to the project along Pelandale Avenue by means of a deceleration lane, and

WHEREAS, City staff initially denied the request for the additional signal and access to the project from Pelandale Avenue, and

WHEREAS, the City Council considered the appeal of the denial of the request at its March 20, 2001, Council meeting, after the matter had been continued from the meetings of February 6, 2001, February 27, 2001, and March 6, 2001,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal is granted in part and denied in part as follows:

1. The appeal with respect to the request for the installation of an additional traffic signal on Dale Road between the existing signals at Pelandale Avenue and Snyder Avenue is granted on the condition that the developer shall install such signal and extension of medians at his sole cost and expense. Developer shall design and construct the entrances to this project and adjoining frontage along Dale Road in a manner that will allow for installation of the signal at a future date, thereby minimizing the need for reconstructing or otherwise disturbing Dale Road to the extent possible. Initially, there shall only be one unsignalized left-turn lane into the project from the southbound direction on Dale Road. A second southbound left-turn lane shall be
provided by the developer when the Engineering and Transportation Director determines that the traffic signal is warranted and subsequently installed. The developer shall also install a northbound median and left-turn lane at the time the signal is installed. In addition, with respect to the signal, the developer shall provide security in the form of a letter of credit or certificate of deposit to secure the future installation costs of the signal and median extensions. The timing of the signal installation will be at the City’s discretion.

2. The appeal with respect to the request for access to the project from Pelandale Avenue by means of a deceleration lane is denied for the reason that such access would not be in conformance with the access policy for expressways as contained in the City’s General Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-126


WHEREAS, the Midyear 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 2000-2001.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2000-2001 budget have been adjusted as shown in Attachment E.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer

APPROVED AS TO FORM:

By: MIKE MILICH, City Attorney

Finance/Debra Eggerman/3/22/01
**Attachment E**  
**Midyear Financial Report**  
**Budget Detail Adjustments**

<table>
<thead>
<tr>
<th>Department</th>
<th>Budget changes</th>
<th>Amount</th>
<th>Accounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Manager</td>
<td>Cable negotiation</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Professional Services</td>
<td>75,000</td>
<td>0100 020 0201 0235</td>
</tr>
<tr>
<td></td>
<td>(Adjustment to target)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DCM recruitment</td>
<td>Professional Services</td>
<td>10,000</td>
<td>0100 020 0201 0235</td>
</tr>
<tr>
<td></td>
<td>Equipment</td>
<td>11,400</td>
<td>0100 020 0201 5400</td>
</tr>
<tr>
<td></td>
<td>Workstation modification</td>
<td>3,900</td>
<td>0100 020 0201 5500</td>
</tr>
<tr>
<td></td>
<td>Cable settlement</td>
<td>1,100,000</td>
<td>0100 020 0201  ****</td>
</tr>
<tr>
<td></td>
<td>Designated Reserve</td>
<td>1,100,000</td>
<td>0100 800 8000  ****</td>
</tr>
</tbody>
</table>

The City Manager’s office has been in long term negotiations on a variety of issues concerning provision of cable TV service to the citizens of Modesto. While the City recently received the $1.1 million settlement from AT & T, many issues remain outstanding. Therefore, we are requesting an additional $75,000 to assist in the procurement of consulting services to assist in the next stage of negotiations. In addition, we are asking to set aside $1.1 million temporarily until we can better estimate the impact of the Public Education Government Program (PEG) and other costs. The other adjustments are for additional costs associated with the recruitment of the Deputy City Manager and for various equipment. All adjustments are in the General Fund (0100).

**Community Development**  
**ABS Carryover**  
50,000 0100 140 1401 8099

This recommended adjustment in the General Fund (0100), reimburses the Community Development Department’s ABS Savings account $50,000 for an erroneous adjustment made during the budget adoption process.

**Finance**  
**Traffic Safety Grant Vehicle Release**
Transfer In 25,471 0100 700 7000 9060
Transfer Out 25,471 0600 700 7000 7010

This transfer of $25,471 from the Traffic Safety Fund (0600) to the General Fund (0100) moves the remaining monies of the Fiscal Year 2000 Traffic Grant to the General Fund where it will be spent on traffic safety.

**Tenth Street Place Cost of Issuance**
Transfer In 41,855 9450 700 7000 9210
Transfer Out 41,855 2100 700 7000 7945

This transfer moves $41,855, the unspent portion of Tenth Street Place bond proceeds budgeted for costs associated with issuing the bonds, from the Public Financing Authority’s Capital Project Fund (2100) to the Authority’s Debt Service Fund (9450) in accordance with the bond indenture.

**Garbage Billing**  
130,000 0100 120 1223 4093

Revenue for Finance Utilities division will increase by $130,000 due to a two phase garbage increase. This increase was passed by council and agreed to by contract with the haulers, beginning FY99/00 with the second half of the increase to become effective FY00/01.
### Attachment E
Midyear Financial Report
Budget Detail Adjustments

<table>
<thead>
<tr>
<th>Department</th>
<th>Budget changes</th>
<th>Amount</th>
<th>Accounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>Copy fees</td>
<td>(75,000)</td>
<td>0100 190</td>
</tr>
<tr>
<td></td>
<td>(Adjustment to target)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fees for the sale of police reports were reduced this year eliminating an annual estimate of $75,000 to $80,000.</td>
<td></td>
</tr>
</tbody>
</table>

### Recreation and Neighborhoods

<table>
<thead>
<tr>
<th>Centre Plaza</th>
<th>Stage/equipment</th>
<th>92,400</th>
<th>6700 340 3412 5500</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>High speed internet</td>
<td>30,000</td>
<td>6700 340 3412 5400</td>
</tr>
</tbody>
</table>

This adjustment increases the appropriations and reduces the fund balance in the Community Center Fund (6700). This fund accounts for all the operations of the Centre Plaza. The new appropriations will enable staff to add high speed internet capability to the building as well as replace a variety of aging equipment at the 14 year old facility.

### All Departments

<table>
<thead>
<tr>
<th>PERS</th>
<th>(1,800,000)</th>
<th>Various</th>
<th>**** 0160</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leave reimbursement</td>
<td>1,800,000</td>
<td>Various</td>
<td>**** 0168</td>
</tr>
</tbody>
</table>

This item allows us to more properly classify these expenditures as employee earned leave costs rather than employee pension related costs in all funds recording employee costs and will assist in the reduction of the $18 million unfunded liability of the Employee Benefits Fund..
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-127


WHEREAS, Amendment No. 2 to the Master Agreement (hereinafter referred to as "Amendment No. 2") is by and between the County of Stanislaus (the "County"), the City of Modesto (the "City"), the City-County Capital Improvements and Financing Agency, a Joint Powers Agency between the City of Modesto and the County of Stanislaus (the "JPA") and the Redevelopment Agency of the City of Modesto, a public body, corporate and politic (the "RDA"), collectively referred to as the "Parties", and

WHEREAS, on July 22, 1997, the Parties approved the Master Agreement, which Agreement was amended on February 10, 1998, which provides that the JPA is responsible for the design and construction of a public administration building, parking garage, a plaza area and certain street improvements, and

WHEREAS, on August 21, 1997, the RDA entered into a Disposition and Development Agreement (the "DDA") with Civic Partners Modesto, Inc, a California corporation (the "Developer"), which DDA was amended on February 6, 1998 and which was further amended on January 19, 1999. Said DDA contemplates the construction of a cinema and the construction of a freestanding retail/office building adjacent to the parking garage situated on the Garage Retail Parcel as defined in said DDA, and

WHEREAS, the Parties desire to avoid damage to the plaza and sidewalk adjacent to and abutting the Garage Retail Parcel which damage may arise from the construction on the Garage Retail Parcel, and

WHEREAS, on March 30, 1999, the JPA authorized the RDA to assume responsibility to complete portions of the work in the plaza and sidewalk areas as set forth in the "Exhibit A", which is attached hereto and made a part hereof by this reference, and

WHEREAS, the RDA is willing to assume responsibility for said work as set forth in said Exhibit A to complete the plaza and sidewalk area adjacent to and abutting the Garage Retail Parcel in compliance with the terms and conditions set forth in said Amendment No. 2.

NOW, THEREFORE, BE IT RESOLVED THAT the Parties hereby agree as follows:

1. Assumption by the RDA of the responsibility to construct plaza and sidewalk work as set forth in said "Exhibit A": The JPA is hereby released from the responsibility to construct the work identified in said Exhibit A. The RDA hereby assumes the responsibility to construct said work located in the area identified as "Area A" on said
Exhibit A in accordance with the terms and conditions of this Agreement.

2. Construction of Improvements: The RDA shall ensure that said work as set forth in said "Exhibit A" is constructed strictly in accordance with the plans and specifications on file and approved by the JPA. The RDA shall ensure that a construction inspector satisfactory to the JPA inspects said work as set forth in said Exhibit A to ensure compliance with the approved plans and specifications, which inspection approval and/or JPA approval shall not be unreasonably withheld. The RDA shall ensure that said work as set forth in said Exhibit A is constructed upon the completion of the freestanding retail/office building.

3. Insurance: The RDA shall require that any contractor installing said work as set forth in said Exhibit A shall provide general liability insurance with limits of no less than $1,000,000. Said policy of insurance shall name the City of Modesto, the County of Stanislaus and the JPA as additional insured by separate endorsement.

4. Cost of the Plaza and Sidewalk work: Except as provided in 4(a) and 4(b), the work as set forth in said Exhibit A shall be completed by the RDA at no cost to the JPA.

   a. Change order with McCarthy Brothers Construction ("McCarthy") to eliminate the work set forth in said Exhibit A from the existing Construction Agreement: The JPA has negotiated a change order with the McCarthy to eliminate the work as set forth in said Exhibit A from McCarthy's scope of work. The JPA received a credit of $14,441 for this change order as set forth in said Exhibit A. The JPA agrees to pay the RDA $14,441 or credit the RDA $14,441 in accordance with the existing cost allocations.

   b. Transfer of Material from McCarthy to the RDA: McCarthy has previously ordered some material for the construction of work as set forth in said Exhibit A ("Construction Materials"). Said Construction Materials have been turned over to the RDA, and the RDA hereby acknowledges receipt of same. The JPA will also provide at its expense the pavers which have been ordered in connection with its existing contract with McCarthy. The RDA agrees that said Construction Materials provided by the JPA shall be used exclusively for work as set forth in said Exhibit A to be performed by the RDA.

5. Effect of this Modification: Except as modified by the Agreement, all other provisions of the Master Agreement shall remain unchanged and in full force and effect.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Amendment No. 2 to the Master Agreement among the County of Stanislaus, the City of Modesto, the City-County Capital Improvements and Financing Agency, and the Redevelopment Agency of the City of Modesto is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Amendment No. 2 by the designated city officials be authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Smith
NOES: Councilmembers: Serpa
ABSENT: Councilmembers: Sabatino

ATTEST: Jean Zahr, City Clerk
<table>
<thead>
<tr>
<th>Item</th>
<th>Storage Location</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>♦ (5) Tree grates &amp; frames - horseshoe-shaped</td>
<td>♦ Corporation Yard</td>
<td>♦ City – Operations &amp; Maintenance Dept. for all materials</td>
</tr>
<tr>
<td>♦ (4) Tree grates &amp; frames - square</td>
<td>♦ Corporation Yard</td>
<td></td>
</tr>
<tr>
<td>♦ (7) Bollards</td>
<td>♦ 10th Street Garage</td>
<td></td>
</tr>
<tr>
<td>♦ (5) Street Light poles</td>
<td>♦ Corp Yard – Electrical Division</td>
<td></td>
</tr>
<tr>
<td>♦ Pavers – in sufficient quantity to complete the paved area in accordance with original Plans &amp; Specifications on file with the RDA</td>
<td>♦ Stored at Nursery</td>
<td></td>
</tr>
<tr>
<td>♦ (7) Planters – Black</td>
<td>♦ Temp. placed around Tenth Street &amp; building</td>
<td></td>
</tr>
<tr>
<td>♦ Light globes, transformers, receptacles, lamps</td>
<td>♦ Stored in First Floor of JPA Building</td>
<td></td>
</tr>
</tbody>
</table>
**Special Note:**

1. All work is to be performed in accordance with the Plans and Specifications as approved by the JPA and the RDA in compliance with the Master Agreement. Said Plans and Specifications are on file in the office of the Redevelopment Agency.

2. A certain portion of the materials for work itemized below will be provided by the RDA. The existing materials list is shown on Page 2 of Exhibit A.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Cost Breakdown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concrete/Paver Work</td>
<td>Install concrete sidewalks and brick pavers surrounding the Garage Retail Parcel in accordance with the Plans &amp; Specs.</td>
<td>Total Cost not to exceed: $46,624</td>
</tr>
<tr>
<td>Site Survey/Staking</td>
<td>Complete survey work to install concrete sidewalks</td>
<td></td>
</tr>
<tr>
<td>Landscape/Irrigation</td>
<td>Install irrigation lines, landscaping, planter pots and bollards surrounding the Garage Retail Parcel</td>
<td></td>
</tr>
<tr>
<td>Site electrical</td>
<td>Install (5) street lights, electrical outlets in tree wells</td>
<td></td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-127A

A RESOLUTION ACCEPTING IMPROVEMENTS IN CHATEAU MAISON SUBDIVISION, IN THE PELANDALE-SNYDER SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Western Pacific Housing – Windsor Pointe, LLC, A Delaware Limited Liability Company, subdividers of Chateau Maison subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of $724,370 and $362,185 respectively to guarantee improvements in Chateau Maison subdivision and;

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

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

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

1. The improvements in Chateau Maison Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $724,370 upon recordation of notice of completion.

3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of $362,185 upon expiration of the statutory period.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-128

A RESOLUTION APPROVING THE FINAL MAP AND ACCEPTING PUBLIC IMPROVEMENTS OF THE EASTPORT UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Corn and Harris Development, LLC, a California Limited Liability Company, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 11.96 acres, known as Eastport Unit No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 9th day of February, 1998, 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 Eastport Unit No. 2 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, and

WHEREAS, the Engineering and Transportation Director has certified that all public improvements required by the City of Modesto have been completed in said tract to the satisfaction of the Engineering and Transportation Director,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements in said tract be accepted; 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 and file a Notice of Partial Completion 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.

Engineering & Transportation/ Kevin Becker/ 3/27/01
BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers 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 27th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)
A RESOLUTION APPROVING THE FINAL MAP OF ATHERTON PLACE
SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, JOHN T. VERNER and KATHLEEN M. VERNER, and EDWARD A. MACHADO, are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 38.01 acres, known as ATHERTON PLACE in the Village One Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 25th day of January, 1999, 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 ATHERTON PLACE 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 Agreement hereinafter referred to.

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 27th day of March, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-130

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

WHEREAS, SHERWOOD FOREST ESTATES, INC, a California corporation, KENT W. CRAWFORD AND LISA CRAWFORD, and PHILLIP AUSTIN AND IDA AUSTIN, are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 1.73 acres, known as CRAWFORD ESTATES ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 16th day of October, 2000, 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 CRAWFORD ESTATES meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

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

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 27th day of March, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

            Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-131

A RESOLUTION AFFIRMING THE CITY’S CO-SPONSORSHIP OF “CLEAN GREEN YARD MACHINE” MULCHING MOWER INCENTIVE PROGRAM, AND AUTHORIZING THE USE OF $5,000 IN FUNDS FROM THE SOLID WASTE MANAGEMENT PROGRAM BUDGET FOR PARTICIPATION IN THIS PROGRAM IN PARTNERSHIP WITH THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT.

WHEREAS, the California Integrated Waste Management Act of 1989 (AB 939) required Cities and Counties to develop comprehensive Source Reduction and Recycling Elements detailing how the jurisdiction will reach State-mandated disposal reduction goals of 25% by 1995 and 50% by the year 2000, and

WHEREAS, by Resolution No. 94-50, adopted January 25, 1994, the City Council adopted its Source Reduction and Recycling Element, and

WHEREAS, the City’s Source Reduction and Recycling Element identified specific programs that the City committed to implement to achieve its disposal reduction mandates, and

WHEREAS, said programs included the use of refunds or rebates as incentives to reduce waste at the source (Program 6) and promoting the use of mulching lawn mowers (Program 10/“Grasscycling”), and

WHEREAS, The San Joaquin Valley Air Pollution Control District has allocated $200,000 for a “Clean Green Yard Machine” - Mulching Lawn Mower Incentive program in an effort to reduce emissions generated by older gasoline-powered lawn mower engines, and,

WHEREAS, as an incentive to purchase non-polluting mulching lawn mowers, the District will be offering these non-polluting lawn mowers for purchase by Modesto residents at half the normal $400 price beginning in April, 2001, and

WHEREAS, The District has requested that the City become a partner in this important effort and invest $5,000 in this program as a partial match to the District’s allocation, with the City to be recognized as a co-sponsor in all promotional materials related to the program, and

WHEREAS, the City would, by its participation in this program, take two important actions to protect the environment, by giving local residents an incentive to replace their older, polluting lawn mowers with non-polluting mulching mowers and reducing harmful air emissions, and by implementing two of the waste reduction programs identified in the City’s AB 939 Plan.

Engineering & Transportation/ Jocelyn Reed/ 3/27/01
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City hereby affirms its co-sponsorship of the “Clean Green Yard Machine” Mulching Mower Incentive Program,

BE IT FURTHER RESOLVED by the Council that it hereby authorizes the use of $5,000 in funds from the Solid Waste Management Program budget for participation in this program in partnership with the San Joaquin Valley Air Pollution Control District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

Engineering & Transportation/ Jocelyn Reed/ 3/27/01
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-132

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF
KEN WESTERVELT FROM CITIZENS' ADVISORY COMMITTEE ON
RECYLING, EFFECTIVE MARCH 27, 2001

WHEREAS, Ken Westervelt was appointed a member of the Citizens' Advisory
Committee on Recycling on July 25, 2000; and

WHEREAS, Ken Westervelt has tendered his resignation from the Citizens’
Advisory Committee on Recycling, effective March 27th 2001; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Ken Westervelt
from the Citizens’ Advisory Committee on Recycling be, and hereby is accepted with
regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 27th day of March, 2001, by Councilmember Frohman,
who moved its adoption, which motion being duly seconded by Councilmember Fisher,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-133

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF
EDWARD LOTKO FROM CITIZENS’ ADVISORY COMMITTEE ON
RECYCLING EFFECTIVE MARCH 27TH, 2001

WHEREAS, Edward Lotko was appointed a member of the Citizens’ Advisory
Committee on Recycling on July 25th, 2000; and

WHEREAS, Edward Lotko has tendered his resignation from the Citizens’
Advisory Committee on Recycling, effective March 27th, 2001; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Edward Lotko
from the Citizens’ Advisory Committee on Recycling be, and hereby is accepted with
regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 27th day of March, 2001, by Councilmember Frohman,
who moved its adoption, which motion being duly seconded by Councilmember Fisher,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: J\A\m Z\ar, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-134

A RESOLUTION APPROVING USE AND EXECUTION OF THE LEGAL DEPARTMENT’S “STANDARD AGREEMENT FOR LEGAL SERVICES” WITH THE LAW FIRM OF DAVIDOVITZ & BENNETT

WHEREAS, City desires to obtain the law firm of Davidovitz & Bennett’s services with respect to various issues, controversies, cases, arbitrations, and/or contentions arising from or related to City’s defense in construction/public works related matters, and advise City with respect to them; and

WHEREAS, the law firm of Davidovitz & Bennett is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by this agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Attorney is authorized and directed to execute the attached “Agreement For Legal Services” with the Law Firm of Davidovitz & Bennett.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-135

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MODESTO AUTHORIZING THE ISSUANCE OF MULTIFAMILY
HOUSING REVENUE BONDS AND THE LOAN OF THE PROCEEDS
THEREOF FOR THE REFINANCING AND FINANCING OF
IMPROVEMENTS TO THE SHADOWBROOK APARTMENTS AND
APPROVING OTHER RELATED DOCUMENTS AND ACTIONS

WHEREAS, the City Charter of the City of Modesto (the "City") provides that the City
is authorized to issue revenue bonds pursuant to California law; and

WHEREAS, Chapter 7 of Part 5 of Division 31 of the Health and Safety Code of the
State of California, as amended, and the Charter of the City (the "Act") authorizes cities to issue
revenue bonds for the purpose of financing or refinancing development of multifamily rental
housing for persons of low and moderate income;

WHEREAS, the City Council hereby finds and declares that it is necessary, essential and
a public purpose for the City to engage in a program (the "Program") of issuing revenue bonds of
the City to finance and refinance the development of multifamily rental housing for persons of
low and moderate income, and has determined to issue revenue bonds for such purpose as
authorized by the Act;

WHEREAS, the City Council hereby finds and declares that this resolution is being
adopted pursuant to the powers granted by the Act;

WHEREAS, Shadowbrook Properties, a California limited partnership (including any
entity substituted therefor with the consent of the City) (the "Borrower"), has requested that the
City issue and sell the Bonds (hereinafter defined) for the purpose of the refinancing of and
financing of improvements to the Shadowbrook Apartments (the "Project");

WHEREAS, the City previously adopted Resolution No. 2000-577 on November 14,
2000 approving the issuance of bonds for the Project, and as a result of a change in the plan of
credit enhancement, the City hereby rescinds Resolution No. 2000-577 and replaces it with this Resolution; and

WHEREAS, all conditions, things and acts required to exist, to have happened and to have been performed precedent to and in the issuance of the Bonds and the implementation of the Program as contemplated by this resolution and the documents referred to herein exist, have happened and have been performed in due time, form and manner as required by the laws of the State of California, including the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MODESTO THAT:

1. The City Council hereby finds and declares that the above recitals are true and correct.

2. Pursuant to the Act and the Indenture (hereinafter defined), revenue bonds of the City, designated as "City of Modesto Variable Rate Demand Multifamily Housing Revenue Bonds (Shadowbrook Apartments) Series 2001A" and the "City of Modesto Taxable Multifamily Housing Revenue Bonds (Shadowbrook Apartments) Series 2001B" in an aggregate principal amount not to exceed $11,000,000 (the "Bonds") are hereby authorized to be issued. The Bonds shall be executed by the manual or facsimile signature of the Mayor, the City Manager or the Director of Finance (or any such officer's designee), and attested by the manual or facsimile signature of the City Clerk, in the form set forth in and otherwise in accordance with the Indenture (as hereinafter defined).

3. The Trust Indenture (the "Indenture") between the City and U.S. Bank Trust, National Association (or such other trustee bank as is selected) (the "Trustee"), in the form on file with the City Clerk, is hereby approved. The City Manager or the Director of Finance (or any such officer's designee), is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Indenture, and the City Clerk, or such officer's designee, is hereby authorized and directed to attest such officer's signature (or the signature of such officer's designee) on the Indenture, in said form, with such additions thereto or changes therein as are

Finance/ Rob Stout/ 3/27/01
recommended or approved by the City Manager or the Director of Finance upon consultation with bond counsel and the City Attorney, including such additions or changes as are necessary or advisable in accordance with Section 9 hereof, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Indenture.

The date, maturity dates, interest rate or rates, remarketing, interest payment dates, denominations, form, registration privileges, manner of execution, place of payment, terms of redemption and tender and other terms of the Bonds, shall be as provided in the Indenture as finally executed.

4. The Financing Agreement between the City, the Trustee and the Borrower (the "Financing Agreement"), in the form on file with the City Clerk, is hereby approved. The City Manager or the Director of Finance (or any such officer's designee), is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Financing Agreement in said form, with such additions thereto or changes therein as are recommended or approved by the City Manager or the Director of Finance upon consultation with bond counsel and the City Attorney, including such additions or changes as are necessary or advisable in accordance with Section 9 hereof, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Financing Agreement.

5. The Tax Regulatory Agreement (the "Regulatory Agreement") among the City, the Trustee and the Borrower, in the form on file with the City Clerk, is hereby approved. The City Manager or the Director of Finance (or any such officer's designee), is hereby authorized and directed for and in the name of and on behalf of the City, to execute and deliver the Regulatory Agreement in said form, with such additions thereto or changes therein as are recommended or approved by the City Manager or the Director of Finance upon consultation with bond counsel and the City Attorney, including such additions or changes as are necessary or advisable in accordance with Section 9 hereof, the approval of such changes to be conclusively evidenced by the execution and delivery by the City of such agreement.

6. The (a) Bond Purchase Agreement with respect to the Bonds (the "Purchase Agreement") among the City, the Borrower and Sutro & Co. Incorporated (the "Underwriter"),
and (b) a Remarketing Agreement with respect to the Bonds (the "Remarketing Agreement"), among the City, Sutro & Co. Incorporated, as remarketing agent, the Borrower, and the Trustee, in the forms on file with the City Clerk, are hereby approved. The City Manager or the Director of Finance (or any such officer's designee), is hereby authorized and directed, for and in the name and on behalf of the City, to accept the offer of the Underwriter to purchase the Bonds contained in the Purchase Agreement (provided that the aggregate principal amount of the Bonds is not in excess of $11,000,000, the initial true interest cost of the Bonds is not in excess of 10%, per annum, and the underwriter's discount or fee with respect to the Bonds is not in excess of 2% of the aggregate principal amount of the Bonds plus expenses), and to execute and deliver the Purchase Agreement and the Remarketing Agreement in said forms, with such additions thereto or changes therein as are recommended or approved by the City Manager or the Director of Finance upon consultation with bond counsel and the City Attorney, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Purchase Agreement and the Remarketing Agreement, respectively.

7. The preliminary Official Statements relating to the Bonds (the "Preliminary Official Statement"), in the form distributed to the City Council and on file with the City Clerk, with such additions thereto or changes therein as are recommended or approved by the City Manager or the Director of Finance upon consultation with bond counsel and the City Attorney, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Purchase Agreement, is hereby approved. The City Manager or the Director of Finance (or any such officer's designee), is hereby authorized and directed, for and in the name and on behalf of the City, to deem such Preliminary Official Statement final, for purposes of Rule 15c2-12 promulgated under the Securities Exchange Act of 1934, as amended, and to bring to final form the Preliminary Official Statement with such information as is required by law to be included therein (the "Official Statement"), to execute the Official Statement in said form, with such additions thereto or changes therein as are recommended or approved by the City Manager or the Director of Finance upon consultation with bond counsel and the City Attorney, the approval of such additions or changes to be conclusively evidenced by the execution and delivery by the City of the Official Statement.
The Underwriter is hereby authorized to distribute copies of the Preliminary Official Statement, if such Preliminary Official Statement and distribution thereof is determined necessary by the City Manager or the Director of Finance, to persons who may be interested in the purchase of the Bonds and are directed under all circumstances to deliver copies of the Official Statement to all actual purchasers of the Bonds. Distribution by the Underwriter of the Preliminary Official Statement relating to the Bonds if determined necessary is hereby approved and authorized.

8. The Bonds, when executed, shall be delivered to the Trustee for authentication. The Trustee is hereby requested and directed to authenticate the Bonds by executing the Trustee's certificate of authentication and registration appearing thereon, and to deliver the Bonds, when duly executed and authenticated, to the Underwriter in accordance with written instructions executed on behalf of the City by the City Manager or the Director of Finance (or any such officer's designee), which instructions such officer (or such officer's designee) is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver to the Trustee. Such instructions shall provide for the delivery of the Bonds to the Underwriter in accordance with the Purchase Agreement, upon payment of the applicable purchase price therefor.

9. All actions heretofore taken by the officers and agents of the City with respect to the establishment of the Program and the sale and issuance of the Bonds are hereby approved, confirmed and ratified, and the proper officers of the City, including the City Manager and the Director of Finance, or their designees, are hereby authorized and directed, for and in the name and on behalf of the City, to do any and all things and take any and all actions and execute and deliver any and all certificates, agreements and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Bonds in accordance with this Resolution and resolutions heretofore adopted by the City in order to carry out the Program including, but not limited to, endorsement of mortgage notes and execution of remarketing agreements, subordination agreements, intercreditor agreements and assignments and execution of those certificates, agreements and other documents described in the Indenture, the Financing Agreement, the Regulatory Agreement, the Purchase Agreement, and
the other documents herein approved and any certificates, agreements or documents as may be 
necessary to further the purpose hereof, evidence credit support or additional security for the 
Bonds, carry out the defeasance and redemption of the bonds to be refunded with the Bonds, and 
evidence the obligation to purchase the Bonds, or any portion thereof, upon tender by the 
Bondholders (including a tender agent agreement), but which shall not create any obligation or 
liability of the City other than with respect to the revenues and assets derived from the proceeds 
of the Bonds.

10. This Resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City 
of Modesto held on the 27th day of March, 2001, by Councilmember Frohman, who moved its 
adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call 
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-136

A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO APPROVE ANY CASH-ON-HAND CHANGES UP TO $10,000 IN TOTAL AND THAT CASH-ON-HAND WILL BE AUDITED ON AN REGULAR BASIS

WHEREAS, the Cash-on-Hand Account includes cash drawers used for the purpose of making change for customers making payments in various City Departments and for petty cash reimbursement to employees for small miscellaneous out-of-pocket business expenses, and

WHEREAS, City staff recommends that future changes to Cash-on-Hand be authorized by the Finance Director without requiring Council action; and

WHEREAS, the Financial Policy Committee reviewed and approved the changes to Cash-on-Hand at their January 29, 2001 meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Finance shall have the authority to approve any Cash-on-Hand changes up to $10,000 in total and that said Cash-on-Hand account will be audited on a regular basis.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By  
MICHAEL D. MILICH, City Attorney

3/27/01/ Finance/ Gail Adams
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-137

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MI PUEBLO, SAN JOSE, INC., TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 1612 CROWSLANDING ROAD, MODESTO.

WHEREAS, the City of Modesto has contracted with businesses to operate as pay stations for the convenience of its customers,

WHEREAS, the City of Modesto has received a proposal from Mi Pueblo, San Jose, Inc., to retain the pay station at the location that was previously owned by New Deal Market at 1612 Crowslanding Road and has since been purchased by Mi Pueblo, San Jose, Inc.; and

WHEREAS, in order to provide continued customer service, staff recommends that the agreement between the City of Modesto and Mi Pueblo, San Jose, Inc., be approved.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mi Pueblo, San Jose, Inc, to receive utility bill payments from customers at 1612 Crowslanding Road, Modesto be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
City Clerk

3/27/01/ Finance/ Gail Adams
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-138

A RESOLUTION AUTHORIZING REQUESTS FOR PROPOSALS FOR REMOVAL AND BENEFICIAL REUSE OF PRIMARY WASTEWATER BIOSOLIDS

WHEREAS, Bio-solids are a by-product of the primary wastewater treatment process for the Modesto general area, and

WHEREAS, the Operations & Maintenance Department-Water Quality Control (WQC) has requested the removal and beneficial reuse of Primary Wastewater Biosolids for FY 2001/2002 with three one-year extensions for removal of de-watered bio-solids at the Primary Wastewater Treatment Plant located at 1221 Sutter Avenue, Modesto, California, and

WHEREAS, by soliciting competitive bids, the Finance Department-Purchasing Division will comply with the Modesto City Code, Section 8-3.204, 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 furnishing Removal and Beneficial Reuse of Primary Wastewater Biosolids to be opened in the office of the City Clerk, 1010 10TH Street, in the City of Modesto, on April 17, 2001 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr
JEAN ZAHR City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-139

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR POLICE SHOOTING RANGE.

WHEREAS, the Police Department has requested the purchase of a shooting range.

WHEREAS, by soliciting formal bids, the Finance Department - Purchasing Division will comply with the City of Modesto Municipal Code, Section 8-3.204, formal bid procedures.

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the furnishing of a shooting range to be opened in the office of the City Clerk, 1010 10th Street, in the City of Modesto. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its regular meeting.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR
City Clerk

APPROVED AS TO FORM:

Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-140

A RESOLUTION AUTHORIZING CALL FOR QUALIFICATIONS AND PROPOSALS FOR WEED CONTROL SERVICES.

WHEREAS, the Operations and Maintenance Department - Parks Service and Repair Division has requested the purchase of weed control services.

WHEREAS, by soliciting formal proposals, the Finance Department - Purchasing Division will comply with the City of Modesto Municipal Code, Section 8-3.204, formal bid procedures.

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed qualifications and proposals for the furnishing of weed control services to be opened in the office of the City Clerk, 1010 10th Street, in the City of Modesto. The City Clerk is hereby directed to give notice inviting such sealed qualifications and proposals in the time, form and manner provided by law.

SECTION 2. After the qualifications and proposals are opened, they shall be tabulated and analyzed and a report submitted to the Council at its regular meeting.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: 

Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-141

A RESOLUTION IN SUPPORT OF SENATE BILL 10 (SOTO), HIGHWAYS: SAFE ROUTES TO SCHOOL PROGRAM.

WHEREAS, safe and convenient places to walk and bicycle are essential elements of retaining a high quality of life and a commitment to public safety in the City of Modesto, and

WHEREAS, the U.S. Centers for Disease Control estimates that while more than two-thirds of American children walked or biked to school three decades ago and now less than ten percent do, and

WHEREAS, walking or bicycling to school safely will improve public health as well as reduce neighborhood traffic congestion around schools, and

WHEREAS, getting kids to walk and bike to school can potentially reduce traffic congestion on local streets, and

WHEREAS, neighborhood traffic calming projects, crosswalks, sidewalks, bicycle paths and lanes, and other physical infrastructure investments are one of the most cost-effective means of reducing child bicycle and pedestrian injuries and fatalities, and

WHEREAS, the first round of Safe Routes to School grants received $130 million in applications for only $20 million in available grants, demonstrating the urgent need for the program in jurisdictions all across California, and

WHEREAS, local governments in California have a continuing need for additional financing to help fund needed infrastructure and transportation projects,
NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto supports Senate Bill 10, the Safe Routes to School reauthorization bill of 2001, and urges that the State Legislature and Governor approve the bill as soon as possible in order to make the program permanent.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION DESIGNATING THE PROPERTY AT 400 TUOLUMNE BOULEVARD (MUNICIPAL GOLF COURSE) AS A MODESTO LANDMARK PRESERVATION SITE. (OWNER: CITY OF MODESTO)

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on August 16, 1999, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 99-10, that the property at 400 Tuolumne Boulevard (Municipal Golf Course) is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance or adaptive use is economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.

4. The existing or proposed use is compatible with the preservation and maintenance of the site.

and

WHEREAS, the Human Services Committee met on February 21, 2001, and supported the Landmark Preservation Commission’s recommendation to designate 400 Tuolumne Boulevard (Municipal Golf Course) as a Landmark Preservation Site, and
WHEREAS, after a public hearing held on March 13, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, the Council found and determined that the property at 400 Tuolumne Boulevard (Municipal Golf Course) is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 400 Tuolumne Boulevard (Municipal Golf Course) is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the property at 400 Tuolumne Boulevard (Municipal Golf Course) has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reasons:

**Historical significance** - Associated with activities, processes, events, trends or persons of importance to the community, state or nation.

Municipal Golf Course was created in 1933 but the land had been City property since 1918. It has been determined that it is one of the oldest 9-hole golf courses in the area. Before becoming a golf course, it had been the City's fairgrounds.

**Cultural significance** - A significant setting of manmade or natural features (including significant trees or other plant life located thereon), or a combination possessing meaning primarily by long association or identification with the community and/or its citizens.

Municipal Golf Course is a 54-acre course that has been planted with a variety of trees over the years. However, the predominant trees on the course are Italian Stone Pines. These trees are in their declining years and are subject to wind damage. The course has lost a large number of these trees over the years and we expect to lose more in the future. These declining trees will be replaced with trees that are more suitable for a golf course.
BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Smith, Mayor Sabatino

NOES: Councilmembers: Conrad, Frohman, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT “A”
**State of California -- The Resources Agency**  
**DEPARTMENT OF PARKS AND RECREATION**

**PRIMARY RECORD**

<table>
<thead>
<tr>
<th>Page of 3</th>
<th>Resource Name or #: (Assigned by recorder)</th>
</tr>
</thead>
<tbody>
<tr>
<td>P1.</td>
<td>Other Identifier:</td>
</tr>
<tr>
<td>P2.</td>
<td>Location: □ Not for Publication □ Unrestricted</td>
</tr>
<tr>
<td>P3a.</td>
<td>Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)</td>
</tr>
</tbody>
</table>

**54-acre, 9-hole golf course and clubhouse.**

<table>
<thead>
<tr>
<th>P3b.</th>
<th>Resource Attributes: (List attributes and codes)</th>
</tr>
</thead>
</table>

| P4. | Resources Present: □ Building □ Structure □ Object □ Site □ District □ Element of District □ Other (Isolates, etc.) |

| P5a. | Photograph or Drawing (Photograph required for buildings, structures, and objects.) |

| P5b. | Description of Photo: (view, date, accession #) |

| P6. | Date Constructed/Age and Source: □ Historic □ Prehistoric □ Both |

| P7. | Owner and Address:  
City of Modesto  
801 11th St., Modesto, CA 95354 |

| P8. | Recorded by:  (Name, affiliation, and address) |

| P9. | Date Recorded: 8/5/99 |

| P10. | Survey Type: (Describe) |

| P11. | Report Citation: (Cite survey report and other sources, or enter "none.") |

**Attachments:** □ NONE □ Location Map □ Continuation Sheet □ Building, Structure, and Object Record □ Archaeological Record □ District Record □ Linear Feature Record □ Milling Station Record □ Rock Art Record □ Artifact Record □ Photograph Record □ Other (List): Sketch Map
**State of California – The Resources Agency**
**DEPARTMENT OF PARKS AND RECREATION**
**BUILDING, STRUCTURE, AND OBJECT RECORD**

**NRHP Status Code**

<table>
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<th>Resource Name or # (Assigned by recorder)</th>
</tr>
</thead>
</table>

| x | 81. Historic Name: Municipal Golf Course |
| x | 82. Common Name: "Muni" |
| x | 83. Original Use: 9-Hole Golf Course (constructed for portion of 1920's airfield) |
| x | 84. Present Use: 9-Hole Golf Course |

**B5. Architectural Style:**

**B6. Construction History:** (Construction date, alterations, and date of alterations)

Constructed in mid 1930's.

**B7. Moved?** No

**B8. Related Features:**

Ian MacDonald, Golf Professional along with City Engineer in 1934.


**B10. Significance:** Theme 9-Hole Golf Course  

**Period of Significance:** 1930's  

**Property Type:**  

**Applicable Criteria:** (Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)  

Municipal Golf Course (400 Tuolumne Blvd., Modesto) was constructed in the mid 1930's. The land was originally part of the Modesto Aviation Field. On June 28, 1933, (Resolution No. 2630-V.S.) the City Council adopted plans for a municipal golf course and appointed Councilmember Neece as Chairman in Charge of the golf course plan. On August 23, 1933, the City Attorney drew up a contract with Ian MacDonald to be the Golf Professional and caretaker of the course. On November 15, 1933, R.T. Bush was awarded a bid for $1,018 to remodel the clubhouse. On November 22, 1933, R.C. Cairns filed a petition with the City Council asking sanctions in the formation of a club to be known as the "Modesto Golf Course Club." On December 13, 1933, the City Council approved by-laws and constitution of the Modesto Golf Club.

**B11. Additional Resource Attributes:** (List attributes and codes) HR31

**B12. References:** City Clerk's records of Modesto City Council Resolution and Ordinances from 1918 – 1934.

**B13. Remarks:**

**B14. Evaluator:** Wayne A. Mathes, Cultural Services Manager  

**Date of Evaluation:** 8/4/99  

(This space reserved for official comments)

DPR 5238 (1/95) [ACROBAT WEBDOC Posted 11/98]  

*Required information*
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-143


WHEREAS, in an effort to create golfer friendly courses and to attract new golfers as well as enhancing the play for existing golfers, City staff is recommending revising the nine-hole fee policy at Dryden Park Municipal Golf Course and Creekside Municipal Golf Course to allow the current fee to be effective all day, and changing the minimum number of players for shotgun tournaments from 144 to 120, and

WHEREAS, City staff is recommending a family tee program and related fees at the Municipal Nine-Hole Golf Course, and

WHEREAS, at City’s Municipal Golf Courses, City staff is recommending a “play one round, get the second round at the same course on the same day for half price” policy, and permitting fivesome play, and an annual club membership, and

WHEREAS, the Golf Courses Committee met on February 26, 2001, and supported the recommendations of City staff regarding an annual Club Membership at City’s Municipal Golf Courses, and a family tee program at Municipal Nine-Hole Golf Course, and

WHEREAS, the Human Services Committee met on February 14, 2001, and supported the recommendations of staff regarding an annual membership program and all changes in play policy, and

WHEREAS, by an agenda report to the City Council from the Recreation and Neighborhoods Department dated March 12, 2001, City staff recommended the changes as outlined in the report, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m. on March 27, 2001, in the Tenth Street Place Chambers located at 1010 10th Street,
Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amended golf fees and play policy, and

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

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

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

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

SECTION 2. DISCOUNTS. (a) School Golf Teams. School golf team passes are to be issued only upon presentation by holder of a current high school or college student body card and verification of golf team membership by the school golf coach. Students shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility. Team members with team member passes must be accompanied by their respective golf coaches and shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf season. The specific spring school golf team season will be set by the golf professional after receiving the schools' schedules of matches from each school coach. Green fees at the rate of $2.25 per round shall continue to be implemented for high school and Modesto Junior College golf programs at the Modesto Nine Hole Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course.

(b) Junior Discounts. Junior discounts are to be given only to persons eighteen (18) years of age and younger any day after 12:00 noon. Juniors shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility.
(c) **Senior/Junior/Disabled Discounts.** Senior/Junior/Disabled discounts are to be given only to persons who are sixty-two (62) years of age or older or to those who are on disability retirement. Proof of age or proof of disability retirement must be displayed to obtain a Senior/Retired/Disabled discount. Discounts are good weekdays except for holidays.

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

(d) **Valu-Play Cards.** Golfers can purchase a weekday 6, 8 or 10 Valu-Play (multiple play) card for Dryden/Creekside or Muni. Valu-Play Discounts are effective for sixty (60) days from the date of purchase except for the months of December, January and February. During this period multiple play cards will be good for the entire three months. Multiple play cards are not refundable or transferable. The multiple play card is not good on weekends or holidays.

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

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

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

SECTION 3. **COMPLIMENTARY TICKETS.** Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting professionals or others, for services rendered to the golf course. Free play must be approved by the Recreation and Neighborhoods Director or designee.
SECTION 4. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

SECTION 5. POLICY. In order for fees to be consistent and competitive with other courses in the valley, the Play Day Policy for Play at the City’s Municipal Golf Courses by Non-Affiliated Groups shall continue to be implemented as set forth on Exhibit “C” attached hereto.

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

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

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

SECTION 9. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after April 1, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
CITY OF MODESTO GOLF COURSES
GREEN FEE SCHEDULE
EFFECTIVE MARCH 15, 2001

DRYDEN PARK MUNICIPAL GOLF COURSE

<table>
<thead>
<tr>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekdays, 9-holes</td>
<td>$12.50</td>
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<tr>
<td>Weekdays, 9-holes (seniors/juniors/disabled)</td>
<td>$10.50</td>
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<tr>
<td>Weekdays, 18-holes (juniors, after noon)</td>
<td>$ 9.50</td>
</tr>
<tr>
<td>Weekdays Mid-day, 18-holes</td>
<td>$13.00</td>
</tr>
<tr>
<td>Weekdays Super-Twilight, 18-holes</td>
<td>$ 7.00</td>
</tr>
<tr>
<td>Weekdays afternoon League Play</td>
<td>$12.00</td>
</tr>
<tr>
<td>Weekends/Holidays, 9-holes</td>
<td>$14.50</td>
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<tr>
<td>Weekends/Holidays, 18-holes</td>
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<tr>
<td>Weekends/Holidays, 18-holes (juniors, after noon)</td>
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<tr>
<td>Weekends/Holidays Mid-day, 18-holes</td>
<td>$16.00</td>
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<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>6-play Valu-Play booklet</td>
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<tr>
<td>8-play Valu-Play booklet (seniors/juniors/disabled)</td>
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<tr>
<td>10-play Valu-Play booklet</td>
<td>$140.00</td>
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<tr>
<td>10-play Valu-Play booklet (seniors/juniors/disabled)</td>
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CREEKSIDE MUNICIPAL GOLF COURSE

<table>
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<tr>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekdays, 9-holes</td>
<td>$14.00</td>
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<tr>
<td>Weekdays, 9-holes (seniors/juniors/disabled)</td>
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<td>$19.00</td>
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<tr>
<td>Weekdays, 18-holes (seniors/juniors/disabled)</td>
<td>$15.50</td>
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<tr>
<td>Weekdays, 18-holes (juniors, after noon)</td>
<td>$10.50</td>
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<tr>
<td>Weekdays Mid-day, 18-holes</td>
<td>$14.00</td>
</tr>
<tr>
<td>Weekdays Super-Twilight, 18-holes</td>
<td>$ 8.00</td>
</tr>
<tr>
<td>Weekdays afternoon League Play</td>
<td>$13.00</td>
</tr>
<tr>
<td>Weekends/Holidays, 9-holes</td>
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<tr>
<td>Weekends/Holidays Mid-day, 18-holes</td>
<td>$18.00</td>
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<tr>
<td>Weekends/Holidays Super-Twilight, 18-holes</td>
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<table>
<thead>
<tr>
<th>Description</th>
<th>Price</th>
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<tbody>
<tr>
<td>6-play Valu-Play booklet</td>
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<tr>
<td>6-play Valu-Play booklet (seniors/juniors/disabled)</td>
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### MODESTO NINE HOLE MUNICIPAL GOLF COURSE (MUNI)

<table>
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<th>Fee</th>
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<tbody>
<tr>
<td>Weekdays, 9-holes</td>
<td>$10.00</td>
</tr>
<tr>
<td>Weekdays, 9-holes (seniors/juniors/disabled)</td>
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<tr>
<td>Weekdays, 9-holes (juniors, after noon)</td>
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</tr>
<tr>
<td>Weekdays Mid-day, 9-holes</td>
<td>$8.00</td>
</tr>
<tr>
<td>Weekdays Super-Twilight, 9-holes</td>
<td>$6.00</td>
</tr>
<tr>
<td>Weekdays afternoon League Play</td>
<td>$7.00</td>
</tr>
<tr>
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<tr>
<td>Weekends/Holidays, 9-holes (juniors, after noon)</td>
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<tr>
<td>Weekends/Holidays Mid-day, 9-holes</td>
<td>$9.00</td>
</tr>
<tr>
<td>Weekends/Holidays Super-Twilight, 9-holes</td>
<td>$7.00</td>
</tr>
</tbody>
</table>

| 6-play Valu-Play booklet    | $42.00  |
| 6-play Valu-Play booklet (seniors/juniors/disabled) | $36.00 |
| 8-play Valu-Play booklet    | $56.00  |
| 8-play Valu-Play booklet (seniors/juniors/disabled) | $48.00 |
| 10-play Valu-Play booklet   | $70.00  |
| 10-play Valu-Play booklet (seniors/juniors/disabled) | $60.00 |

<table>
<thead>
<tr>
<th>Time</th>
<th>Fee</th>
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</thead>
<tbody>
<tr>
<td>Weekdays, 9-holes, Family Tees</td>
<td>$5.00</td>
</tr>
<tr>
<td>Weekends, 9-holes, Family Tees</td>
<td>$6.00</td>
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### MUNICIPAL NINE-HOLE GOLF COURSE, DRYDEN PARK MUNICIPAL GOLF COURSE AND CREEKSIDEST MUNICIPAL GOLF COURSE

<table>
<thead>
<tr>
<th>Plan</th>
<th>Fee</th>
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<tbody>
<tr>
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<tr>
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<tr>
<td>Annual Club Membership, Every Day, Family</td>
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<tr>
<td>Annual Club Membership, Every Day, Family, Jr./Sr.</td>
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<td>Annual Club Membership, Week Day, Jr./Sr.</td>
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<tr>
<td>Annual Club Membership, Week Day, Family, Jr./Sr.</td>
<td>$825.00</td>
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TOURNEMENT FEE SCHEDULE AND POLICY  
EFFECTIVE MARCH 15, 2001

<table>
<thead>
<tr>
<th></th>
<th>Regular Tee</th>
<th>Full Shotgun Tee</th>
<th>Modified Shotgun Tee</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Time Style</td>
<td>Time Style</td>
<td>Time Style</td>
</tr>
<tr>
<td><strong>CREEKSIDE</strong></td>
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<td></td>
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</tr>
<tr>
<td>Weekday</td>
<td>$28.00</td>
<td>$49.00</td>
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<tr>
<td>Weekends</td>
<td>$35.00</td>
<td>$57.00</td>
<td>$57.00</td>
</tr>
<tr>
<td><strong>DRYDEN</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weekday</td>
<td>$26.00</td>
<td>$47.00</td>
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<td>Weekends</td>
<td>$32.00</td>
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<td>$54.00</td>
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<tr>
<td><strong>MUNI</strong></td>
<td></td>
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</tr>
<tr>
<td>Weekday</td>
<td>$18.00</td>
<td>$31.00</td>
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<tr>
<td>Weekend</td>
<td>$22.00</td>
<td>$35.00</td>
<td>N/A</td>
</tr>
</tbody>
</table>

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

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees ($18.00 weekdays/$25.00 weekends at Creekside, $16.00 weekdays/$22.00 weekends at Dryden and $10.00 weekdays/$12.00 weekends at Muni); and Pro Shop merchandise credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni); and golf course restaurant credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni).

Full shotgun tee time style tournaments require a minimum of 120 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include: green fees ($22.00 weekdays/$30.00 weekends at Creekside, $20.00 weekdays/$27.00 weekends at Dryden and $12.00 weekdays/$14.00 weekends at Muni); cart rental ($13.00 at Creekside/Dryden and $11.00 at Muni); and Pro Shop merchandise credit ($7.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni); and golf course restaurant credit ($7.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni). Cart rental is required for shotgun style tournaments.

Modified shotgun tee time style tournaments require a minimum of 72 players at Creekside/Dryden. Per player fees include: green fees ($22.00 weekdays/$30.00 weekends); cart rental ($13.00 at Creekside, $19.00 weekdays/$26.00 weekends at Dryden); and Pro Shop merchandise credit ($7.00 at Creekside/Dryden). Cart rental is required for shotgun style tournaments. Modified shotgun style tournaments are not available at Muni.

Members of the five officially recognized affiliated golf clubs (Muni Niners, Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.
PLAY DAY POLICY
FOR PLAY AT THE CITY’S
MUNICIPAL GOLF COURSES
BY NON-AFFILIATED GROUPS

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

Criteria for these groups are:

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

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

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

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

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

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

In recognition of their contribution to the golf program, no mandatory pro shop or restaurant fees will be assessed. Tee time reservations, in advance of public reservations, will be allowed.
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-144

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(478), AS AN ADDITION TO PLANNED DEVELOPMENT ZONE, P-D(478), (LEONARD SORANNO)

WHEREAS, a verified application for an amendment to Section 31-3-9 of the Zoning Map was filed by Leonard Soranno, on December 7, 2000, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(478), as an addition to Planned Development Zone, P-D(478), to allow for a medical clinic, County offices, and landscaped parking area, property located on the south side of Briggs Avenue, west of Martin Luther King Drive, described as follows:

R-1 to P-D (478), as an addition to P-D(478)

All that certain real property situate in a portion of Lot 3 of the “Re-Survey of Brichman’s Addition to the City of Modesto”, according to the Official Map thereof, filed for record in Volume 2 of Maps, Page 1, Stanislaus County Records, located in Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the northwest corner of said Lot 3; thence South 89°46’40” East along north line of said Lot 3, being also the south line of a 60.00 foot wide Briggs Avenue, a distance of 231.30 feet to the northwesterly corner of existing Planned Development Zone, P-D(478); thence southerly along the westerly line of said Planned Development Zone, P-D(478), the following five (5) courses:

(1) South 0°25’50” East 54.00 feet,
(2) South 44°34’10” West 131.95 feet,
(3) South 0°25’50” East 105.25 feet,
(4) South 45°25’50” East 93.34 feet, and
(5) South 0°25’50” East 147.42 feet, to the south line of said Lot 3;

Thence North 89°48’40” West, along said south line of Lot 3, a distance of 204.00 feet, to the southwest corner of said Lot 3; thence North 0°25’50” West,
along the west line of said Lot 3, a distance of 466.40 feet to the point of beginning. Including also all of the south one-half of 60.00 foot wide Briggs Avenue located immediately adjacent to the above described project.

and

WHEREAS, after a public hearing held on February 5, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-12, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The property is located on a minor arterial street, and is located in close proximity to other office and commercial uses on Paradise Road and Martin Luther King Drive.

2. Office uses are compatible with the existing and planned surrounding land uses in the area.

3. The proposed rezoning is consistent with the Modesto Urban Area General Plan.

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 27, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Leonard Soranno for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-12 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3211-C.S. on the 27th day of March, 2001, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D (478), as an addition to Planned Development Zone, P-D(478).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(478), as an addition to Planned Development Zone, P-D(478), is hereby approved subject to the following conditions:
1. All development shall conform to the plot plan titled "West Modesto Clinic and County Offices" as amended in red, stamped approved by the City Council on March 27, 2001.

2. Prior to the issuance of a building permit a eight-foot-high masonry wall shall be constructed along the south, and west, property lines.

3. Prior to the issuance of a building permit a landscape and irrigation plan shall be approved by the Chief Building Official. Landscaping along Briggs Avenue shall match the landscaping to the east. Landscaping and irrigation systems shall be installed and maintained in accordance with the approved plan.

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

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

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

7. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

8. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Department.

9. The developer shall in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the east, substantially as shown in red on the plot plan.

10. Prior to the issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to the construction of any structures.

11. Ten-foot public utility easements, and planting easements located within the ten-foot public utility easements, as required by the Community Development Director, shall be dedicated along all street frontages.
12. Existing underground and overhead electric facilities and existing irrigation lines within the property shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Engineering and Transportation Director. Appropriate easements for electric facilities and irrigation lines to remain shall be dedicated as necessary.

13. All signs shall comply with the requirements of the C-2 Zone.

14. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this development shall be based on the rates in effect at the time of issuance of a building permit.

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

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(478), as an addition to Planned Development Zone, P-D(478):

Construction to begin on or before March 27, 2003, and completion to be not later than March 27, 2004.

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

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.
SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(478), as an addition to Planned Development Zone, P-D(478), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 2001, by Councilmember Serpa, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By: Community Development Department Planning Division

03/27/01/CDD/Barbara Denlis 5
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-145

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 31-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(478), AS AN ADDITION TO PLANNED DEVELOPMENT ZONE, P-D(478), PROPERTY LOCATED ON THE SOUTH SIDE OF BRIGGS AVENUE, WEST OF MARTIN LUTHER KING DRIVE. (LEONARD SORANNO)

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

WHEREAS, Leonard Soranno has proposed an amendment to Section 31-3-9 of the Zoning Map to rezone property from Low Density Residential Zone, R-1 to Planned Development Zone, P-D(478) as an addition to Planned Development Zone, P-D(478), property located on the south side of Briggs Avenue, west of Martin Luther King Drive, in the City of Modesto to allow a medical clinic, County offices, and landscaped parking area (the"Project"), and

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

03/27/01/CDD/Barbara Denis
WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study EA/CDD2001-05 reviewed the proposed rezoning to P-D(478) to determine whether the Project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed Project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed Project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(478) Project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed Project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.
2. That the Project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed Project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the Project shall be incorporated in the project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 2001, by Councilmember Serpa, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT A

Initial Study

EA/CDD 2001-05
City of Modesto
Initial Study

Rezoning R-1 to P-D(478) Soranno

EA/CDD 2001-05
January 16, 2001

I. PURPOSE

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

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

II. PROJECT DESCRIPTION

A. Project Title:
   Rezone R-1 to P-D (478) Soranno

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

C. Contact Person and Phone Number:
   Barbara Denlis, Community Development Department, (209) 577-5276

D. Project Location:
   409 Paradise Road, south of Briggs Avenue and west of Martin Luther King Drive, in the Modesto area.

E. Project Sponsor:
   Lenny Soranno, 800 N. Carpenter Road, Modesto, CA 95351

F. General Plan Designation:
   Mixed Use (MU)

G. Current Zoning:
   Low Density Residential (R-1)

H. Description of Proposed Project:
   This is a rezoning from R-1 to P-D to allow for a medical clinic and County offices, and a landscaped parking area on the south side of Briggs Avenue, west of Martin Luther King Drive.
I. Surrounding Land Uses:
The project is surrounded by residential uses to the north, commercial uses to the east, and a mix of commercial and residential uses to the south and to the west.

J. Other Public Agencies Whose Approval is Required:
None.

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. Traffic and Circulation

Although the proposed project is a rezoning to Planned Development, this rezone is nevertheless consistent with the General Plan in land use and intensity, because the General Plan anticipated professional office centers like this one in the Baseline Developed Area. Further, the access driveways proposed by the project have been approved by the City’s Traffic Engineer as being consistent with City standards and the General Plan. Therefore, the traffic impacts analyzed in the Traffic and Circulation section of the MEIR (pages IV-1-1 through IV-1-37) are still valid, and no changes are needed to this Section.

B. Degradation of Air Quality

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

C. Generation of Noise

The proposed project will create some additional noise, but this additional noise is not significant in comparison to the general traffic noise on Paradise Road. Therefore, the conclusions in the Generation of Noise section of the MEIR (pages IV-3-1 through IV-3-33) are still valid, and this section of the MEIR does not need to be changed.

D. Loss of Productive Agricultural Land

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

E. Increased Demand for Water Supplies

The proposed project will not generate increased demand for water supplies over what was assumed in the MEIR, and will provide the necessary infrastructure to provide water service to the project. The Existing Conditions, Impacts Analysis
and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are therefore still valid.

F. Increased Demand for Sanitary Sewer Services

The proposed project will not generate increased demand for sanitary sewer services over what was assumed in the MEIR, and will provide the necessary infrastructure to provide sanitary sewer service for the project. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

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

H. Disturbance of Archaeological and Historic Sites

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

I. Drainage, Flooding and Water Quality

The proposed project will conform to the City's standards for drainage, flood control and water quality. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

J. Increased Demand for Storm Drainage

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

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

L. Increased Demand for Schools

The MEIR concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project is a commercial project that would not create additional demand for schools, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

M. Increased Demand for Police Services

The proposed project will not result in any significant increase in the demand for police services in the context of the MEIR, because of the small size of the project and its location in a highly urbanized area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are still valid.

N. Increased Demand for Fire Services

The proposed project will not result in any significant increase in the demand for fire services in the context of the MEIR, because of the small size of the project and its location in a highly urbanized area. In addition, the project provides for emergency access to meet City standards. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are still valid.

O. Generation of Solid Waste

The proposed project will not result in any significant increase in the generation of solid waste in the context of the MEIR, because of the small size of the project and its location in a highly urbanized area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are still valid.

P. Generation of Hazardous Waste

The proposed project will not result in any significant increase in the generation of hazardous materials in the context of the MEIR, because of the small size of the project and the fact that the General Plan anticipated medical facilities located throughout the Baseline Developed Area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are still valid.
Q. Landslides and Seismic Activity

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

R. Energy

The proposed project will not result in any significant increase in the demand for energy in the context of the MEIR, because of the small size of the project and its location in a highly urbanized area. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

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

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

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

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

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

Signature:

Barbara Denis
Associate Planner
A RESOLUTION EXTENDING THE PROVISIONAL APPOINTMENT OF
JENNIFER BRINAR AS RECREATION SUPERVISOR II FOR A PERIOD OF
SIXTY (60) DAYS.

WHEREAS, Jennifer Brinar was provisionally appointed as Recreation Supervisor II on
October 5, 2000, for a period of six months, and
WHEREAS, Modesto Personnel Rule 7.5(c) requires Council approval if a provisional
appointment is to exceed the six month period authorized by said rule, and
WHEREAS, the Council desires to extend the provisional appointment of Jennifer Brinar
for an additional sixty (60) day period,
NOW, THEREFORE, BE IT RESOLVED that the provisional appointment of Jennifer
Brinar as Recreation Supervisor II is hereby extended for an additional 60 (sixty)-day period.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 3rd day of April, by Councilmember Fisher, who moved its adoption,
which motion being duly seconded by Councilmember Friedman, was upon roll call carried and
the resolution adopted by the following vote:
AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,
Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  
MICHAEL D. MILICH, City Attorney

Personnel/Janice Stewart/4/3/01
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-147

A RESOLUTION APPROVING AN AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR SHARING COST OF OPERATING AND MAINTAINING A TRAFFIC SIGNAL AT THE PELANDALE / STATE ROUTE 108 (MCHENRY AVENUE) / CLARATINA INTERSECTION.

WHEREAS, the City of Modesto wishes to install a new traffic signal at the Pelandale Avenue / State Route 108 (McHenry Avenue) / Claratina Avenue intersection; and

WHEREAS, the State of California Department of Transportation (CalTrans) will operate and maintain the new traffic signal; and

WHEREAS, the State of California Department of Transportation (CalTrans) requires a cost sharing Agreement to distribute costs incurred in operation and maintenance of the new traffic signal.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Agreement between the City of Modesto and the State of California Department of Transportation for sharing the cost of operating and maintaining traffic signal at the Pelandale / State Route 108 (McHenry Avenue) / Claratina Avenue intersection, be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the City of Modesto's City Manager be authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By ________________________________
MICHAEL D. MILICH, City Attorney

ATTEST: ________________________________
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-148

A RESOLUTION ACCEPTING THE BID OF ROBISON-PREZIOSO, INC. FOR THE PROJECT TITLED “RECOAT TANK INTERIOR - WATER TANK 5”

WHEREAS, the bids received for Recoat Tank Interior – Water Tank 5 were opened at 11:00 a.m. on March 13, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $82,070.00 received from Robison-Prezioso, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Robison-Prezioso Inc. 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 3rd day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: ____________________________
MICHAEL D. MILICH, City Attorney

ATTEST: ____________________________
JEAN ZAHR, City Clerk

04/04/01 / Eng. & Trans./ M. Houghton
A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE PROJECT TITLED “COLDWELL AVENUE AND NINTH STREET IMPROVEMENTS”

WHEREAS, the bids received for Coldwell Avenue and Ninth Street Improvements were opened at 11:00 a.m. on March 13, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $653,551 received from George Reed Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed Inc. 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 3rd day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

ATTEST: JEAN ZAHN, City Clerk

04/04/01 / Eng. & Trans. / M. Houghton
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-150

A RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET TO RECOGNIZE ADDITIONAL LOCAL TRANSPORTATION FUND REVENUE, TO TRANSFER THOSE FUNDS TO THE GAS TAX FUND, AND TO ALLOCATE FUNDS TO APPROPRIATE CIP ACCOUNTS.

WHEREAS, THE City has been awarded a supplemental apportionment from the State for the Local Transportation Fund, and

WHEREAS, the City has previously obtained funding from the State Transportation Improvement Program (STIP) to fund “Coldwell Avenue and Ninth Street Improvements” and the “Sisk Road Improvements”, and

WHEREAS, the cost for construction of these projects exceed the amount originally estimated for and funded by the state, and

WHEREAS, the City desires to complete the projects in a timely manner to insure the continued availability of state funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current capital improvement budget to recognize the supplemental funds as additional revenue to the Local Transportation Fund. Further, said funds shall be transferred to the Gas Tax Funds, and allocated to the respective CIP accounts as shown.

RECOGNIZE SUPPLEMENTAL ALLOCATION AS ADDITIONAL REVENUE FROM STATE FOR THE

0520- Local Transportation Fund $ 356,920

TRANSFER THE FULL AMOUNT TO THE GAS TAX FUND

0700 – Gas Tax Fund $ 134,190
2300 – Gas Tax Fund – Additional Projects $ 222,730
ALLOCATE THE FUNDS AS FOLLOWS:

0700-430-L916 Coldwell Ave Improvements $134,190

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JBAN ZAHR, City Clerk

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-151

A RESOLUTION APPROVING A CONSENT TO COMMON USE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR LIGHTHOUSE AVENUE AT MID LATERAL 6 CANAL CROSSING FOR MONTEREY BAY SUBDIVISION IMPROVEMENTS

WHEREAS, the Monterey Bay Subdivision requests a canal crossing at Lighthouse Avenue and the Modesto Irrigation District Lateral No. 6; and

WHEREAS, the Monterey Bay Subdivision will construct a canal crossing at Lighthouse Avenue and the Modesto Irrigation District Lateral No. 6 at no cost to the City; and

WHEREAS, the Modesto Irrigation District requires a Consent to Common Use Agreement for a street entering the District right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District for Lighthouse Avenue @ MID Lateral 6 canal crossing for the construction of the improvements of Monterey Bay Subdivision be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST:

JEAN ZAHR, City Clerk

2/27/01 / Engineering and Transportation / Dean Phillips
MODesto City Council
Resolution No. 2001-151A

A Resolution Approving a Consent to Common Use Agreement Between the City of Modesto and Modesto Irrigation District for Peninsula Drive at Mid Lateral 6 Canal Crossing for Monterey Bay Subdivision Improvements

WHEREAS, the Monterey Bay Subdivision requests a canal crossing at Peninsula Drive and the Modesto Irrigation District Lateral No. 6; and

WHEREAS, the Monterey Bay Subdivision will construct a canal crossing at Peninsula Drive and the Modesto Irrigation District Lateral No. 6 at no cost to the City; and

WHEREAS, the Modesto Irrigation District requires a Consent to Common Use Agreement for a street entering the District right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District for Peninsula Drive @ MID Lateral 6 canal crossing for the construction of the improvements of Monterey Bay Subdivision be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Approved as to Form:

By

Michael D. Milich, City Attorney

Attest:

Jean Zahr, City Clerk

2/27/01 / Engineering and Transportation / Dean Phillips
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-152

A RESOLUTION IN OPPOSITION TO SENATE BILL 910 (DUNN),
HOUSING ELEMENTS, FINES, PENALTIES, AND LITIGATION.

WHEREAS, Senate Bill 910 establishes a legal rebuttable presumption of non-validity for a housing element or amendment if the Department of Housing and Community Development has found that the housing element or amendment does not substantially comply with state law, for any lawsuit filed after January 1, 2002,
and

WHEREAS, Senate Bill 910 requires a court to levy a penalty up to $1,000 per unit of the total projected housing needs for a city or county, if the court finds that a local government's housing element is not in substantial compliance with the state law governing housing elements, and

WHEREAS, Senate Bill 910 requires a court to award plaintiff's attorney's fees and costs, on a finding that there is not substantial compliance, and

WHEREAS, Senate Bill 910 requires the State Controller to reduce the monthly allocation of funds disbursed under various fuel tax laws to any city or county that does not have a housing element in substantial compliance with state law and to redistribute those funds in the following month, and

WHEREAS, Senate Bill 910 requires the Department of Housing and Community Development to report to the State Controller monthly a list of non-compliant jurisdictions, and

WHEREAS, the Modesto City Council does not support the granting of authority to state employees that may effectively overrule decisions made by locally elected officials who are more knowledgeable about the community's needs and complex issues, and

WHEREAS, the Modesto City Council cares deeply about the housing needs of the community and places a great deal of effort in addressing those needs, and
WHEREAS, the state’s housing needs require a productive working relationship between local governments and the state and a discussion involving all issues affecting housing production, and

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto opposes Senate Bill 910 (Dunn) and urges the State Legislature and Governor also oppose this legislation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 3rd day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: MICHEAL D. MILICH, City Attorney

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-153

A RESOLUTION APPROVING THE FINAL MAP AND ACCEPTING PUBLIC IMPROVEMENTS OF THE LEGACY UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, THE FITZPATRICK COMPANY, a California Corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 8.45 acres, known as Legacy Unit No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 25th day of January, 1999 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 Legacy Unit No. 2 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, and

WHEREAS, the Engineering and Transportation Director has certified that all public improvements required by the City of Modesto have been completed in said tract to the satisfaction of the Engineering and Transportation Director,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements in said tract be accepted; 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 and file a Notice of Completion 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.
BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers 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 3rd day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Conrad

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
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-154

A RESOLUTION APPROVING A NONEXCLUSIVE AGREEMENT WITH THE SPORTSMEN OF STANISLAUS CLUB (SOS) TO PROVIDE SERVICES IN ADMINISTERING THE CITY OF MODESTO ANNUAL GOLF PASS PROGRAM AND CO-MARKETING WITH THE SOS CLUB ON THE CITY’S ANNUAL GOLF PASS AND THEIR MEMBERSHIP PROGRAM.

WHEREAS, City staff and the Golf Courses Committee have recommended introduction of an annual pass program for the City’s Municipal Golf Courses, and

WHEREAS, in the process of researching the marketing and introduction of this pass, City staff has had several discussions with the Sportsmen of Stanislaus (SOS) Club, an athletic club located in close proximity to Dryden Park Municipal Golf Course and Municipal Nine-Hole Golf Course, and

WHEREAS, the SOS Club has expressed an interest in cross-marketing with the City’s annual pass program, and

WHEREAS, the SOS Club feels that they have services and facilities that could benefit golf members as part of their annual pass purchase, and

WHEREAS, the SOS Club has the ability to produce membership cards, and

WHEREAS, the Human Services Committee met on March 14, 2001 and supported the recommendation to enter into an agreement with the SOS Club, and

WHEREAS, a hearing was held by the Council of the City of Modesto on March 27, 2001 to consider and approve the fees for the annual membership program, and

WHEREAS, said fees were duly adopted by the Council of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a nonexclusive agreement with the Sportsmen of Stanislaus (SOS) Club to provide services in administering the City of Modesto annual pass program and co-marketing with the SOS Club on the City’s annual pass and their membership program.
BE IT FURTHER RESOLVED that the execution of said agreement by the City Manager be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING A POLICY TO ALLOW ULTRALIGHT VEHICLES THE USE OF MODESTO CITY-COUNTY AIRPORT

WHEREAS, California Aero Sports has requested that the City allow the opening of an ultralight flight school at Modesto City-County Airport, and

WHEREAS, the operation of ultralights is regulated by Federal Aviation Regulation (FAR) Part 103, and it requires that an ultralight operation in Class D Airspace (Modesto Airport is Class D when the tower is staffed) is to be approved by the Air Traffic Manager (ATM), and

WHEREAS, City staff and an ad-hoc committee consisting of the ATM, Airport Advisory Committee members, and airport tenants create a letter of agreement and an operation policy, and

WHEREAS, the City retained Environmental Science Associates to complete an initial study to assess the ultralight operation under the California Environmental Quality Act (CEQA), and

WHEREAS, the CEQA initial study resulted in the preparation of a Mitigated Negative Declaration that required a 30-day public comment period, and

WHEREAS, the Negative Declaration comment period was between January 15, 2001 and February 14, 2001, and

WHEREAS, the City received seven (7) comments during the review period of which five (5) of those comments required additional response and they are adequately addressed in the Final Mitigated Negative Declaration, and
WHEREAS, the Council Transportation Policy Committee considered allowing ultralight operations at its July 2000 meeting and agreed the City Council should consider the activity,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the airport’s ultralight operation policy, a copy of which is attached hereto as Exhibit “A” and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April 2001 by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by [Signature]
MICHAEL D. MILICH, City Attorney
MODESTO CITY-COUNTY AIRPORT
Ultralight Operations Policy
February 2001

Scope:
This policy is to establish operational rules to assure the safe operation of an ultralight vehicle at Modesto City-County Airport by a non-pilot air vehicle operator. This policy shall become part of the City of Modesto Municipal Code, Section 7, Chapter 3.

Definition:
Ultralight Vehicle — a flying vehicle that is used for sport or recreational use, weighs less than 254 lbs., cannot sustain an airspeed of more than 55 knots while in level flight, has a power off stall speed no greater than 24 knots, and a fuel capacity does not exceed 5 U.S. gallons.

Operator — An individual who has received the proper training in the areas of airport communications and procedures, airport familiarization, wake turbulence avoidance, operating in a controlled airspace, and avoidance of residential sensitive areas.

Letter of Agreement — Letter with the air traffic control operating company that authorizes Ultralight activity within Modesto City-County Airport airspace. The Ultralight operator and air traffic manager must sign a Letter of Agreement and said letter must be on file with the Modesto City-County Airport Manager.

Insurance - Certificate of insurance with a combined single-limit general liability of at least $300,000 (the same amount required for permanently based private aircraft) naming the City of Modesto as an additional insured. The City of Modesto may change the limits as required by MMC Section 7-3.108.1 when the City’s risk manager recommends a change.

Introduction and Purpose:
1. This policy is designed to allow recreational aviators with limited aviation knowledge the opportunity to use the Modesto City-County Airport. It is to establish requirements and course rules for the operation of ultralight vehicles based at Modesto City-County Airport.

2. Transient ultralight operators will be required to comply with the registration requirements before receiving authorization to operate an ultralight at Modesto City-County Airport. The airport manager will make all reasonable efforts to disseminate these course rules as widely as possible, and will secure compliance with transient operators to the maximum extent possible.

3. These requirements do not pertain to ultralights that are registered with the Federal Aviation Administration (FAA) as an aircraft, and which have received an "N" number. Ultralight Operations Policy Ultralights with "N" numbers shall be governed by FAR Parts 61, 91, and other airport rules that govern FAR Part 139 operations, as well as any other rules or regulations adopted hereafter.
Application:

1. All ultralights operating at Modesto City-County Airport shall have a Letter of Agreement with the air traffic manager. The Letter of Agreement shall be valid for one year and must be renewed annually.

2. Ultralights authorized at Modesto City-County Airport will be registered with U. S. Ultralight Association (USUA), Experimental Aircraft Association (EAA), or the Aero Sports Connection. The vehicle must have the registration number assigned by one of these organizations displayed on the underside of the aircraft where it is clearly visible. A copy of the vehicle registration, operator license issued, and a photo of the vehicle will be presented to the airport manager at the time of registration.

3. Operations at the Modesto City-County Airport and within the airport's airspace shall be conducted in accordance with FAR Part 103 – Ultralight Vehicle Operations.

4. Ultralight operators shall restrict their activities to RW10R/28L unless otherwise directed by the Airport’s air traffic controller. No multiple landings (touch & go's) will be permitted without the approval of the air traffic controller on duty and no touch & go’s will be permitted when the airport’s tower is unstaffed and the airport is in a class G airspace.

5. Ultralights shall have an engine muffler to suppress intrusive noise levels.

6. Owners and operators will provide the City of Modesto with a certificate of insurance and a signed Assumption of Risks and Waiver of Liability.

7. The ultralight operator will agree to pay the City of Modesto an annual access fee in lieu of fuel purchases and aircraft taxes paid by fixed-wing and rotor aircraft. The City access fee will become part of the City’s resolution for airport rates and charges and will be periodically reviewed and may be revised after proper notice is given.

Procedure:

Before operating an ultralight vehicle, it is the responsibility of the operator to assure that a current “Letter of Agreement” is on file with the airport manager, and that all operations are conducted in compliance with all federal and local regulations that pertain to the vehicle operation. Failure to comply with all rules and regulations will result in the revocation of airport use.

The Modesto City Council approved this policy on April 3, 2001.

Attachment: City of Modesto and Modesto FCT Letter of Agreement
LETTER OF AGREEMENT

SUBJECT: Ultralight Vehicle (UV) Operation at Modesto City-County Airport

1. PURPOSE: To specify procedures to be followed by persons operating UVs at Modesto City-County Airport.

2. RESPONSIBILITIES: To establish requirements which, when met by the Signatory, authorizes them to operate UVs in Modesto Class D airspace. This letter of agreement (LOA) does not alter any requirements of CFR 103.

3. PROCEDURES:
   a. Radio contact must be established/maintained with Modesto Tower prior to operating in Modesto Class D airspace or airport movement areas.
   b. All operations will be on Runways 10R/28L (depending on which runway is most aligned with the wind), unless otherwise approved or directed by air traffic control (ATC).
   c. Pattern Altitude for UVs is 500 feet MSL. (Note: General aviation single-engine is 1,000 feet MSL and Jet/Turboprop aircraft is 1,500 feet MSL).
   d. Arrivals – Runway 10R/28L: From Highway 99 follow the Tuolumne River eastbound for a downwind entry into the pattern.
   e. Departures – Runway 10R/28L: Westbound along the Tuolumne River to Highway 99, then on course.

   Note: While in the traffic pattern, remain as close to the airport as possible in order to reduce noise complaints.

4. REQUIREMENTS: Signatory agrees to the following:
   a. Attend an approved course concerning this LOA, Communications, Towered Airport Procedures and Wake Turbulence Avoidance.

   NOTE: Course length and content may be adjusted dependent on participants, questions, and scope.
   b. Satisfactorily completing an oral interview after receiving the above subject areas.
c. Compliance with all requirements imposed by the Airport Manager.

d. Compliance with FBO requirements if a rental UV is involved.

e. General/periodic review of UV procedures at Modesto Airport by the Air Traffic Manager (ATM) for the purpose of improving safety and expediting traffic flow.

f. Attend a counseling session with a designated specialist if the air traffic manager determines non-adherence to this LOA.

5. General

a. UV operation at Modesto City-County Airport is a new endeavor and parties involved must understand that open/frank communication is essential in continuation of this program.

b. Periodic revisions to this LOA may be required in order to improve operations. Should a revision be necessary, all parties will have 30 days to review/sign or decline the revision.

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<thead>
<tr>
<th>LOA/Communication Briefing</th>
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<tr>
<td>Wake Turbulence/Airspace Training</td>
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<td>Refresher Training</td>
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<td>Oral Interview</td>
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ATM SIG Block

UV Operator SIG Block
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-156

A RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION FOR THE FOLLOWING PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MODESTO CITY-COUNTY AIRPORT MASTER PLAN (SCH NO. 90020512).

WHEREAS, on April 20, 1993, by Resolution No. 93-229, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master Plan EIR") (SCH No. 90020512) for the Modesto City-County Airport Master Plan, and

WHEREAS, the owner of California Aero Sports, an ultralight training school, has requested the City of Modesto approve the use of the Modesto City-County Airport for the operation of ultralight vehicles, and

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

WHEREAS, Section 15070 of the CEQA Guidelines authorizes preparation of a Mitigated Negative Declaration if the Initial Study identifies potentially significant effects, but revisions in the project plans or proposals made by, or agreed to by the proponent before a proposed Mitigated Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and there is no significant evidence in light of the whole record that the project, as revised, may have a significant effect on the environment, and
WHEREAS, the City's Community Development Department prepared an Initial Study EA - E-T-2001-06 leading to a proposed Mitigated Negative Declaration which reviewed the proposed subsequent project to the Modesto City-County Airport Master Plan EIR. The Initial Study identified potentially significant environmental effects that were not analyzed in the Master Plan EIR in terms of Traffic and Circulation, Generation of Noise and Generation of Hazardous Materials, and

WHEREAS, proposed revisions in the project plans or proposals were made by, or agreed to by, the City which would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur and such revisions were made before the proposed Mitigated Negative Declaration and Initial Study were released for public review pursuant to CEQA Section 21092, and

WHEREAS, the Initial Study and the proposed Mitigated Negative Declaration were circulated for a 30-day public review and comment period beginning January 15, 2001, and ending February 14, 2001, and

WHEREAS, public agencies, individuals and groups submitted written comments on the draft Mitigated Negative Declaration which have been responded to in writing and which are included in the Final Mitigated Negative Declaration, and

WHEREAS, on April 3, 2001, the City Council heard and considered the proposed Ultralight Policy and Modesto Municipal Code amendment, together with the Initial Study and Final Mitigated Negative Declaration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study and the Final Mitigated Negative Declaration prepared for the proposed project, copies of which are on file in the City Clerk's Office, and based on the substantial evidence included in said Initial Study and the Final Mitigated Negative Declaration makes the following findings:
1. An Initial Study, prepared pursuant to CEQA Guidelines Section 15177, has identified additional potentially significant environmental effects that were not analyzed in the Modesto City-County Airport Master Plan Environmental Impact Report (Master Plan EIR). These additional significant effects are potential impacts to Traffic and Circulation, Generation of Noise, and Generation of Hazardous Materials.

2. Proposed revisions in the project plans or proposals were made by, or agreed to by the City which would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur and such revisions were made before the proposed Negative Declaration and Initial Study were released for public review pursuant to CEQA Guidelines Section 15073 and Public Resources Code Section 21092.

3. There is no substantial evidence in light of the whole record before the public agency that the project, as revised, will have a significant effect on the environment and the Final Mitigated Negative Declaration reflects the City’s independent judgment and analysis.

4. Based on the above-referenced Initial Study and measures incorporated as a part of 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, Council finds that a Final Mitigated Negative Declaration should be adopted pursuant to Public Resources Code Section 21094 and CEQA Guidelines Section 15162, for the adoption of an ultralight policy and Modesto Municipal Code amendment to allow ultralights at the Modesto City-County Airport.

5. Although the proposed project could have a potentially 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.

6. Pursuant to CEQA Guidelines Section 15097, a mitigation monitoring and reporting program is hereby adopted by incorporating the mitigation measures into the project plan and by establishing a program for annually reporting on and monitoring the project revisions which have been made to mitigate or avoid significant environmental effects.

7. The City of Modesto hereby adopts the Final Mitigated Negative Declaration (SCH 90020512) dated March 13, 2001, for the adoption of an ultralight policy and Modesto Municipal Code amendment to allow ultralights at the Modesto City-County Airport, and hereby designates the Airport Manager as the custodian of the documents or other material which constitute the record of proceedings upon which this decision is based, and specifies the Airport Administration Office, 617 Airport Way, Modesto, California, as the location of said documents.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-156A

A RESOLUTION AUTHORIZING THE CITY OF MODESTO TO ENTER INTO AGREEMENTS WITH COMPANIES WHO DESIRE TO PROVIDE NON-CONSENSUAL TOW SERVICES TO THE CITY OF MODESTO AND TO BE PLACED ON CITY’S ROTATION LIST, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENTS.

WHEREAS, the City of Modesto desires to enter into agreements with companies who desire to perform services required by the City of Modesto in connection with official police business, more specifically, non-consensual tows where a vehicle is picked up and towed within the City of Modesto and stored at a facility that is two (2) driving miles from the nearest City of Modesto boundary line, and

WHEREAS, companies desiring to provide non-consensual tow services to the City of Modesto and to be placed on the City’s rotation list shall first enter into an agreement with the City of Modesto, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference, and

WHEREAS, the Public Safety Committee met on February 15, 2001, and supported the recommendations of City staff, and

WHEREAS, by an agenda report to the City Council from the Police Department, dated March 16, City staff recommended the changes as outlined in the report, and

WHEREAS, said matter was set for a meeting of the City Council to be held at 5:15 p.m. on March 27, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager or his authorized designee to execute agreements with companies who desire to provide non-consensual tow services to the City of Modesto and to be placed on City’s rotation list.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:       Councilmembers: None

ABSENT:     Councilmembers: None

ATTEST:     
             JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
AGREEMENT FOR TOW SERVICES

THIS AGREEMENT FOR TOW SERVICES is entered into this ______ day of ______________, 2001, by and between the CITY OF MODESTO ("CITY"), a municipal corporation and _________________________________ ("TOWING CARRIER").

RECITALS

A. CITY and TOWING CARRIER enter into this Agreement for the performance of services required by CITY in connection with official police business, more specifically, non-consensual tows where the vehicle is picked up and towed within the City of Modesto and stored at a facility that is two (2) driving miles from the nearest City of Modesto boundary line.

B. The Council of the City of Modesto by Resolution No. __________ passed on ________________, required all TOWING CARRIERS who desire to provide non-consensual tow services to the City of Modesto, and to be placed on the City's rotation list, to first enter into an agreement containing the terms and conditions set forth herein.

AGREEMENT

NOW, THEREFORE, the parties hereto agree as follows:

1. DEFINITIONS. The following words and phrases shall have the meanings set forth below when used in this Agreement:
(a) Abandoned vehicle tows mean:

(i) Non-consensual tows of vehicles left standing for a period of time greater than permitted under applicable State laws or municipal ordinances, and which vehicles have been tagged and marked for removal from public streets or property or from private property in accordance with law; and

(ii) Non-consensual tows of motor vehicles which are parked, resting, or otherwise immobilized on any highway or public right-of-way and which lack an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highways of this state, are hereby declared a hazard to public health, safety, and welfare and may be removed immediately upon discovery by a peace officer or other designated employee of the state, county, or city.

(b) Police emergency tows mean non-consensual tows of vehicles involved in accidents, and/or stalled vehicles obstructing traffic, and/or tows of vehicles whose driver is incapacitated or physically unable to drive the vehicle, and/or tows of vehicles whose driver has been arrested and/or detained and cannot drive the vehicle.

(c) Police-generated tows mean non-consensual tows requested by the Police Department in connection with official police business, and which tows may be of the following type: police-impounded vehicles; police emergency tows; VIN tows; and abandoned vehicle tows.
(d) Rotation tow lists mean lists maintained by the Modesto Police Department of tow operators who have executed an Agreement with the CITY for non-consensual tow services and from which the Police Department/County Dispatch will make calls for non-consensual towing services on a sequential basis.

(e) Tow truck means a truck as defined in Section 615 of the California Vehicle Code. It also includes slide back carriers and wheel lift vehicles.

(f) VIN tows means tows of vehicles necessitating special procedures to ascertain vehicle identification numbers in compliance with the requirements of California Vehicle Code Section 10751.

2. **TERM.** This Agreement shall take effect when each signatory has signed it. For the purposes of this Agreement, the “date of this Agreement” is the date on which the Agreement takes effect. This Agreement shall commence as of the effective date and shall continue to a date three (3) years from the effective date.

3. **REQUIREMENTS FOR ALL TOWING CARRIERS.** All TOWING CARRIERS shall:

   (a) Have available by October 1, 2002, a minimum of two (2) tow trucks as defined in Section 615 of the California Vehicle Code to dispatch for all non-consensual tows identified on page 2 of the Agreement.

   (b) Have three (3) years of verifiable experience as an owner/operator and shall produce verification of such upon request by the Police Chief and within the time limitation established by the Police Chief.
(c) Have a minimum storage space for thirty (30) vehicles with a minimum of five (5) inside spaces; outside storage lots must be adequately lighted.

(d) Have an attendant on call twenty-four (24) hours a day, seven (7) days a week for all requests initiated by City of Modesto for non-consensual towing services and to release vehicles to their owners.

(e) Have no more than two (2) telephone numbers listed with the Modesto Police Department.

(f) Store towed vehicles in a safe and protected space where the vehicles and their contents will not be accessible to thieves nor be damaged by activity in the carrier establishment or from the elements or by vandals.

(g) Post a tag on the windshield on all cars ordered impounded by CITY.

(h) Collect all towing or hauling and storage charges on each vehicle from the owner.

(i) Furnish each owner with a fully itemized billing.

(j) Release no impounded vehicle, or stored non-impounded vehicle, without first having obtained a release from the CITY to do so.

(k) Agree to a rotation system established by the CITY.

(l) Have adequate equipment to handle calls from the CITY.

(m) Carry a broom, trash can and sand and clean and remove broken glass, spilled oil, or gasoline from the area before departing, unless directed to not do so by police officers and/or designated City employees at the scene.
(n) Enroll in the Pull Notice Program prior to entering into this Agreement. Upon the addition of new drivers, a TOWING CARRIER will be granted a maximum of thirty (30) days to enroll drivers in the Pull Notice Program. Pull Notices shall be kept on file, signed and dated by the TOWING CARRIER, with a copy submitted to Modesto Police Department.

(o) Agree that recognized holidays with regard to City of Modesto police-generated tows shall be the same as those recognized by the California Highway Patrol.

(p) Maintain all tow company records, commencing on the date the Agreement is executed, and make them available for inspection at any time by the Modesto Police Department for the three(3) year term of this Agreement.

(q) Permit any duly authorized representative of the Police Chief and/or City personnel access to and the right to examine and transcribe any and all records kept or maintained by the TOWING CARRIER which pertain to the operations, affairs, transactions or property of the towing carrier with respect to this Agreement with the City of Modesto. If any such records are not kept within the City of Modesto, then upon request by the City, TOWING CARRIER shall make them available within two (2) working days for examination in the City.

(r) Agree that he or she is not directly involved in the towing business of any other operator within the City of Modesto. Directly involved shall mean anything in common between TOWING CARRIERS with regards to:
(i) Business licenses;
(ii) Insurance;
(iii) Tow truck or equipment ownership, rental or lease; and
(iv) Employees.

(s) Agree that sale or transfer of the controlling interest in a tow company shall immediately terminate this Agreement.

4. **CITY OF MODESTO ROTATION SYSTEM** The City of Modesto shall establish two (2) rotation tow lists. Each TOWING CARRIER entering into a contractual agreement with the City of Modesto shall be placed on both rotation lists. There will be one list for non-consensual tows of “junk” vehicles and a second list for the remaining categories of non-consensual tows identified in this Agreement. Any TOWING CARRIER who refuses or fails to respond for a non-consensual tow more than three (3) times in a ninety (90) day period, when in the number one position on either of the rotation lists, shall be suspended from both rotation lists for a period not to exceed thirty (30) days. The Modesto Police Department will provide the TOWING CARRIER with verbal and written notification of suspension from the rotation lists. The thirty (30) day suspension shall commence on the date of verbal notification. Any TOWING CARRIER who is suspended from the rotation lists more than three (3) times during the term of this Contract shall be permanently removed from both lists for the remaining period of the Agreement.

5 **DISPATCH BY CITY.** Whenever a vehicle has been involved in an accident or a traffic violation, and the owner or someone delegated by him is present and is capable of removing the vehicle from the street with reasonable dispatch, and the vehicle is not
needed for criminal evidence, CITY and/or TOWING CARRIER shall permit the owner or his
delegatee to remove the vehicle or call a towing company of his or her own choice to remove
the same. However, if the street cannot be cleared for safe public use with reasonable dispatch
by the above method, and in all situations other than above set forth, a TOWING CARRIER
from the top of the rotation list will be called by the CITY to conduct a non-consensual police-
generated tow.

6 INSURANCE REQUIREMENTS. Each TOWING CARRIER shall maintain insurance as follows:

(a) Insurance Levels.

(i) Minimum level of financial responsibility (as required by Section 34631.5 of the California Vehicle Code) - bodily injury and property damage with a combined single limit of not less than seven hundred and fifty thousand dollars ($750,000.00).

(ii) Uninsured motorist coverage with a minimum limit of thirty thousand dollars ($30,000.00) combined single limit.

(iii) The coverage set forth above shall apply to all owned, non-owned and hired vehicles used by the grantee in response to police-generated tows.

(iv) Garage keepers legal liability with a minimum limit of fifty thousand dollars ($50,000.00) combined single limit.

(v) Garage liability - includes premises and operations.

Coverage for bodily injury and property damage with a combined single limit of not less than five hundred thousand dollars ($500,000.00).
(vi)  Workers' compensation insurance policy - legal minimum requirement.

(b) A true, certified and correct copy of the entire policy including copies of all endorsements shall be mailed to the Risk Manager, City of Modesto, P. O. Box 642, Modesto, California 95354 directly from the authorized agent, broker or insuring company, for each policy required under this Agreement prior to execution of the Agreement by the TOWING CARRIER. Carrier is to immediately provide the Risk Manager with notification of cancellation of any insurance policy required by this Agreement. All policies shall be on file and effective at the time this Agreement takes effect. All policies and coverages shall be valid during the entire term of this Agreement. If at any time the entire insurance requirements or any portion thereof expires without immediate proof of renewal or is canceled without proof of reinstatement prior to the effective date of cancellation, the Agreement shall be immediately suspended, and the Police Chief is hereby authorized to enforce such suspension after receiving written notice from the City Risk Manager that no proof of renewal or reinstatement has been submitted by the TOWING CARRIER.

(c) All policies and coverages required by this Agreement are subject to approval by the City Risk Manager as to content and form, and no TOWING CARRIER shall provide tow services to CITY until such approval is issued in writing to the Police Chief by the City Risk Manager. If at any time in the judgment of the City Risk Manager said policies and/or coverages are not sufficient for any cause or reason, the City Risk Manager may require the TOWING CARRIER to replace said policies and/or coverages within ten (10) days with other policies and/or coverages acceptable in accordance with this
Agreement. If the TOWING CARRIER fails to replace said polices and/or coverages within said ten (10) day period with good and sufficient policies and/or coverages then, at the termination of that period, the TOWING CARRIER, by such failure, shall automatically be suspended until such time as this requirement is complied with, and the Police Chief is hereby authorized to enforce such suspension after receiving written notice from the City Risk Manager that the policies and/or coverages have not been replaced with good and sufficient policies and/or coverages.

(d) The City of Modesto shall be named as an additional insured on all policies including the workers’ compensation policies. TOWING CARRIERS shall provide to the City Risk Manager an endorsement to each policy showing the CITY as an additional insured.

7 TOW TRUCK REQUIREMENTS. Every TOWING CARRIER shall:

(a) Utilize tow vehicles appropriate for the job;

(b) Respond to calls for service by the CITY with tow trucks clearly marked on both sides of the cab with the name and telephone number of the TOWING CARRIER; and

(c) Provide documentation evidencing inspection by the California Highway Patrol of all trucks used for all non-consensual tows and/or placement on the current California Highway Patrol rotation list.

8 RESPONSE TO CALLS. The requirements are:

(a) Each TOWING CARRIER shall respond at the location requested by CITY within thirty (30) minutes after receipt of a call.
(b) A failure to respond and/or repeated failures to meet the required response time set forth herein shall constitute failure to comply with the terms and conditions of this Agreement and may result in either suspension or termination of TOWING CARRIER’S services pursuant to this Agreement as deemed appropriate by the Police Chief.

(c) Any refusal to respond or to perform the required towing service is a breach of the terms of this Agreement and may result in either suspension or termination of this Agreement as deemed appropriate by the Police Chief.

9 **TOW CHARGES.** Time expended on a non-consensual tow, as identified on page 2 of this Agreement, shall be charged at a rate not to exceed the rates set forth hereinafter. There shall be no additional charges for towing after 5:00 p.m., weekend tows, holiday tows, use of a dolly, mileage and labor, which includes crane charges, winching and recovery from areas not accessible to a tow truck.

The flat rate for tow charges for the next three (3) years shall be as follows:

<table>
<thead>
<tr>
<th>Period</th>
<th>Flat Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/27/01 to 3/27/02</td>
<td>$70.00 (per tow)</td>
</tr>
<tr>
<td>3/27/02 to 3/27/03</td>
<td>$80.00 (per tow)</td>
</tr>
<tr>
<td>3/27/03 to 3/27/04</td>
<td>$90.00 (per tow)</td>
</tr>
</tbody>
</table>

The parties will renegotiate the flat rate prior to the expiration of this Agreement. Negotiations will begin approximately six (6) months before the expiration date of March 27, 2004.

10. **STORAGE COSTS.** The parties will renegotiate the flat rate prior to the expiration of this Agreement. Negotiations will begin approximately six (6) months before the expiration date of March 27, 2004.
11. **STANDBY CHARGES.** Standby time for tow trucks shall begin one (1) hour after receipt of calls from the CITY and is defined to mean the time consumed after the first hour in necessary preparations in order to tow the disabled vehicle and in cleaning up the immediate surrounding area and is due to or caused by instructions given to the TOW CARRIER by the tow scene commander for the Modesto Police Department. A standby fee in the amount of THIRTEEN DOLLARS AND 50/100 ($13.50) per each fifteen (15) minute increment after the first hour may be charged. The invoice for standby charges shall be sent to the police department, and the customer shall not be charged for any standby time.

12. **LOCATION OF TOWING CARRIER.** The TOWING CARRIER shall maintain an office and storage yard within two (2) driving miles of any City of Modesto boundary line.

13. **COMPLIANCE WITH RULES, REGULATIONS, LAWS AND RESOLUTION.** TOWING CARRIER shall comply with all rules, regulations, and all State and Federal laws, and City of Modesto Ordinances including all provisions of the resolution of the City Council of the City of Modesto establishing standard criteria for companies to provide tow services for the City of Modesto as that resolution exists and/or as the resolution may be amended from time to time.

14. **RIGHT TO INSPECT.** Any authorized representative of the CITY has the right to inspect TOWING CARRIER'S towing and storage facilities at all times for the
purpose of evaluating TOWING CARRIER'S performance pursuant to this Agreement. City
officials and inspectors shall have the right to conduct periodic site visits, during reasonable
business hours, to inspect for conformance or to respond to citizens’ complaints. City officials
and representatives shall have unrestricted access to all of the premises subject to this
Agreement and to make whatever announced or unannounced visits deemed appropriate.

15. COMPLIANCE WITH AGREEMENT.

(a) TOWING CARRIER agrees, as a condition of inclusion on the
rotation tow lists, to comply with the terms and conditions of this Agreement for tow services.
Furthermore, TOWING CARRIER agrees that failure by the carrier or his/her agents to comply
with these terms and conditions shall be cause for suspension or termination from the City of
Modesto rotation tow list. Alleged violations of this Agreement will be investigated by the
Modesto Police Department. The TOWING CARRIER will be notified of the Police
Department’s findings within thirty (30) days of the conclusion of the investigation.

(b) Nothing herein shall be deemed to prohibit CITY from
immediately suspending any TOWING CARRIER whose conduct, or that of his/her employees,
in the discretion of the Police Chief, is deemed to be a danger to the motoring public or who
has engaged in conduct constituting a flagrant violation of this Agreement for tow services.

16. PERMITS AND LICENSES. TOWING CARRIER and his/her officers,
officials, employees and agents shall obtain and maintain during the term of this Agreement all
necessary licenses, permits and certificates required by law for the conduct of TOWING
CARRIER’S activities and for the provision of services hereunder, including a business license
issued by the City of Modesto.
17. **RESOLUTION OF DISPUTES.** Any dispute between the parties as to the nature and extent of the services to be performed under this Agreement, the level and manner of performance, the interpretation or application of any provisions of this Agreement must be submitted to the Police Chief for resolution. If no resolution is reached, the dispute shall be resolved through good faith negotiations between the City of Modesto and the parties. The determination made by the City Manager, or his/her designee, shall be final and conclusive as between the parties.

18. **INDEMNIFICATION.** TOWING CARRIER shall protect, defend, indemnify and hold harmless CITY, its officers, officials, employees and agents from and against any and all claim, cause of action, disability, liability, loss, damage, expenses, costs (including without limitation, costs and fees of litigation of every nature) for bodily injury or property damage or liability for workers’ compensation of any person, including the CITY, arising out of or in connection with TOWING CARRIER’S performance of its services under this Agreement, or its failure to comply with any of its obligations contained in this Agreement by TOWING CARRIER, its officers, agents or employees, except such loss or damage which was caused by the sole negligence or willful misconduct of the CITY.

19. **ENTIRE AGREEMENT.** This Agreement constitutes the entire understanding among the parties with regard to the matters herein. The terms of this Agreement are contractual and not a mere recital. There have been no representations, promises, or inducements of any kind made by any party other than those that appear as signatories hereto. Each covenant and condition mentioned in this Agreement is material consideration for each party to enter into this Agreement.
20. **PARTIES TO AGREEMENT.** This Agreement is intended to confer rights and benefits only on the signatories hereto and is not intended to confer any right or benefit upon any other person or entity. No person or entity other than the signatories hereto shall have any legally enforceable right under this Agreement. All rights of action of any breach of this Agreement are hereby reserved to the signatories hereto.

21. **VOLUNTARY AND KNOWING AGREEMENT.** Each of the parties hereto states that this Agreement is executed voluntarily and with knowledge of its significance and legal effect.

22. **AUTHORITY AND COMPETENCY.** Each party hereto expressly warrants and represents that the person executing this Agreement on its behalf is legally competent to and is authorized to enter into this Agreement and to bind said party to their representations, terms, conditions, and covenants as set forth herein.

23. **BINDING EFFECT.** This Agreement shall be binding upon and shall inure to the benefit of the signatories and their respective heirs, executors, administrators, trustors, trustees, beneficiaries, predecessors, successors, affiliated and related entities, officers, directors, principals, agents, employees, assigns, representatives, and all persons, firms, associations, and/or corporations connected with them including, with limitation, their insurers, sureties, and/or attorneys.

24. **SEVERABILITY.** If any provision or any part of any provision of this Agreement is for any reason held to be invalid, unenforceable, or contrary to any public policy, law, statute and/or ordinance, the remainder of this Agreement shall not be affected thereby and shall remain valid and fully enforceable.
25. **ASSIGNMENTS.** The TOWING CARRIER shall not assign, subcontract or transfer by operation of law any obligation hereunder without prior written consent of the City.

26. **Independent Contractor.** The TOWING CARRIER is and shall at all times remain as to the City a wholly independent contractor. Neither the City nor any of its officers, employees nor agents shall have control over the conduct of the TOWING CARRIER nor any of the TOWING CARRIER’s officers, employees nor agents, except as herein set forth. The TOWING CARRIER shall not at any time or in any manner represent that it or any of its officers, employees or agents are in any manner officers, employees or agents of the City.

27. **NOTICE.**

(a) This Agreement may be terminated by either party, without prejudice, upon thirty (30) days written notice to the other party.

(b) Any notice to be given pursuant to this Agreement by either party to the other shall be deposited with the United States Postal Service, postage prepaid, and addressed as follows:

CITY: Police Chief
       Modesto Police Department
       601 11th Street
       P. O. Box 1746
       Modesto, CA 95353

TOWING CARRIER: ________________________________
(c) Nothing in this paragraph shall be construed to prevent the giving
of notice by personal service.

IN WITNESS WHEREOF, the parties hereto have Executed this Agreement on
the day and date first shown above.

CITY OF MODESTO

By ________________________________
   JACK R. CRIST, City Manager

TOWING CARRIER

____________________________________
(Name of Company)

By ________________________________

ATTEST:

By ________________________________
   JEAN ZAHR, City Clerk

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

By ________________________________
   CAROL A. SCHMIDT
   Senior Deputy City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-157

A RESOLUTION AUTHORIZING THE ADDITIONAL POSITION OF DEPUTY CITY MANAGER IN THE CITY MANAGER’S OFFICE AND ORGANIZATIONAL REALIGNMENT REFLECTING THE CITY’S VISION.

WHEREAS, Council and staff have been working toward development of a Vision and Strategic Plan for the City; and

WHEREAS, the present organization structure does not encourage teamwork and is not efficient; and

WHEREAS, the vision-based organization model utilizes two Deputy City Managers to manage vision-oriented department teams; and

WHEREAS, the vision-based organization model provides a business-based structure that is more efficient and effective; and

WHEREAS, the vision-based organization model will improve accountability, responsiveness, communication and technology within the organization; and

WHEREAS, the vision-based organization model will reduce conflict areas or tension points within the organization; and

WHEREAS, the addition of a second Deputy City Manager position in the City Manager’s Office will eliminate the position of Assistant to the City Manager in the City Manager’s Office.
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that an additional deputy city manager position be established in the City Manager’s Office, the Assistant to the City Manager position be eliminated, and the organization be realigned to reflect the City’s vision.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JIAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-158

A RESOLUTION DECLARING EMERGENCY REPAIRS OF MAIN SEWER LINE
IN THE MODESTO HIGH SCHOOL TO BE OF URGENT NECESSITY FOR THE
PRESERVATION OF LIFE, HEALTH OR PROPERTY, AND AUTHORIZING THE
COMPLETION OF SAID REPAIRS WITHOUT COMPLYING WITH THE FORMAL
BIDDING REQUIREMENTS OF SECTION 1307 OF THE MODESTO CITY
CHARTER.

WHEREAS, on March 27, 2001, an 18” main sewer line collapsed in the area of Modesto High
School, and
WHEREAS, the collapsed sewer line must be repaired immediately to allow sewage flows to
continue to the Primary Treatment Site and to avoid discharge of sewage into the Modesto High School,
homes, and streets, and
WHEREAS, City staff has been arranging for contractors to start this work, and
WHEREAS, the cost of this project is estimated to be anywhere from $50,000 to $300,000 since
the extent of the repair is unknown at this time because of location of the collapse, and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of
Modesto that based on the facts as set forth above, the Council does hereby declare that the repair work to
the main sewer line is of urgent necessity for the preservation of life, health, or property and is hereby
authorized without compliance with the formal bidding process set forth in Section 1307 of the Modesto
City Charter.

The foregoing resolution was introduced at a regular meeting of the Council of the City of
Modesto held on the 3rd day of April, 2001, by Councilmember Frohman, who moved its adoption, which
motion being duty seconded by Councilmember Fisher, was upon roll call carried and the resolution
adopted by the following vote:

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

ATTEST: 

JEAN ZAHR, City Clerk

Operation & Maintenance/ Peter Cowles/ 4/3/01

2001-158

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

WHEREAS, on April 3, 2001, the City Council reconsidered Resolution No. 2001-143 as it relates to the ability of Council to limit the tee times available to the purchasers of annual passes, and

WHEREAS, Resolution No. 2001-143 is hereby amended solely with respect to Exhibit "A" so that the annual passes do not apply to tee times before 1:00 p.m. on Saturdays, Sundays, and Holidays, and

WHEREAS, Resolution No. 2001-143 is reaffirmed in every other respect and repeated in its entirety herein for the sake of administrative convenience, and

WHEREAS, in an effort to create golfer friendly courses and to attract new golfers as well as enhancing the play for existing golfers, City staff is recommending revising the nine-hole fee policy at Dryden Park Municipal Golf Course and Creekside Municipal Golf Course to allow the current fee to be effective all day, and changing the minimum number of players for shotgun tournaments from 144 to 120, and
WHEREAS, City staff is recommending a family tee program and related fees at the Municipal Nine-Hole Golf Course, and

WHEREAS, at City's Municipal Golf Courses, City staff is recommending a "play one round, get the second round at the same course on the same day for half price" policy, and permitting fivesome play, and an annual club membership, and

WHEREAS, the Golf Courses Committee met on February 26, 2001, and supported the recommendations of City staff regarding an annual Club Membership at City's Municipal Golf Courses, and a family tee program at Municipal Nine-Hole Golf Course, and

WHEREAS, the Human Services Committee met on February 14, 2001, and supported the recommendations of staff regarding an annual membership program and all changes in play policy, and

WHEREAS, by an agenda report to the City Council from the Recreation and Neighborhoods Department dated March 12, 2001, City staff recommended the changes as outlined in the report, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m. on March 27, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amended golf fees and play policy, and

WHEREAS, the Council of the City of Modesto finds that play policy for golfers at the Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course needs to be revised and new fees for play need to be established,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

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

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

SECTION 2. DISCOUNTS. (a) School Golf Teams. School golf team passes are to be issued only upon presentation by holder of a current high school or college student body card and verification of golf team membership by the school golf coach. Students shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility. Team members with team member passes must be accompanied by their respective golf coaches and shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf season. The specific spring school golf team season will be set by the golf professional after receiving the schools' schedules of matches from each school coach. Green fees at the rate of $2.25 per round shall continue to be implemented for high school and Modesto Junior College golf programs at the Modesto Nine Hole Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course.

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

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

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

(d) **Valu-Play Cards.** Golfers can purchase a weekday 6, 8 or 10 Valu-Play
(multiple play) card for Dryden/Creekside or Muni. Valu-Play Discounts are effective for sixty
(60) days from the date of purchase except for the months of December, January and February.
During this period multiple play cards will be good for the entire three months. Multiple play
cards are not refundable or transferable. The multiple play card is not good on weekends or
holidays.

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

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

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

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

SECTION 4. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

SECTION 5. POLICY. In order for fees to be consistent and competitive with other courses in the valley, the Play Day Policy for Play at the City’s Municipal Golf Courses by Non-Affiliated Groups shall continue to be implemented as set forth on Exhibit “C” attached hereto.

SECTION 6. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day (January 1st), Martin Luther King's Birthday (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4th), Labor Day (the first Monday in September), Veterans Day (November 11th), Thanksgiving Day (the fourth Thursday in November) and the day after Thanksgiving. When a holiday falls on Sunday, the following Monday shall be observed as a holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.
SECTION 7. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established greens fees.

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

SECTION 9. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after April 1, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich

MICHAEL D. MILICH, City Attorney
# CITY OF MODESTO GOLF COURSES
## GREEN FEE SCHEDULE
### EFFECTIVE MARCH 15, 2001

### DRYDEN PARK MUNICIPAL GOLF COURSE

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
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</thead>
<tbody>
<tr>
<td>Weekdays, 9-holes</td>
<td>$12.50</td>
</tr>
<tr>
<td>Weekdays, 9-holes (seniors/juniors/disabled)</td>
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<tr>
<td>Weekdays, 18-holes</td>
<td>$17.00</td>
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<tr>
<td>Weekdays, 18-holes (seniors/juniors/disabled)</td>
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<tr>
<td>Weekdays, 18-holes (juniors, after noon)</td>
<td>$9.50</td>
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<tr>
<td>Weekdays Mid-day, 18-holes</td>
<td>$13.00</td>
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<tr>
<td>Weekdays Super-Twilight, 18-holes</td>
<td>$7.00</td>
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<tr>
<td>Weekdays afternoon League Play</td>
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<tr>
<td>Weekends/Holidays, 9-holes</td>
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<tr>
<td>Weekends/Holidays Mid-day, 18-holes</td>
<td>$16.00</td>
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<tr>
<td>Weekends/Holidays Super-Twilight, 18-holes</td>
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<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
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<tbody>
<tr>
<td>6-play Valu-Play booklet</td>
<td>$84.00</td>
</tr>
<tr>
<td>6-play Valu-Play booklet (seniors/juniors/disabled)</td>
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### CREEKSIDE MUNICIPAL GOLF COURSE

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</tbody>
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8-play Valu-Play booklet (seniors/juniors/disabled) $ 96.00
10-play Valu-Play booklet $140.00
10-play Valu-Play booklet (seniors/juniors/disabled) $120.00

MODESTO NINE HOLE MUNICIPAL GOLF COURSE (MUNI)

Weekdays, 9-holes $ 10.00
Weekdays, 9-holes (seniors/juniors/disabled) $ 8.00
Weekdays, 9-holes (juniors, after noon) $ 5.50
Weekdays Mid-day, 9-holes $ 8.00
Weekdays Super-Twilight, 9-holes $ 6.00
Weekdays afternoon League Play $ 7.00
Weekdays/Holidays, 9-holes $ 12.00
Weekdays/Holidays, 9-holes (juniors, after noon) $ 6.50
Weekdays/Holidays Mid-day, 9-holes $ 9.00
Weekdays/Holidays Super-Twilight, 9-holes $ 7.00

6-play Valu-Play booklet $ 42.00
6-play Valu-Play booklet (seniors/juniors/disabled) $ 36.00
8-play Valu-Play booklet $ 56.00
8-play Valu-Play booklet (seniors/juniors/disabled) $ 48.00
10-play Valu-Play booklet $ 70.00
10-play Valu-Play booklet (seniors/juniors/disabled) $ 60.00

Weekdays, 9-holes, Family Tees $ 5.00
Weekends, 9-holes, Family Tees $ 6.00

MUNICIPAL NINE-HOLE GOLF COURSE, DRYDEN PARK MUNICIPAL GOLF COURSE
AND CREEK SIDE MUNICIPAL GOLF COURSE

*Annual Club Membership, Initial Membership $150.00
*Annual Club Membership, Every Day $800.00
*Annual Club Membership, Every Day, Jr./Sr. $700.00
*Annual Club Membership, Every Day, Family $1,200.00
*Annual Club Membership, Every Day, Family, Jr./Sr. $1,050.00
*Annual Club Membership, Week Day $650.00
*Annual Club Membership, Week Day, Jr./Sr. $550.00
*Annual Club Membership, Week Day, Family $975.00
*Annual Club Membership, Week Day, Family, Jr./Sr. $825.00

*The annual passes provided for above shall not apply to tee times prior to 1:00 p.m. on Saturdays, Sundays, and Holidays.
TOURNAMENT FEE SCHEDULE AND POLICY  
EFFECTIVE MARCH 15, 2001

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<td>Weekend</td>
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In addition, a non-refundable deposit of $50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees ($18.00 weekdays/$25.00 weekends at Creekside, $16.00 weekdays/$22.00 weekends at Dryden and $10.00 weekdays/$12.00 weekends at Muni); and Pro Shop merchandise credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni); and golf course restaurant credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni).

Full shotgun tee time style tournaments require a minimum of 120 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include: green fees ($22.00 weekdays/$30.00 weekends at Creekside, $20.00 weekdays/$27.00 weekends at Dryden and $12.00 weekdays/$14.00 weekends at Muni); cart rental ($13.00 at Creekside/Dryden and $11.00 at Muni); and Pro Shop merchandise credit ($7.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni); and golf course restaurant credit ($7.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni). Cart rental is required for shotgun style tournaments.

Modified shotgun tee time style tournaments require a minimum of 72 players at Creekside/Dryden. Per player fees include: green fees ($22.00 weekdays/$30.00 weekends); cart rental ($13.00 at Creekside, $19.00 weekdays/$26.00 weekends at Dryden); and Pro Shop merchandise credit ($7.00 at Creekside/Dryden). Cart rental is required for shotgun style tournaments. Modified shotgun style tournaments are not available at Muni.

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

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

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

Criteria for these groups are:

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

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

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

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

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

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

In recognition of their contribution to the golf program, no mandatory pro shop or restaurant fees will be assessed. Tee time reservations, in advance of public reservations, will be allowed.
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-160

A RESOLUTION APPROVING A PROJECT PRIORITIES LIST FOR THE CITY OF MODESTO’S TRANSPORTATION ADVOCATE, AARON READ AND ASSOCIATES.

WHEREAS, there are a number of future transportation projects in and around the City of Modesto that are of high importance to the community, and

WHEREAS, resources from traditional funding mechanisms for these projects are not sufficient to provide timely delivery of these projects for the benefit of the community, and

WHEREAS, on January 23, 2001, the City Council approved a contract with Aaron Read and Associates to assist the City in securing additional transportation funding for these projects that would otherwise not be available to the City, and

WHEREAS, Aaron Read and Associates require direction as to which projects the City wishes their advocacy efforts to be focused on, and

WHEREAS, the City’s Transportation Policy Committee approved this list of projects at its February 22, 2001 meeting, and

WHEREAS, that list has been presented to the City Council for consideration and approval,

WHEREAS, at its meeting of April 10, 2001, Council requested the addition of Kansas/99 Project to the list of projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves said list of projects as shown on Exhibit A attached, said list to be transmitted to Aaron Read and Associates for their direction and use.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Frohman, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT A

PROJECT PRIORITIES LIST

- Pelandale/Highway 99 Interchange
- Kiernan Avenue/SR 99 Interchange
- Kansas/Highway 99 Interchange
- Briggsmore Ave/Carpenter Road/Highway 99 Interchange
- Tuolumne Boulevard Extension/Underpass
- Altamont Commuter Express Extension to Stanislaus County/Modesto
- Citywide Street Repair and Rehabilitation
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-161

A RESOLUTION ACCEPTING THE PROJECT TITLED “STOCKARD COFFEE PARK” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Stockard Coffee Park, has been completed by Duley’s Landscape, Inc., in accordance with the contract agreement dated September 7, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Stockard Coffee Park be accepted from said contractor, Duley’s Landscape, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $337,494.39 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: (SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001 -162

A RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE APPLICATION FOR THE FEDERAL 2001 COPS MORE GRANT

WHEREAS, the Federal Office of Community Oriented Policing Services (COPS) is requesting grant applications from municipal law enforcement agencies for technological systems that will enhance local police operations, and
WHEREAS, the City of Modesto, may make application for such a project, and
WHEREAS, the City of Modesto desires to make an application for $500,000 for thirty Mobile Data Computers for police vehicles and for a LiveScan Fingerprint System, and
WHEREAS, the requirements of the grant award process require that municipal recipients provide a cash match of twenty-five percent, and
WHEREAS, that cash match of twenty-five percent for the City of Modesto 2001 COPS MORE application is $125,000, and
WHEREAS, the State of California is expected to fund the California Law Enforcement Equipment Purchase program for fiscal year 2001/2002 in an amount for the City of Modesto Police Department that will be sufficient to make this $125,000 match, and
WHEREAS, it is legally permissible to match federal grant funds with State grant funds, and
WHEREAS, the matching funds for the 2001 COPS MORE grant project from the California Law Enforcement Equipment Purchase program will become available to the City at approximately the same time as the 2001 COPS MORE grant contract is issued, and
WHEREAS, at its March 5, 2001 meeting the Public Safety Committee unanimously recommended adoption of a resolution to apply for the 2001 COPS MORE Grant,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager be authorized to make application for a 2001 COPS MORE Grant for $500,000 for thirty Mobile Data Computers for police vehicles and for a LiveScan Fingerprint System.

Police/Ron Sale/ 4/10/01
The foregoing resolution was introduced at a regular meeting of the Council of the city of Modesto held on the 10th day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

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

NO: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-163

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE A REQUEST FOR QUALIFICATIONS (RFQ) TO CONSIDER AN ORGANIZATION/GROUP CAPABLE OF MANAGING THE PUBLIC, EDUCATION AND GOVERNMENT (PEG) STUDIO AND PROGRAMMING ON THE CABLE NETWORK.

WHEREAS, on February 13, 2001 the City Council approved a settlement agreement between Cable One, AT&T Broadband and the City of Modesto, and

WHEREAS, the agreement required Cable One to pay $1.1 million dollars to the City for the upgrade of the existing Institutional Network (I-NET) and cover expenses related to the improvements of the Public-Education-Government (PEG) studio, and

WHEREAS, on March 1, 2001 the transfer of ownership of the Modesto cable system was completed between Cable One and AT&T Broadband, naming United Cable Television Corporation as operator of the cable system, and

WHEREAS, AT&T agreed to continue management of the PEG studio for a 12-month period beginning with the approval of the franchise agreement with United Cable Television Corporation on February 13, 2001, and

WHEREAS, the City must find a qualified applicant to manage the PEG, and

WHEREAS, based on the recommendation by City Council at the February 13, 2001 Public Hearing, several of the PEG users, the Local Cable Programming Committee and the Utility Services and Franchise Committee, and the transfer settlement agreement with AT&T, the City would like to issue a RFQ to identify organizations/groups interested in providing service and negotiating a the best possible contract.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it authorizes the City Manager to issue a RFQ for PEG.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-164

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE PURCHASE OF THREE LOW FLOOR TRANSIT COACHES FROM THE GILLIG CORPORATION.

WHEREAS, the Council of the City of Modesto, at its regular meeting held on the 6th day of March, 2001, adopted Resolution No. 2001-90, approving the purchase of three (3) transit buses from the Gillig Corporation at a cost of Nine Hundred Six Thousand Nine Hundred Forty-Eight And 81/100 Dollars ($906,948.81) F.O.B. Modesto, including state and local sales taxes and

WHEREAS, a formal contract is necessary to authorize the purchase of the buses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is authorized to execute a contract in the amount mentioned above for the purchase of three low floor transit coaches from the Gillig Corporation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-165

A RESOLUTION DISMISSING ADMINISTRATIVE APPEAL OF
NATIONAL MED, INC.

WHEREAS, on January 18, 2001, the City’s Finance Director, Robert Stout, issued his “Findings of Fact and Conclusions of Law Re Administrative Hearing Proceedings Pursuant to Modesto Municipal Code Section 6-1.117, and Stipulation Between the City of Modesto and NMI” (National Med, Inc.), and,

WHEREAS, the Finance Director’s Findings of Fact and Conclusions of Law were based on evidence developed after an administrative proceeding that was originally calendared for hearing by written notice dated September 23, 2000, from Mr. Stout to NMI which document set an original date for the proceeding of October 25, 2000, and included notice that at the administrative hearing,

NMI may show cause and introduce evidence why the tax set forth in this notice should not be . . . fixed. In addition, NMI will have the right to be represented by counsel, to call, present, and to cross-examine witnesses. NMI should produce all documents, records and other things tending to support its claims of tax exemption for inclusion in the administrative record. At NMI’s request, City will produce witnesses who are currently employed or otherwise subject to its authority. City requests that NMI produce [certain witnesses] at the hearing.

and Mr. Stout’s notice further advised NMI of its appeal rights to the Modesto City Council in accordance with the procedure prescribed by Modesto Municipal Code Section 1-4.01 and following, and,

WHEREAS, the City Attorney’s office was advised that NMI could not attend the October 25th hearing due to the sudden illness of its counsel, Mr. Charles Moll III, of the law firm of Morrison & Foerster, San Francisco, and pursuant to correspondence of November 7, 2000, from Mr. Stout to Robert W. Mills, Chief Executive Officer of NMI, a continued date of
November 14, 2000, was set for the administrative hearing, and,

WHEREAS, pursuant to correspondence of November 13, 2000, to Mr. Stout from Mr. Mills, NMI advised that it would be, "... unable to attend the administrative hearing the City has scheduled on November 14th at 1:00 p.m., [because] ... I am unable to arrange for appearance with legal counsel that day." and,

WHEREAS, pursuant to "Agreement to Waive Statute of Limitations" between the City and NMI dated November 13, 2000, which recites, "WHEREAS, NMI was unable to proceed with the administrative hearing [on October 25, 2000] due to the infirmity of its legal counsel; ... .", and NMI was again unable to proceed with counsel, the agreement barred certain statute of limitations defenses, and "pursuant to NMI's request, set the administrative hearing on January 18, 2001," and,

WHEREAS, the administrative hearing did proceed in City Hall on January 18, 2001, pursuant to the aforementioned agreement, and NMI was given the opportunity and did present witnesses and introduce documentary evidence into the administrative record, and was given the opportunity to examine and re-examine its witnesses, and to cross-examine witnesses offered by the City, and to argue the merits of its case, and no evidence was refused which was offered by NMI, but evidence offered by the City was refused, and claims made on behalf of the City were rejected, and upon close of argument counsel for NMI did submit the matter to the Administrative Hearing Officer, Mr. Stout, for determination without objection, and,

WHEREAS, Mr. Stout's Findings of Fact and Conclusions of Law were timely issued on February 16, 2001, in accordance with the procedure prescribed by the Modesto Municipal Code for the determination of amount of tax by the Finance Director, and did fix a tax and penalties as more completely set forth therein in the amount of $1,021,228.44, and the Findings of Fact and Conclusions of Law did advise both NMI and its counsel that it might appeal the Administrative Determination of the Finance Director sitting as hearing officer to the Modesto City Council in accordance with the procedure prescribed by Modesto Municipal Code Section 1-4.01 and following, and,

WHEREAS, Modesto Municipal Code Section 1-4.02(a) provides that "When written
notice of the ... decision, from which the appeal is taken is ... given, a Notice of Appeal must be filed with the City Clerk within fifteen (15) days of such notice being given,” and,

WHEREAS, NMI’s Notice of Appeal filed on its behalf by its counsel was received by the Modesto City Clerk on March 7th at 3:31 p.m. and filed forthwith, and so was filed beyond the limit prescribed in the Modesto Municipal Code for the filing of appeals from written decisions of which notice is given, and,

WHEREAS, City staff determined that it would be in the interest of justice to offer NMI the opportunity to appeal in any event, having weighed the conflicting interest of the City in receiving the tax and penalties fixed by the hearing officer into its general fund, and did set the hearing of NMI’s appeal to be heard by the City’s Council at the regularly scheduled Council meeting on Tuesday, April 3, 2001, as prescribed by Modesto Municipal Code Section 1-4.03, and written notice of a change in the appeal hearing date from April 3, 2001, to April 10, 2001, was provided to NMI’s attorneys on March 28, 2001, and no objection was received from counsel for NMI to the changed hearing date, and,

WHEREAS, on April 10, 2001, the date of the continued hearing on NMI’s appeal, the City Attorney received, during the noon hour, a facsimile transmission from counsel for NMI requesting a continuance of the hearing scheduled five hours later that day due to another infirmity of NMI’s attorney, Mr. Moll, (true and correct copy attached as Exhibit “A”) and,

WHEREAS, the City Attorney advised NMI’s co-counsel by facsimile transmission two hours later on the afternoon of April 10, 2001, (true and correct copy attached as Exhibit “B”) that he found no reason why co-counsel for NMI, who had been present at the hearing, and involved in the matter, and was not claiming infirmity, could not be present in light of the longstanding financial uncertainty of the City generated by the matter, that he would argue to the Council that the appeal of NMI should not be continued, and urged counsel to appear on behalf of its client at the meeting as noticed, and,

WHEREAS, counsel for NMI provided written notice by facsimile transmission at the starting time of the council meeting, 5:15 p.m., April 10, 2001, that, “... pursuant to Modesto Municipal Code Section 1-4.03, NMI waives its right to a hearing before the City Council within
30 days after filing its Notice of Appeal,” (true and correct copy attached as Exhibit “C”) and,

WHEREAS, the Council, by motion, denied NMI’s written request to continue the hearing until May 15, 2001, and neither NMI’s counsel nor its co-counsel was present at the Council meeting designated for NMI’s appeal of the Finance Director’s fixing of NMI’s gross receipts tax obligation, and the City Council had read and reviewed the extensive record created in the matter, and was prepared to entertain NMI’s appeal at that time and place,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that the Administrative Appeal of NMI is hereby dismissed due to the failure of any representative of NMI to appear at the time and place set for the appeal hearing.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
April 10, 2001

By Telefacsimile
By U.S. Mail

Modesto City Council
c/o Ms. Jean Zahr
City Clerk's Office
1010 Tenth Street, Suite 660C
Modesto, CA 95354

Re: Continuance of City Council Hearing

Dear Ladies and Gentlemen:

On behalf of National Med, Inc. ("NMI"), I am writing to request a continuance of the hearing currently scheduled before the City Council on April 10, 2001. Charles Moll, NMI's attorney, was injured this weekend and is unable to attend the hearing this evening. For this reason, I would like to request that NMI's hearing be rescheduled to May 15, 2001.

Thank you for your consideration of this matter.

Very truly yours,

Pilar M. Sansone
EXHIBIT B
April 10, 2001

Transmitted Via Facsimile
and First Class Mail

Pilar M. Sansone, Esq.
MORRISON & FOERSTER, LLP
425 Market Street
San Francisco, CA 94105

Re: Continuance of Appeal of NMI Adjudication.

Dear Ms. Sansone:

The City Clerk has provided us with a copy of your request for a continuance (received via fax at 12:17 p.m. today).

I am aware that you personally are counsel of record for NMI, and that you appeared and were present throughout the January 18th hearing of the above-captioned matter. Accordingly there is no reason why you cannot be present at the Council meeting tonight to prosecute the appeal of NMI if required. I am informed that at least two past delays are chargeable to Mr. Moll’s various injuries and illnesses.

Your request is also objectionable as it is coming from counsel for an entity we feel has fraudulently delayed payment of taxes for in excess of four years and has asserted the statute of limitations contrary to our position. Moreover, NMI’s appeal was untimely filed by you. Regardless of that, we gave you the administrative courtesy of agreeing to hear your appeal, though late. For obvious financial reasons it is important to us to resolve a matter involving the sum claimed here as expeditiously as possible, and this has already dragged on for a great deal of time. We note that your request does not include a waiver of any applicable ordinances. You should be advised that our ordinance requires the hearing of NMI’s appeal prior to the date you suggest. If we were to allow the continuance you suggest, NMI might argue through you that Modesto had “blown time.”
For all of the foregoing reasons, my office will argue to the Council that the appeal of NMI should not be continued, and should be heard tonight. Having said that, it is entirely within the Council's discretion, at this point, to either hear the appeal or not hear the appeal as its wisdom may allow. Accordingly, for all these reasons, I again urge you to appear on behalf of your client tonight. Obviously, you should be prepared, if necessary, to argue the appeal should you be so directed by our City Council.

Please contact us by facsimile transmission today should you have any questions or comments or further information with respect to the appeal.

Very truly yours,

MICHAEL D. MILICH
City Attorney

MDM:am
cc: Mayor and Councilmembers
    Jack Crist, City Manager
    Jean Zahr, City Clerk
    Robert Stout, Finance Director
    Renee Ledbetter
EXHIBIT C
April 10, 2001

By Telefacsimile
By U.S. Mail

Mr. Michael D. Milich, Esq.
Office of the City Attorney
1010 Tenth Street, Suite 6300
Modesto, CA 95353

Re: Continuance of City Council Hearing

Dear Mr. Milich:

This letter is in response to your letter dated April 10, 2001, which contains several misrepresentations.

First, NMI has never before requested a delay due to the "various injuries and illnesses" of Mr. Moll. Second, NMI's notice of appeal was timely filed with the City Clerk on March 5, 2001. Third, NMI's filing position with the City is not fraudulent, and NMI looks forward to the opportunity to present its case and respond to the City's fraud allegations, which were raised for the first time at the hearing before the Finance Director on January 18, 2001.

In this regard, we must convey our serious concerns over your lack of objectivity in this matter. In both your letter to me and your recent statements to the press, you have proclaimed your opinion regarding the City's baseless fraud allegations. As an officer of the court, you should know better than to jump to a conclusion before all of the evidence has been heard.

As you must be aware, NMI and the City have discussed NMI's filing position over the years and the City has permitted taxpayers in circumstances similar to NMI's to file on the same basis as NMI, which you now claim is fraudulent.

The inflammatory rhetoric of your letter overlooks the following: NMI collects and remits contract premiums on behalf of certain service providers, entitling it to the agent/trustee exclusion as set forth in Modesto Municipal Code section 6-1.101(f)(6),
MORRISON & FOERSTER LLP

Mr. Michael D. Milich
April 10, 2001
Page Two

and a portion of the revenues sought to be taxed are earned outside of the City's limits, and thus may not be taxed by the City.

That said, pursuant to Modesto Municipal Code section 1-4.03, NM1 waives its right to a hearing before the City Council within thirty days after filing its notice of appeal. We look forward to presenting our case on the merits before an unbiased City Council on May 15, 2001, as requested in my earlier letter.

Very truly yours,

Pilar M. Sansone

cc: City Council Members, c/o Jean Zahr
    Jack Christ, City Manager
    Robert Stout, Finance Director
    Robert Mills
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-166

A RESOLUTION SETTING A PUBLIC HEARING TO BE HELD ON JUNE 26, 2001, WITH THE INTENT TO CONSIDER THE PROPOSED WATER RATE INCREASE OF 2% ACROSS-THE-BOARD IN WATER ZONES 1, 2 AND THAT PORTION OF ZONE 3 THAT WILL RECEIVE FLUORIDATED WATER TO FUND OPERATIONS AND MAINTENANCE COSTS RELATED TO FLUORIDATION OF THE WATER, AND GIVING NOTICE AS PROVIDED BY LAW OF THE PROPOSED WATER RATE INCREASE.

WHEREAS, under Proposition 218, certain fees or charges cannot be increased by any agency unless it meets certain requirements, and

WHEREAS, on June 27, 1995, the City Council adopted Resolution 95-324 establishing a rate structure with three (3) separate zones, and

WHEREAS, on May 30, 2000, the City Council adopted Resolution 2000-254, directing the City Manager to take appropriate measures toward the introduction of fluoride into the City water system, and

WHEREAS, by an Agenda Report dated March 26, 2001, from the Engineering and Transportation Department, City staff recommended a water rate increase to fund operations and maintenance costs related to the fluoridation of water in Zones 1, 2 and that portion of Zone 3 that will receive fluoridated water, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, on April 10, 2001, the City Council considered City staff’s recommendation to give notice as required by Proposition 218 and set a public hearing to be held on June 12, 2001, to consider a water rate increase to fund operations and maintenance costs related to the fluoridation of water in Zones 1, 2 and that portion of Zone 3 that will receive fluoridated water.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Tuesday, June 26, 2001, at 5:15 p.m., located in the Chambers at 1010 Tenth Street, Modesto, California, is hereby set as the date, time and place for a public hearing to consider a water rate increase to fund operations and maintenance costs related to the fluoridation of water in Zones 1, 2 and that portion of Zone 3 that will receive fluoridated water as recommended by City staff in Agenda Report dated March 26, 2001, a copy of which is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that staff is authorized to send notices as provided by law of the proposed water rate increase.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Conrad, Frohman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-167

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER TO APPROPRIATE $195,372 FROM THE STORM DRAIN FUND CAPITAL IMPROVEMENT PROGRAM TO THE STORM DRAIN OPERATING BUDGET FOR THE CONSTRUCTION OF ROCKWELLS.

BE IT RESOLVED that the Council of the City of Modesto that the following appropriation transfer is approved:

FROM:

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<td>-12,332</td>
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<tr>
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<td>Annual Catch Basin</td>
<td>-78,248</td>
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<td>Rockwell Repl/Add</td>
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<td>College/Coldwell Lift St.</td>
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<td>Coffee Rd. Storm Drain</td>
<td>-595</td>
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<td>Sunken Sidewalks @ Rockwells</td>
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TO:

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<td>6280-480-5312-0235</td>
<td>Services, Professional &amp; Other</td>
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The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 2001, by Councilmember Frohman, who moved its adoption, which motion being duty seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:

J. BAN ZAHR, City Clerk

O&M/Peter Cowles/4/10/01 2001-167
A RESOLUTION APPOINTING SUSAN JOHNSEN TO THE COMMUNITY QUALITIES FORUM

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

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

SECTION 1. Susan Johnsen is hereby appointed to the Community Qualities Forum with a term expiration of January 1, 2005.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001 -169

A RESOLUTION IN SUPPORT OF RECOMMENDATIONS MADE BY THE LEAGUE OF CALIFORNIA CITIES ENERGY TASK FORCE AND DIRECTING STAFF TO INCLUDE RECOMMENDATIONS IN THE CITY OF MODESTO'S LEGISLATIVE PLATFORM.

WHEREAS, California faces unprecedented energy challenges and severe electricity supply shortages; and

WHEREAS, the League of California Cities has appointed an Energy Task Force to advise the League’s Board of Directors, policy committees, and staff on energy issues before the Legislature; and

WHEREAS, the recommendations of the Energy Task Force are as follows:

a) Conservation in City Facilities
   i) Support conservation recommendations proposed by the League and California State Association of Counties;
   ii) Support legislation that provides direct funding for conservation and demand reduction projects in city facilities;
   iii) Work to obtain the greatest level of funding for local governments and in crafting legislation that is effective and beneficial to local governments;

b) Siting Energy Facilities
   i) Support incentives that stimulate development and siting of more energy generation facilities;

c) Power Plant Siting
   i) Support legislation that increases the threshold at which a city is the lead permitting agency for an energy facility from 50 to 100 MW (or above) and oppose legislation which decreases the threshold;
   ii) Take no position on proposals to streamline the facility approval process except to suggest revisions which reflect technical comments from city experts on local government review and comment related provisions;
iii) Explore exempting cities with municipal utilities completely from the Energy Commission review process for all power plant proposed within their jurisdiction, regardless of the size of the facility;

d) Environmental Regulation of Power Plants
   i) Do not get directly involved in legislative discussions and take no position on legislation to relax, suspend, or eliminate environmental regulations except to ensure that cities do not bear the burden of meeting the shortfall in environmental protection;

e) Public Power Options
   i) Support all bills that enhance the public power options available to cities and counties;
   ii) Condition support and/or sponsorship upon correct language being written. Work with municipal utilities and others to ensure provisions are correctly drafted;

f) Interruptible Rates
   i) Take no position on legislation dealing with changes in interruptible rates, but monitor subject carefully;
   ii) Express concern that resolution of this issue seeks equity for ratepayer classes and communities;

h) Wholesale Regional Price Caps – Federal Legislation
   i) Take no position on federal legislation to give the Secretary of Energy authority to impose regional wholesale price caps on electricity;

   g) Rotating Outages – Exemptions
      i) Ensure that police and fire facilities are appropriately protected either legislatively or administratively if the range of exempted facilities is expanded;
      ii) Seek legislation or administrative resolution to giving advance notification to those businesses that use hazardous materials which could pose a danger if the plant is not shut down properly;
      iii) Seek grant or loan funding for essential services (i.e., police/fire, water/wastewater) to purchase new or replace existing back-up generators that are more energy efficient and less polluting;
i) Price Gouging by Electricity Suppliers

i) Support efforts to determine whether market abuse occurred and asking that
appropriate action be taken to remedy the problem if illegal activity did occur; and
WHEREAS, the recommendations of the Energy Task Force have been adopted as
interim League policy and will be used by League staff to lobby issues, support, or oppose bills
and seek amendments favorable to California’s cities; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of
Modesto that it is in support of these recommendations from the League Energy Task Force.

BE IT FURTHER RESOLVED that the Council of the City of Modesto directs that these
recommendations be included in the City’s legislative platform.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 10th day of April, 2001, by Councilmember Friedman, who moved its
adoption, which motion being duty seconded by Councilmember Smith, was upon roll call
carried and the resolution adopted by the following vote:

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

ATTEST: ____________________________________________
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-170

A RESOLUTION TO APPROVE THE ASSIGNMENT OF FOSTER FARMS' JULY 15, 1980 LEASE TO MODESTO EXECUTIVE AIR CHARTER, D/B/A SKY TREK AVIATION

WHEREAS, the City of Modesto hereafter referred to as "CITY" and Foster Farms hereafter referred to as LESSEE entered into a long-term ground lease on July 15, 1980 for use of airport property at 829 Airport Way to construct a corporate aircraft hangar, and

WHEREAS, the lease agreement was extended by an amendment to the lease approved by the CITY on April 4, 2000, and

WHEREAS, LESSEE is constructing a new and larger corporate hangar on a new leasehold, and

WHEREAS, LESSEE desires to sell their hangar located at 829 Airport Way, and Sky Trek Aviation has agreed to purchase the hangar, and

WHEREAS, Sky Trek Aviation is an excellent airport tenant providing quality service to the airport and community, and

WHEREAS, the Transportation Policy Committee considered the lease assignment on March 15th and they supported the transfer of the ground lease from Foster Farms to Sky Trek Aviation and are requesting the City Council consider its approval,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an assignment of the Foster Farms ground lease for property at 829 Airport Way to Sky Trek Aviation.

BE IT FURTHER RESOLVED, the City Manager is authorized to execute the lease agreement on behalf of the City.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the April 17, 2001 by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [signature]
Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

by [signature]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-171

A RESOLUTION APPROVING THE FINAL MAP OF ARBOR LANE NO. 2
SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, FLORSHEIM BROS., a California General Partnership, by Florsheim Properties, a California Corporation, Partner, are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 16.44 acres, known as ARBOR LANE NO. 2 ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 1st day of May, 2000, 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 ARBOR LANE NO. 2 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 Agreement hereinafter referred to.

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 17th day of April, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: Alison A. Barratt-Green
Senior Deputy City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-172

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO
SOLICIT REQUEST FOR BIDS FOR CONCRETE BOXES AND COVERS,
CAST IRON AND DUCTILE IRON FITTINGS AND RELATED ACCESSORIES

WHEREAS, the Finance Department has requested the purchase of concrete boxes and covers, cast iron and ductile iron fittings and related accessories (see Exhibit A) for FY 2001/2002 with three one-year extensions, and

WHEREAS, the Finance Department-Central Stores operations is responsible for maintaining inventory for concrete boxes and covers, cast iron and ductile iron fittings and related accessories (see Exhibit A) for use by all City departments for City projects, and

WHEREAS, by soliciting competitive bids for concrete boxes and covers, cast iron and ductile iron fittings and related accessories, the Finance Department-Purchasing Division will comply with the Modesto City Code, Section 8-3.204, 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 concrete boxes and covers, and cast iron and ductile iron fittings and related accessories (see Exhibit A) to be opened in the office of the City Clerk, 1010 10TH Street, in the City of Modesto, on April 24, 2001 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR (City Clerk)

Attachment 1) Exhibit A (Bid Materials)
EXHIBIT A
CENTRAL STORES ANNUAL BID QUANTITIES FOR WATER BOXES AND COVERS, CI COVERS AND FRAMES

GROUP I - BOXES & BOX COVERS  CHRISTY ONLY

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<td>FL30 BOX 12 100060</td>
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**GROUP II - CI COVERS & FRAMES**

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### CENTRAL STORES ANNUAL BID QUANTITIES FOR CI/DI FITTINGS, ACCESSORY AND GRIP RING KITS, GASKETS

#### GROUP I - CI & DI FITTINGS

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**GROUP II - KITS & GASKETS**

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Quantities represent average issues at Central Stores for calendar year 1999-2000.
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-173

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODesto AND NEW DEAL MARKET, STRICKLER ENTERPRISES, INC., TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 832 OAKDALE ROAD, MODesto.

WHEREAS, the City of Modesto has contracted with businesses to operate as pay stations for the convenience of its customers; and

WHEREAS, the City of Modesto has received a proposal from New Deal Market, Strickler Enterprises, Inc. to operate a utility payment station at 832 Oakdale Road; and

WHEREAS, in order to provide continued customer service, staff recommends that the agreement between the City of Modesto and New Deal Market, Strickler Enterprises, Inc., be approved; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and New Deal Market, Strickler Enterprises, Inc., to receive utility bill payments from customers at 832 Oakdale Road, Modesto be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

4/17/01 Finance/ G Adams-Bailey 2001-173
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-174

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FLAMINGO VIDEO, A SOLE PROPRIETORSHIP, TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 2549 YOSEMITE BLVD., MODESTO.

WHEREAS, the City of Modesto has contracted with businesses to operate as pay stations for the convenience of its customers,

WHEREAS, the City of Modesto has received a proposal from Flamingo Video, a Sole Proprietorship to operate a utility payment station at 2549 Yosemite Blvd.

WHEREAS, in order to provide continued customer service, staff recommends that the agreement between the City of Modesto and Flamingo Video, a Sole Proprietorship, be approved.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Flamingo Video, a Sole Proprietorship to receive utility bill payments from customers at 2549 Yosemite Blvd., Modesto be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

4/17/01 Finance/ Gail Adams-Bailey -1- 2001-174
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-175

A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF MODESTO 2000-2001 ANNUAL ACTION PLAN.

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

WHEREAS, the City Council, at its June 27, 2000 meeting approved the adoption of the 2000-2001 Annual Action Plan and the Five Year Consolidated Plan (July 1, 2000 through June 30, 2005) 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 March 7, 2001 and ended on April 6, 2001, and

WHEREAS, the Citizens Housing and Community Development Committee considered the proposed changes to the Annual Action Plan at its March 16, 2001 meeting and the Committee recommended that the City Council approve amendments to the Annual Action Plan as proposed by staff as well as budgetary adjustments as recommended by staff, and

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of April 24, 2001 to consider the proposed amendments to the 2000-2001 Annual Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Amendment to the 2000-2001 Annual Action Plan as presented to the Council is hereby approved, and a copy of said Amendment to the 2000-2001 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 17th day of April, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: ________________________________

JEAN ZAHR, City Clerk

APPROVED AS TO FORM: ________________________

By: ________________________________

MICHAEL D. MILICH, City Attorney
Attachment A

Proposed Amendment to
the City of Modesto 2000/2001 Annual Action Plan
(Spring 2001)

I. Deallocation of CDBG funding for Existing Projects

A. Prescott Estates Loan Agreement
   Decrease Account 1130-320-3256-0497 by $300,000
   Decrease Account 1150-320-3266-0497 by $150,000
   Decrease Account 1150-320-3266-0260 by $ 50,000
   -$500,000

   A loan to the Prescott Estates Homeowners Association will be cancelled, as the loan terms will not be met. The funds were intended to be used to pay for roof repairs.

B. MJC West Campus Business Park
   Decrease Account 1160-320-3267-0497 by $687,366
   -$687,366

   A grant to the Modesto Junior College West Campus Business Park will be cancelled. The funds were intended to be used for street improvement associated with this commercial development. The commercial project would have been required to provide meaningful jobs to low-income residents.

C. Miscellaneous Revenue
   Decrease Account 113-140-K018-6010 by $26,016
   Decrease Account 113-140-K018-6040 by $170,163
   Decrease Account 113-140-K018-6050 by $ 13,008
   Decrease Account 113-140-K018-6060 by $20,813
   Decrease Account 1150-320-3266-0260 by $105,000
   Decrease Account 1150-320-3266-0497 by $150,000
   Appropriate Revenue from Account 1150-320-3266-6301 of $151,634
   -$636,634

   The City has totaled cost savings from previous projects, included additional program income, and is proposing to reprogram the funding allocated to the Small Business Loan Program. Together, funds totaling $636,634 will be recommended for reprogramming.

D. Total Funding Available for Reprogramming

   The total amount of Community Development Block Grant funding available for reprogramming totals $1,824,000 for Fiscal Year 2000/2001.

II. Reallocation of CDBG funding for Projects/Programs

A. Housing Maintenance Programs:
1. Mandatory Housing Rehabilitation Program  $300,000
Allocate to 1130-320-3256-0497
This funding allocation is for the City’s mandatory housing rehabilitation program in designated target areas. This allocation would serve to provide housing rehabilitation loans to property owners that are required to bring their home(s) into building code compliance. Loans are based on the amount needed and the amount of equity in the home after it is repaired. This program previously focused its funding on multi-family projects outside of the City’s designated target areas.

2. Emergency Home Repair Program  $70,000
Allocate to 1130-320-3256-0495
This funding allocation is for the City’s Emergency Home Repair Program. This program provides loans up to $10,000 to address emergency and hazardous conditions in homes in any part of the City. This program has been very popular this year and the current funding allocation has been exhausted.

3. STANCO’s 5th Street Project  $39,000
Allocate to 1150-320-3266-0497
This funding allocation is to assist STANCO, a non-profit housing developer, complete the repair work on the property located at 607 5th Street. This rehabilitation project will result in the provision of 15 refurbished housing units that will be used in a transitional housing program. The project has previously received City funding and additional funds are needed to address unexpected rehabilitation costs.

B. Public Improvements (Capital Improvement Projects)

4. Americans with Disabilities Act (ADA) Curbs  $50,000
Allocate to (increase) 1130-430-M162-6040
The ADA curbs project provides funding to install or retrofit existing curbs for handicapped accessibility. This additional funding will result in the retrofitting of approximately 25 curb ramps in low-income areas. This additional allocation will result in a total commitment of $152,550 for this program during fiscal year 2000/2001.

5. Improvement of Hillside Drive  $100,000
Allocate to 1130-320-3262-5907
Hillside Drive, in the Airport Neighborhood, is planned to be constructed. This project would connect the two portions of Hillside Drive located south of Orville Wright School. This project will also lend itself to the eventual development of the park site next to the school.
6. Improvement of Sutter Avenue
   Allocate to 1130-320-3262-5908
   $200,000
   Sutter Avenue, in Southwest Modesto is proposed to be improved. This road is located in both the City and the County. The street has been in a state of disrepair and continues to deteriorate. As this street is receives heavy use and is located in the City’s low-income areas, it is eligible for funding. The City will attempt to collaborate with the County of Stanislaus to pay for part of the road improvement costs.

7. Street Improvements in Low-income Areas
   Establish New CIP 1130-310-M164-6040
   $150,000
   Additional street improvements consisting of curbs, gutters, sidewalks, street overlays, road construction are proposed for this year. A total of $200,000 in CDBG funding has already been committed to this category. Together the $350,000 in funding will be allocated to make these kinds of improvements in the City’s neediest low-income areas.

8. Park Playground Improvements
   Allocate to 1130-320-3262-5909
   $100,000
   Park playgrounds in Modesto’s west-side communities require refurbishment. This allocation will serve to either purchase or to refurbish playground apparatus in James Marshall Park.

9. Improvement of the Maddux Youth Center
   Allocate to 1130-320-3262-5910
   $200,000
   The Maddux Youth Center in west Modesto will be improved and equipped. A total of $450,000 of CDBG and City funds are already proposed from two year’s City Budget ($150,000 in City 2000/2001 funds and $300,000 in CDBG 2001/2002 funds). This allocation will be for an additional allocation for a total of $650,000 to help pay for improvements and/or equipment. The improvements include the addition of air conditioning, roof replacement, expansion of the gym area, replacement of doors and windows, installation of new flooring, improvements to the ceilings in the office and computer rooms, addition of new cabinets and sink in the pool table room. The purchase of new recreation equipment include weights, exercise equipment, mats, mirrors, punching bags, computers and other youth related equipment.

10. Property Acquisition to Serve Homeless Populations
    Allocate to 1130-320-3262-5911
    $150,000
    The allocation of $150,000 is proposed for the purchase of property within the City that would be used in the development of a homeless day facility. The Facility would be operated by a non-profit agency. It would provide office space for a drop-in center by other agencies that serve the homeless. The site is
intended to also provide job training, job placement, as well as assist in the furthering of educational attainment levels. A site and an administering non-profit agency have not been selected at this time.

D. Miscellaneous Projects

11. Installation of a Park Shelter
   Allocate to 1130-320-3254-5912
   $50,000

   A park shelter is proposed to be installed in Robertson Road Park. The shelter would serve to shelter residents from the rain and heat while visiting the park. There are no such improvements at the park at this time.

12. Neighborhood Clean-ups in Low-Income Areas
   Allocate to 1130-320-3256-0318
   $15,000

   The proposed allocation of $15,000 to the Neighborhood Clean-ups is intended to pay for clean-up costs that have exceeded the previously budgeted amount of $30,000. This program pays for the costs associated with Neighbors United and smaller neighborhood clean-up efforts conducted in low-income areas of the City.

13. Down Payment Assistance Program
   Allocate to 1130-320-3254-0497
   $50,000

   The allocation of $50,000 is proposed as additional funds for the Down Payment Assistance Program. This additional allocation would be used to offer larger loans to qualified applicants. The Program is planned to be amended to address the changing housing market. The program would result in more homeownership opportunities.

14. Westside Service Center
   Allocate to 1130-320-3256-5913
   $25,000

   This allocation is proposed as a contribution to the planned service center that is located on James Marshal Park. The Center is a collaborative effort between the County and the City. Many County and City services will be offered at the Center and will benefit many low-income residents in southwest Modesto.

15. Non Profit Property Acquisition
   Allocate to 1130-320-3256-5914
   $125,000

   This allocation is proposed for the Non Profit Property Acquisition Program. Neighborhood-based non-profits would be able to use this money to purchase a property to operate their programs from. The City desires to further its partnership efforts with stakeholders in the community.
16. Contractor Support Center
Allocate to 1160-320-3267-0496

This allocation is proposed for the development and implementation of a Contractor Support Center. The Center would operate in conjunction with the Workforce Development Program. Specifically, the Center would serve as a resource center for employees and contractors in the construction industry. The Center would coordinate training seminars, assist contractors in obtaining certification, bonding, and licenses. This program will help the City further employment and employee opportunities for the City’s low-income residents.

17. Community Based Development Organization
Allocate to 1130-320-3254-0496

This allocation is proposed for neighborhood-based non-profits that are interested in providing job training and job placement opportunities. Local non-profits can assist the City in providing these opportunities with residents in their own neighborhood. The program will further the City’s efforts in connecting residents with jobs.

18. Start-up Business Loan Program
Allocate to 1160-320-3267-0497

The allocation of $50,000 is proposed for a new start-up Business Loan Program also known as a micro-enterprise loan program. This loan program would make loans to small start-up businesses such as home occupations. This loan program would be a modification of the current Small Business Loan Program. This program would provide some income and employment opportunities for low-income residents.

TOTAL FUNDING ALLOCATIONS

$1,824,000
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-176

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL
OPERATING AND CAPITAL IMPROVEMENT PLAN BUDGETS TO
REALLOCATE $1,824,363 IN COMMUNITY DEVELOPMENT BLOCK GRANT
FUNDS

WHEREAS, the City of Modesto receives several Federal grants from the United States
Department of Housing and Urban Development (HUD) and
WHEREAS, the City Council, at its June 27, 2000 meeting approved the adoption of the
2000-2001 Annual Action Plan and the Five Year Consolidated Plan (July 1, 2000 through June
30, 2005) and
WHEREAS, since adoption of the Annual Action Plan, staff has determined that two
proposed activities will no longer take place, specifically a loan to Prescott Estates ($500,000)
and the Capital Improvement Project for MJC West Campus Business Park ($687,366), and
WHEREAS, staff has identified an additional $636,634 in miscellaneous unallocated
funds from savings from previous projects, program income and other loan payoffs, and
WHEREAS, staff desires to re-program these funds to other eligible projects as set forth
in Exhibit “A” attached hereto and incorporated herein by reference, and
WHEREAS, the Citizens Housing and Community Development Committee considered
the proposed changes to the Annual Action Plan at its March 16, 2001 meeting and the
Committee recommended that the City Council approve amendments to the Annual Action Plan
as proposed by staff as well as budgetary adjustments as recommended by staff, and
WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of
April 24, 2001 to consider the proposed amendments to the 2000-2001 Annual Action Plan,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2000-01 Annual Operating and Capital Improvement Plan Budgets are hereby amended to reallocate Community Development Block Grant Funds as indicated below:

<table>
<thead>
<tr>
<th>Account</th>
<th>Adjustment</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1130-320-3256-0497</td>
<td>(300,000)</td>
<td>Direct Loans</td>
</tr>
<tr>
<td>1150-320-3266-0497</td>
<td>(150,000)</td>
<td>Prescott Estates Loan Agreement</td>
</tr>
<tr>
<td>1150-320-3266-0260</td>
<td>(50,000)</td>
<td>Miscellaneous Services</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(500,000)</td>
</tr>
<tr>
<td>1160-320-3267-0497</td>
<td>(687,366)</td>
<td>MJC West &amp; Small business Loan Program</td>
</tr>
<tr>
<td>1130-140-k018-6010</td>
<td>(26,016)</td>
<td>Economic Development-College West</td>
</tr>
<tr>
<td>1130-140-k018-6040</td>
<td>(170,163)</td>
<td>Economic Development-College West</td>
</tr>
<tr>
<td>1130-140-k018-6050</td>
<td>(13,008)</td>
<td>Economic Development-College West</td>
</tr>
<tr>
<td>1130-140-k018-6060</td>
<td>(20,813)</td>
<td>Economic Development-College West</td>
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<tr>
<td></td>
<td>(230,000)</td>
<td></td>
</tr>
<tr>
<td>1150-320-3266-0260</td>
<td>(105,000)</td>
<td>Miscellaneous Services</td>
</tr>
<tr>
<td>1150-320-3266-0497</td>
<td>(150,000)</td>
<td>Housing Mtc Program</td>
</tr>
<tr>
<td>1150-320-3266-6301</td>
<td>(151,634)</td>
<td>RFL Principal Revenue - need to appropriate</td>
</tr>
<tr>
<td></td>
<td>(636,634)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1,824,000)</td>
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<tr>
<td>1130-320-3256-0497</td>
<td>300,000</td>
<td>Mandatory Housing Rehab Program</td>
</tr>
<tr>
<td>1130-320-3256-0495</td>
<td>70,000</td>
<td>Emergency Home Repair Program</td>
</tr>
<tr>
<td>1150-320-3266-0497</td>
<td>39,000</td>
<td>Stanco's 5th Street Project</td>
</tr>
<tr>
<td>1130-430-m162-6040</td>
<td>50,000</td>
<td>Americans with Disabilities Act (ADA) Curbs</td>
</tr>
<tr>
<td>1130-320-3262-5907</td>
<td>100,000</td>
<td>Improvement of Hillside Drive</td>
</tr>
<tr>
<td>1130-320-3262-5908</td>
<td>200,000</td>
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<td>1130-320-3262-5911</td>
<td>150,000</td>
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<td>1130-320-3254-5912</td>
<td>50,000</td>
<td>Installation of a Park Shelter</td>
</tr>
<tr>
<td>1130-320-3256-0318</td>
<td>15,000</td>
<td>Neighborhood Clean-up in Low Income Areas</td>
</tr>
<tr>
<td>1130-320-3254-0497</td>
<td>50,000</td>
<td>Down payment Assistance Program</td>
</tr>
<tr>
<td>1130-320-3256-5913</td>
<td>25,000</td>
<td>Westside Service Center</td>
</tr>
<tr>
<td>1130-320-3256-5914</td>
<td>125,000</td>
<td>Non Profit Property Acquisition</td>
</tr>
<tr>
<td>1160-320-3267-0496</td>
<td>50,000</td>
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<tr>
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<td>100,000</td>
<td>Community Based Development Organization</td>
</tr>
<tr>
<td>1160-320-3267-0497</td>
<td>50,000</td>
<td>Start up Business Loan Program</td>
</tr>
</tbody>
</table>
BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 2001, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: [Signature]

APPROVED AS TO FORM:

By: [Signature]

MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By: [Signature]

STAN FEATHERS, Budget Officer

4/17/01/ R&N/ Carolyn Eubanks
Proposed Amendment to the City of Modesto 2000/2001 Annual Action Plan (Spring 2001)

I. Deallocation of CDBG funding for Existing Projects

A. Prescott Estates Loan Agreement
   Decrease Account 1130-320-3256-0497 by $300,000
   Decrease Account 1150-320-3266-0497 by $150,000
   Decrease Account 1150-320-3266-0260 by $50,000
   -$500,000

   A loan to the Prescott Estates Homeowners Association will be cancelled, as the loan terms will not be met. The funds were intended to be used to pay for roof repairs.

B. MJC West Campus Business Park
   Decrease Account 1160-320-3267-0497 by $687,366
   -$687,366

   A grant to the Modesto Junior College West Campus Business Park will be cancelled. The funds were intended to be used for street improvement associated with this commercial development. The commercial project would have been required to provide meaningful jobs to low-income residents.

C. Miscellaneous Revenue
   Decrease Account 113-140-K018-6010 by $26,016
   Decrease Account 113-140-K018-6040 by $170,163
   Decrease Account 113-140-K018-6050 by $13,008
   Decrease Account 113-140-K018-6060 by $20,813
   Decrease Account 1150-320-3266-0260 by $105,000
   Decrease Account 1150-320-3266-0497 by $150,000
   Appropriate Revenue from Account 1150-320-3266-6301 of $151,634
   -$636,634

   The City has totaled cost savings from previous projects, included additional program income, and is proposing to reprogram the funding allocated to the Small Business Loan Program. Together, funds totaling $636,634 will be recommended for reprogramming.

D. Total Funding Available for Reprogramming

   The total amount of Community Development Block Grant funding available for reprogramming totals $1,824,000 for Fiscal Year 2000/2001.

II. Reallocation of CDBG funding for Projects/Programs

A. Housing Maintenance Programs:

Attachment A
1. Mandatory Housing Rehabilitation Program
Allocate to 1130-320-3256-0497
$300,000
This funding allocation is for the City’s mandatory housing rehabilitation program in designated target areas. This allocation would serve to provide housing rehabilitation loans to property owners that are required to bring their home(s) into building code compliance. Loans are based on the amount needed and the amount of equity in the home after it is repaired. This program previously focused its funding on multi-family projects outside of the City’s designated target areas.

2. Emergency Home Repair Program
Allocate to 1130-320-3256-0495
$70,000
This funding allocation is for the City’s Emergency Home Repair Program. This program provides loans up to $10,000 to address emergency and hazardous conditions in homes in any part of the City. This program has been very popular this year and the current funding allocation has been exhausted.

3. STANCO’s 5th Street Project
Allocate to 1150-320-3266-0497
$39,000
This funding allocation is to assist STANCO, a non-profit housing developer, complete the repair work on the property located at 607 5th Street. This rehabilitation project will result in the provision of 15 refurbished housing units that will be used in a transitional housing program. The project has previously received City funding and additional funds are needed to address unexpected rehabilitation costs.

B. Public Improvements (Capital Improvement Projects)

4. Americans with Disabilities Act (ADA) Curbs
Allocate to (increase) 1130-430-M162-6040
$50,000
The ADA curbs project provides funding to install or retrofit existing curbs for handicapped accessibility. This additional funding will result in the retrofitting of approximately 25 curb ramps in low-income areas. This additional allocation will result in a total commitment of $152,550 for this program during fiscal year 2000/2001.

5. Improvement of Hillside Drive
Allocate to 1130-320-3262-5907
$100,000
Hillside Drive, in the Airport Neighborhood, is planned to be constructed. This project would connect the two portions of Hillside Drive located south of Orville Wright School. This project will also lend itself to the eventual development of the park site next to the school.
6. Improvement of Sutter Avenue
Allocate to 1130-320-3262-5908 $200,000

Sutter Avenue, in Southwest Modesto is proposed to be improved. This road is located in both the City and the County. The street has been in a state of disrepair and continues to deteriorate. As this street is receives heavy use and is located in the City’s low-income areas, it is eligible for funding. The City will attempt to collaborate with the County of Stanislaus to pay for part of the road improvement costs.

7. Street Improvements in Low-income Areas
Establish New CIP 1130-310-M164-6040 $150,000

Additional street improvements consisting of curbs, gutters, sidewalks, street overlays, road construction are proposed for this year. A total of $200,000 in CDBG funding has already been committed to this category. Together the $350,000 in funding will be allocated to make these kinds of improvements in the City’s neediest low-income areas.

8. Park Playground Improvements
Allocate to 1130-320-3262-5909 $100,000

Park playgrounds in Modesto’s west-side communities require refurbishment. This allocation will serve to either purchase or to refurbish playground apparatus in James Marshall Park.

9. Improvement of the Maddux Youth Center
Allocate to 1130-320-3262-5910 $200,000

The Maddux Youth Center in west Modesto will be improved and equipped. A total of $450,000 of CDBG and City funds are already proposed from two year’s City Budget ($150,000 in City 2000/2001 funds and $300,000 in CDBG 2001/2002 funds). This allocation will be for an additional allocation for a total of $650,000 to help pay for improvements and/or equipment. The improvements include the addition of air conditioning, roof replacement, expansion of the gym area, replacement of doors and windows, installation of new flooring, improvements to the ceilings in the office and computer rooms, addition of new cabinets and sink in the pool table room. The purchase of new recreation equipment include weights, exercise equipment, mats, mirrors, punching bags, computers and other youth related equipment.

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The allocation of $150,000 is proposed for the purchase of property within the City that would be used in the development of a homeless day facility. The Facility would be operated by a non-profit agency. It would provide office space for a drop-in center by other agencies that serve the homeless. The site is
intended to also provide job training, job placement, as well as assist in the furthering of educational attainment levels. A site and an administering non-profit agency have not been selected at this time.

D. Miscellaneous Projects

11. Installation of a Park Shelter  
   Allocate to 1130-320-3254-5912  
   $50,000

   A park shelter is proposed to be installed in Robertson Road Park. The shelter would serve to shelter residents from the rain and heat while visiting the park. There are no such improvements at the park at this time.

12. Neighborhood Clean-ups in Low-Income Areas  
   Allocate to 1130-320-3256-0318  
   $15,000

   The proposed allocation of $15,000 to the Neighborhood Clean-ups is intended to pay for clean-up costs that have exceeded the previously budgeted amount of $30,000. This program pays for the costs associated with Neighbors United and smaller neighborhood clean-up efforts conducted in low-income areas of the City.

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   Allocate to 1130-320-3254-0497  
   $50,000

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14. Westside Service Center  
   Allocate to 1130-320-3256-5913  
   $25,000

   This allocation is proposed as a contribution to the planned service center that is located on James Marshal Park. The Center is a collaborative effort between the County and the City. Many County and City services will be offered at the Center and will benefit many low-income residents in southwest Modesto.

15. Non Profit Property Acquisition  
   Allocate to 1130-320-3256-5914  
   $125,000

   This allocation is proposed for the Non Profit Property Acquisition Program. Neighborhood-based non-profits would be able to use this money to purchase a property to operate their programs from. The City desires to further its partnership efforts with stakeholders in the community.
16. Contractor Support Center
Allocate to 1160-320-3267-0496
$50,000

This allocation is proposed for the development and implementation of a Contractor Support Center. The Center would operate in conjunction with the Workforce Development Program. Specifically, the Center would serve as a resource center for employees and contractors in the construction industry. The Center would coordinate training seminars, assist contractors in obtaining certification, bonding, and licenses. This program will help the City further employment and employee opportunities for the City’s low-income residents.

17. Community Based Development Organization
Allocate to 1130-320-3254-0496
$100,000

This allocation is proposed for neighborhood-based non-profits that are interested in providing job training and job placement opportunities. Local non-profits can assist the City in providing these opportunities with residents in their own neighborhood. The program will further the City’s efforts in connecting residents with jobs.

18. Start-up Business Loan Program
Allocate to 1160-320-3267-0497
$50,000

The allocation of $50,000 is proposed for a new start-up Business Loan Program also known as a micro-enterprise loan program. This loan program would make loans to small start-up businesses such as home occupations. This loan program would be a modification of the current Small Business Loan Program. This program would provide some income and employment opportunities for low-income residents.

**TOTAL FUNDING ALLOCATIONS**

$1,824,000
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-177

A RESOLUTION APPROVING THE USE OF AMPLIFIED MUSIC BY STANISLAUS COUNTY YOUTH FOR CHRIST FOR A CELEBRATION AT GRACEADA PARK ON APRIL 29, 2001

WHEREAS, staff has received a letter from Stanislaus County Youth for Christ requesting amplified music for a Celebration at Graceada Park on April 29, 2001, and
WHEREAS, the City Council has a policy No. 6.007 prohibiting the use of amplified music in public without City Council approval, and
WHEREAS, the Human Services Committee at its March 26, 2001 meeting recommended that the City Council permit the use of amplified music for the Youth for Christ Celebration at Graceada Park on April 29, 2001,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the use of amplified music for the Stanislaus County Youth for Christ Celebration at Graceada Park on April 29, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: 
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney

4/17/01 R&N/ Jbrinar -1- 2001-177
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-178


WHEREAS, pursuant to the California Redevelopment Law (Health and Safety Code § 33000 et seq.) the Agency is undertaking the redevelopment of a portion of Modesto pursuant to the Modesto Redevelopment Plan (the "Redevelopment Plan"), and

WHEREAS, FMC owns certain property (the "FMC Property") located within the project area (the "Project Area") for the Redevelopment Plan, and

WHEREAS, FMC has conducted preliminary certain studies of the FMC Property and determined that it contains certain contaminants that will require remediation, and

WHEREAS, in order to encourage the redevelopment and revitalization of the area, the City intends to prepare a Concept Master Plan (the "Concept Master Plan") for a portion of the City that includes the FMC Property and adjacent properties and is within the Project Area, and

WHEREAS, in addition, the Community Redevelopment Law contains provisions that provide certain immunities for property owners and their successors in interest if contaminated property is remediated in accordance with an approved plan.

WHEREAS, the Agency, the City and FMC desire to enter into this MOU to set forth their agreements and understanding at this point. The matters contained herein shall not be construed as final commitments by any party but to state generally the basis upon which they intend to cooperate in the formulation of the Master Plan and eventual disposition of the FMC Property.

NOW, THEREFORE, BE IT RESOLVED THAT the City Manager is hereby authorized and directed to execute the Memorandum of Understanding with the FMC Corporation which is attached hereto and made a part hereof by this reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-179

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

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and California Public Employee’s Retirement System to provide Section 21362.2 and Section 21574.5 for police safety members; authorize the City Clerk to certify the Council’s action; authorize the City Clerk to certify compliance with Government Code Section 7507; approve by resolution an agreement to pool 1959 Survivor Benefits between the City and CalPERS; and, introduce an ordinance and set for final adoption on May 15, 2001 to amend the contract between the City and CalPERS to provide 3% @ 50 retirement formula and Indexed Level of 1959 Survivor’s Benefits for police safety members be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

City Clerk

2001-179
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-180

A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CalPERS) AND THE CITY OF MODESTO

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

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

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

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

NOW THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an “Exhibit” and by this reference made a part hereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JEAN ZAHN, City Clerk

A. Paragraphs 1 through 13 are hereby stricken from said contract as executed effective November 7, 2000, and hereby replaced by the following paragraphs numbered 1 through 14 inclusive:

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

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

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

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

6. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1956, the effective date of Social Security coverage, and prior to June 30, 1978, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
7. The percentage of final compensation to be provided for each year of credited prior and current service as a local fire member shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).

8. The percentage of final compensation to be provided for each year of credited prior and current service as a local police member shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full). The required member contribution rate is 9% of reportable compensation.

9. Public Agency elected and elects to be subject to the following optional provisions:


   b. Section 21222.2 (One-Time 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.

   c. Section 21319 (One-Time 15% Increase for Local Miscellaneous Members Who Retired or Died Prior to July 1, 1971).

   d. Section 21571 (Basic Level of 1959 Survivor Benefits) for local fire members only.

   e. Section 21572 (Increased Level of 1959 Survivor Benefits) for local miscellaneous members only.

   f. Section 20042 (One-Year Final Compensation).

   g. Section 21427 (Improved Nonindustrial Disability Allowance) for local miscellaneous members only.

   h. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance) for local safety members and those local miscellaneous members entering membership on or prior to October 20, 1981.

   i. Section 21325 (One-Time 3% to 15% Increase For Local Miscellaneous Members and Local Safety Members Who Retired or Died Prior to January 1, 1974).

   j. Section 20475 (Different Level of Benefits Provided for New Employees). Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance) are not applicable to local miscellaneous members entering membership after October 20, 1981.
k. Section 21322 (One-Time 4% Increase For Local Miscellaneous Members and Local Safety Members Who Retired or Died Prior to January 1, 1981).

l. Section 21317 (One-Time 15% Increase for Certain Local Safety Members Who Retired for Service Retirement).

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

n. Section 21574.5 (Indexed Level of 1959 Survivor Benefits) for local police members only.

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

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

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

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

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

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

B. This amendment shall be effective on the _____ day of ____________, ________

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF MODESTO

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

BY
PRESIDING OFFICER

Witness Date

[Signature]

Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-181

A RESOLUTION ADOPTING THE GUIDANCE MANUAL FOR NEW DEVELOPMENT STORMWATER QUALITY CONTROL MEASURES IN COMPLIANCE WITH STATE WATER RESOURCES CONTROL BOARD ORDER WQ-2000-11.

WHEREAS, in 1994 the City of Modesto was required to obtain a National Pollution Discharge Elimination System (NPDES) Permit for discharging stormwater into the Dry Creek and the Tuolumne River; and

WHEREAS, the City of Modesto’s NPDES Permit includes various program elements for the control of stormwater run-off; and

WHEREAS, one such program element requires the City of Modesto develop and implement permanent stormwater pollution controls for all new development; and

WHEREAS, the City of Modesto met with local community groups and associations to create a Guidance Manual for New Development Stormwater Quality Control Measures; and

WHEREAS, the State Water Resources Control Board issued Order WQ-2000-11 on October 5, 2000, requiring adoption of Standard Urban Storm Water Mitigation Plans; and

WHEREAS, adoption of the Guidance Manual for New Development Stormwater Quality Control Measures is intended to comply with State Water Resources Control Board Order WQ-2000-11,

WHEREAS, the City Council’s Utility Services & Franchises Committee reviewed and approved the Guidance Manual for New Development Stormwater Quality Control Measures at their meeting of March 28, 2001,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby approves the adoption and implementation of the Guidance Manual for New Development Stormwater Quality Control Measures.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duty seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-182

A RESOLUTION AMENDING THE CAPITAL IMPROVEMENTS BUDGET TO RECOGNIZE ADDITIONAL REVENUE FROM THE STATE OF CALIFORNIA FOR CONSTRUCTION OF THE TRAFFIC SIGNAL AT HATCH ROAD AND DALLAS STREET AND INCREASE THE ANTICIPATED CONSTRUCTION EXPENSE.

WHEREAS, on March 7, 2000, the City Council awarded a $134,120.00 contract to Tennyson Electric, Inc. to install a traffic signal and appurtenant street improvements at the Hatch Road and Dallas Street intersection, and

WHEREAS, the City has previously received a Hazard Elimination and Safety (HES) grant that provides 100% funding for the project, and

WHEREAS, additional work in the form of street improvements were necessary on Dallas Street which will result in an additional $8,100 in construction expense, and

WHEREAS, the original grant did not provide sufficient funding to cover all of the construction administration costs, and

WHEREAS, the City has received approval of $10,000 in additional funding under the HES grant to fully fund the extra work and the construction administration costs.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current capital improvement budget for the “Traffic Signal at Hatch Road and Dallas Street” project to increase the amount of revenue recognized by the amount of $10,000 and to increase the budgeted amount for construction by $10,000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING THE BID OF PAUL ANDERSON CONSTRUCTION FOR THE PROJECT TITLED "MODESTO CITY/COUNTY AIRPORT T-HANGAR K CONSTRUCTION"

WHEREAS, the bids received for the Modesto City/County Airport T-Hangar K Construction were opened at 11:00 a.m. on February 13, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $386,332.00 received from Paul Anderson Construction be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Paul Anderson Construction 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 24th day of April, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-184

A RESOLUTION AMENDING THE BUDGET BY $106,555.00 TO FULLY FUND THE MODESTO CITY/COUNTY AIRPORT T-HANGAR K PROJECT.

WHEREAS, the bids received for the Modesto City/County Airport T-Hangar K Construction were opened at 11:00 a.m. on February 13, 2001; and

WHEREAS, Stanislaus County collects an airport tax of which $106,555.00 is budgeted to assist in the construction of the proposed T-Hangar K.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that budget account 6330-510-9510-3404 shall be increased by $106,555.00, the increased funds coming from the county airport tax.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the following budget expense accounts shall be increased by the following:

EXPENSES:  6320-440-M253-6010;  $907.00
            6320-440-M253-6040;  $86,332.00
            6320-440-M253-6050;  $19,316.00
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST:  

JIAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-186

A RESOLUTION APPROVING THE APPLICATION FOR ASSISTANCE TO
FIREFIGHTERS GRANT PROGRAM FUNDS

WHEREAS, the Congress under Public Law 106-398 has authorized the establishment of
Federal Fire Protection and Control Act and has appropriated $100 million dollars to carry out
the Assistance to Firefighter Grant Program, and

WHEREAS, the Federal Emergency Management Agency (FEMA) is responsible for
administration of the program, setting up necessary rules and procedures governing application
by local agencies under the program, and

WHEREAS, said adopted procedures established by the Federal Emergency Management
Agency require the applicant to provide 30% local matching funds and,

WHEREAS, the City of Modesto and Modesto Fire Department qualify to submit a grant request.

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

1. Approves the filing of an application for Assistance to Firefighters Grant Program funds;

and

2. Certifies that said agency has matching funds from the following source: Fire Department
Operating Budget, and can finance 100 percent of the project, 70% of which will be
reimbursed; and
3. Appoints the City Manager as agent of the city to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

Attest: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-185

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MODESTO CITY-COUNTY AIRPORT MASTER PLAN (SCH NO. 90020512): APPROVING CONSTRUCTION OF T-HANGAR K AT THE MODESTO CITY-COUNTY AIRPORT.

WHEREAS, on April 20, 1993, by Resolution No. 93-229, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (Master Plan EIR) (SCH No. 90020512) for the Modesto City-County Airport Master Plan, and

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

WHEREAS, the Engineering and Transportation Department, by Initial Study, EA/ET 2000-44, reviewed the proposed construction of T-Hangar K project, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR; and, further, that no new or additional mitigation measures or alternatives will be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,
WHEREAS, on April 17, 2001, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed construction of T-Hangar K project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. There are no substantial changes proposed in the project which will require major revisions of the Modesto City-County Airport Master Plan Environmental Impact Report (Master Plan EIR).

2. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Modesto City-County Airport Master Plan Environmental Impact Report (Master Plan EIR).

3. No new information, which was not known and could not have been known at the time the Modesto City-County Airport Master Plan Environmental Impact Report (Master Plan EIR) was certified as complete has become available.

4. This initial study provides substantial evidence to support finds 1, 2, and 3 above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-187

A RESOLUTION OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE) AND AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #5)

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

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

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

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

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

WHEREAS, by its Resolution No. 2000-413 adopted on August 1, 2000, this Council resolved to complete Annexation #4 to the District, and
WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation, pursuant to Section 53339 of the Act, of certain territory to the District, and

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

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

SECTION 1. The above recitals are true and correct.

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

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

SECTION 4. District boundaries after the most recent annexation (Annexation #4) are shown on a map entitled “Annexation No. 4 to Community Facilities District No. 1996-1 (Village One)” on file with the County Recorder of the County of Stanislaus at Volume 3 of Maps of Assessment and Community Facilities Districts, at Page 37.

SECTION 5. The Annexed Territory is described in Exhibit “A” to this Resolution.

4/24/01/ Attorney/ R Stevens

-2-

2001-187
The boundaries of the Annexed Territory are also shown on the maps thereof, entitled “Annexation No. 5 to Community Facilities District No. 1996-1 (Village One)”, on file in the office of the City Clerk, and hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than 10 days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code; including a reference to the title, book, page and recording date of the original boundary map of the District.

SECTION 6. The types of public facilities and services authorized to be provided to the District are set forth in the Resolution of Formation. These same types of facilities and services plus a comprehensive signage program as described in Resolution No. 97-174, adopted by the City Council on April 1, 1997, will be provided to the Annexed Territory.

SECTION 7. The Maintenance Special Tax to be levied in the Annexed Territory shall be the same as the Maintenance Special Tax currently levied in the original District, as set forth in the Resolution of Formation. The Facilities Special Tax to be levied in the Annexed Territory shall be slightly higher than that levied in the original District, to account for the additional cost of the community signage program, as referenced in Section 5 hereof. The Facilities Special Tax for the Annexed Territory is described in the City's Public Report, on file with the City Clerk, amended April, 1997. It is the intention of the City Council that in the...
event all of the subject taxes are not approved by the qualified electors of the Annexed Territory at an election to be held subsequent to the approval of this Resolution of Intention, that then, and in that sole event, the annexation of the Annexed Territory shall be a nullity, and void from the date of the public hearing on this resolution where it is approved.

Pursuant to the Public Report, the maximum Maintenance Special Tax and the maximum Facilities Special Tax shall be adjusted annually. The tax rates in effect as of July 1, 2000, are as follows:

\[
\begin{array}{|c|c|}
\hline
\text{Land Use} & \text{Facilities Special Tax (per Gross Acre)} \\
\hline
\text{Village Low-Density Residential} & \$22,176.69 \\
\text{Village Residential} & \$33,159.87 \\
\text{Multi-Family Residential} & \$85,932.86 \\
\text{Commercial} & \$97,431.22 \\
\text{Industrial} & \$45,628.98 \\
\hline
\end{array}
\]
Maintenance Special Tax

<table>
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<tr>
<th>Land Use</th>
<th>Maintenance Special Tax</th>
<th>Effective July 1, 2000</th>
</tr>
</thead>
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<tr>
<td>Very Low Density Residential</td>
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<tr>
<td>Multi-Family Residential</td>
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<tr>
<td>Commercial/Industrial</td>
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<tr>
<td>Undeveloped</td>
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<tr>
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</tbody>
</table>

SECTION 8. A public hearing upon this Resolution shall be held at 5:15 p.m., or as soon thereafter as practicable, on Tuesday, June 5, 2001, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than 30 or more than 60 days following the adoption thereof.

SECTION 9. At the hearing, any interested persons for or against the annexation of the Annexed Territory to the District, and the levy of the special tax therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests
shall be filed with the City Clerk on or before the time fixed for the public hearing. Written
protests may be withdrawn in writing at any time before the conclusion of the hearing.

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

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

4/24/01/ Attorney/ R Stevens -6- 2001-187
At the conclusion of the hearing, if the Council determines to annex the Annexed Territory, it shall then submit the levy of the District special tax to the qualified electors of the Annexed Territory in a special election.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT "A"
Site #1 - Papatone Property

That portion shown as the "Remainder" on Volume 34 of Parcel Maps, Page 4, Stanislaus County Records, described as follows:

Lots 16, 17, 18 and 19 of Santa Fe Colony, as per Map filed December 29, 1908 in volume 4 of Maps, at page 12, Stanislaus County Records.

Excepting therefrom the East 25 feet of Lots 16 and 19; and

Also excepting therefrom Parcels 1 and 2 as per Parcel Map filed May 10, 1983 in volume 34 of Parcel Maps, at page 4, Stanislaus County Records.

Also Excepting therefrom:
That portion deeded to The Village One Community Facilities District No. 1996-1 on September 14, 2000, more particularly described as follows:
Beginning at the northwest corner of said Remainder; thence South 00°18' 20" West along the west line of said Remainder, a distance of 1323.25 feet to the southwest corner of said Remainder; thence South 88° 53' 00" East along the south line of said Remainder also being the south line of said Section 11, a distance of 368.32 feet; thence North 00° 18' 20" East, a distance of 1323.25 feet to the north line of said Remainder; thence North 88° 53' 00" West along said north line, a distance of 368.32 feet to the point of beginning.

Assessor's Parcel No: 77-09-54
Site #2 - The Renaissance

Parcels "1" and "2" as shown on Parcel Map filed March 10, 1967 in Book 3 of Parcel Maps at Page 17, Stanislaus County Records, being a portion of Lot 1 of the McHenry Ranch.

APN: 085-04-01
Site #3 - Sundance Lake Phase 1 & 2

1. The estate or interest in the land hereinafter described or referred to covered by this report is:

A FEE

2. Title to said estate or interest at the date hereof vested in:

JOSEPH DARWIN COLBY, Trustee of the Joseph Darwin Colby Trust dated April 1, 1994

3. The land referred to in this report is situated in the State of California, County of Stanislaus and is described as follows:

The Southeast quarter of the Southeast quarter of Section Twelve (12) and the South half of the South half of the Northeast quarter of the Southeast quarter of Section twelve (12), in Township three (3) South, Range nine (9) East, Mount Diablo Base and Meridian, in the City of Modesto.
Site 4 - Pimentel Corners

1. The estate or interest in the land hereinafter described or referred to covered by this report is:

A FEE

2. Title to said estate or interest at the date hereof is vested in:

PETER A. REECE, SR. and CHARLENE M. REECE, husband and wife, as Community Property, as to an undivided 1/4 interest;
JOSEPH L. PIMENTEL, JR. and SHERYL K. PIMENTEL, husband and wife, as Community Property, as to an undivided 1/4 interest;
STEPHEN D. HUGHES and KATHLEEN HUGHES, husband and wife, as Community Property, as to an undivided 1/4 interest; and
MICHAEL A. PIMENTEL and MARYA A. PIMENTEL, husband and wife, as Community Property, as to an undivided 1/4 interest, as tenants in common

3. The land referred to in this report is situated in the State of California, County of Stanislaus and is described as follows:

Parcel 3 as shown upon that certain Parcel Map filed in the office of the recorder of Stanislaus County, California on August 30, 1966 in Vol. 2 of Parcel Maps, Page 48, located in the City of Modesto; being a portion of the Southeast quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.
Site #5 - Davante Villas 2 & 3

Description: The land referred to herein is situated in the State of California, County of STANISLAUS, CITY OF MODESTO, and is described as follows:

PARCEL B AS PER PARCEL MAP FILED APRIL 23, 1976 IN VOLUME 22 OF PARCEL MAPS, PAGE 91, STANISLAUS COUNTY RECORDS.

ASSESSOR’S PARCEL NO.: 085-02-42-070
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-188

A RESOLUTION APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUNDS FOR THE MARK TWAIN NEIGHBORHOOD PARK PICNIC SHELTER PROJECT

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a Federal Land and Water Conservation Fund Grant-in-Aid Program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing facilities for public outdoor recreation purposes, and

WHEREAS, the State Department of Parks and Recreation is responsible for administration of the program in the state, setting up necessary rules and procedures governing application by local agencies under the program, and

WHEREAS, said adopted procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications and the availability of local matching funds prior to submission of said application to the state, and,

WHEREAS, the proposed Mark Twain Neighborhood Park Picnic Shelter Project is consistent with the Statewide Comprehensive Recreation Resources Plan: California Outdoor Recreation Plan 1994; and,

WHEREAS, the project must be compatible with the land use plans of those jurisdictions immediately surrounding the project,

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

1. Approves the filing of an application for Land and Water Conservation Fund assistance; and
2. Certifies that said agency has matching funds from the following source: Capital Facilities Fees-Parks, and can finance 100 percent of the project, half of which will be reimbursed; and

3. Appoints the City Manager as agent of the city to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-189

A RESOLUTION DEFINING THE TERMS OF AN AGREEMENT WITH THE SPORTSMEN OF STANISLAUS CLUB (SOS) TO PROVIDE SERVICES IN ADMINISTERING THE CITY OF MODESTO ANNUAL GOLF PASS PROGRAM AND CO-MARKETING WITH THE SOS CLUB ON THE CITY’S ANNUAL GOLF PASS AND THEIR MEMBERSHIP PROGRAM.

WHEREAS, City staff and the Golf Courses Committee recommended introduction of an annual pass program for the City’s Municipal Golf Courses, and

WHEREAS, in the process of researching the marketing and introduction of this pass, City staff had several discussions with the Sportsmen of Stanislaus (SOS) Club, an athletic club located in close proximity to Dryden Park Municipal Golf Course and Municipal Nine-Hole Golf Course, and

WHEREAS, the SOS Club expressed an interest in cross-marketing with the City’s annual pass program, and

WHEREAS, the SOS Club feels that they have services and facilities that could benefit golf members as part of their annual pass purchase, and

WHEREAS, the SOS Club has the ability to produce membership cards, and

WHEREAS, the Human Services Committee met on March 14, 2001 and supported the recommendation to enter into an agreement with the SOS Club, and

WHEREAS, a hearing was held by the Council of the City of Modesto on March 27, 2001 to consider and approve the fees for the annual membership program, and

WHEREAS, said fees were duly adopted by the Council of the City of Modesto, and
WHEREAS, at its meeting on April 3, 2001, by Resolution No. 2001-154, the City Council approved entering into an agreement with the SOS Club to provide services in administering the City of Modesto annual pass program and co-marketing with the SOS Club on the City’s annual pass and their membership program, and

WHEREAS, staff desires to clarify the terms of the agreements which are:

- that the SOS process will include payment collection, photography, card generation and record keeping,
- that the SOS Club will charge the City $25.00 for processing each annual membership card,
- that there will be no processing fee to the City for those who purchase a golf/health club membership package,
- that cash and check payments will be delivered to the City daily for deposit, and a separate credit card machine will be available at the SOS to process payments to the City, and
- that the SOS will invoice the City monthly for the processing fees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby acknowledges the terms of the agreement as set forth above with the Sportsmen of Stanislaus (SOS) Club.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2001, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Conrad, Frohman

ABSENT: Councilmembers: None

Attest: 
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-190

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL OPERATING BUDGET TO APPROPRIATE $18,000 FROM 0100-800-8000-8003, GENERAL FUND RESERVE TO PROVIDE DIRECT CITY ASSISTANCE TO THE CONVENTION AND VISITORS BUREAU FOR THE WEST COAST-NATIONAL SOFTBALL ASSOCIATION GIRLS FASTPITCH WORLD SERIES TO BE HELD IN MODESTO JULY 14-22, 2001.

WHEREAS, the City of Modesto has received a request from the Modesto Convention and Visitors Bureau (CVB) for $13,000 in direct city assistance for the West Coast-National Softball Association Girls Fastpitch World Series to be held in Modesto July 14-22, 2001, and WHEREAS, the Human Services Committee at its April 4, 2001 meeting recommended allocating $18,000, with the additional $5,000 to be used for Website updates and hyperlinks, NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves request from the Modesto Convention and Visitors Bureau for direct City assistance and the Fiscal Year 2000-01 Annual Operating Budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Account</th>
<th>Adjustment</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0100-800-8000-8003</td>
<td>($18,000)</td>
<td>General Fund Reserve</td>
</tr>
<tr>
<td>0100-360-3622-1000</td>
<td>$18,000</td>
<td>Recreation and Neighborhoods Department</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cultural Promotions</td>
</tr>
</tbody>
</table>
BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

Attest: 

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-191

A RESOLUTION AMENDING THE FY 2000-01 BUDGET TO ESTIMATE APPROXIMATELY $350 IN REVENUE AND APPROPRIATE THE SAME AMOUNT IN EXPENDITURES TO PROVIDE DIRECT CITY ASSISTANCE TO THE MODESTO SUNRISE ROTARY FOR THE $.35 PER PERSON ATTENDANCE CHARGE FOR THE 12th ANNUAL MODESTO SUNRISE ROTARY HIGH SCHOOL ALL-STAR BASEBALL CLASSIC TO BE HELD AT JOHN THURMAN FIELD ON SATURDAY, JUNE 2, 2001.

WHEREAS, the City of Modesto has received a request from the Modesto Sunrise Rotary requesting that the $.35 per person attendance charge be waived for the 12th Annual Modesto Sunrise Rotary High School All-Star Baseball Classic to be held at John Thurman Field on Saturday, June 2, 2001, and

WHEREAS, the Human Services Committee at its April 4, 2001, meeting recommended that the Modesto Sunrise Rotary pay the $.35 per person attendance charge and that the City of Modesto reimburse the Rotary Foundation for the actual amount of this charge, and

WHEREAS, the estimated amount of reimbursement is $350.00, based on an attendance of 1,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a request from the Modesto Sunrise Rotary for direct City assistance and the Fiscal Year 2000-01 budget is hereby amended as indicated below:

<table>
<thead>
<tr>
<th>Account</th>
<th>Adjustment</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0100-360-3622-8155</td>
<td>$350.00</td>
<td>Cultural Promotions, Miscellaneous Revenue</td>
</tr>
<tr>
<td>0100-360-3622-1000</td>
<td>$350.00</td>
<td>Cultural Promotions, Miscellaneous Promotions</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: 

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-192

A RESOLUTION AWARDING A CONTRACT TO CALLANDER ASSOCIATES FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR ORVILLE WRIGHT NEIGHBORHOOD PARK AND SCHOOL, AUTHORIZING STAFF TO NEGOTIATE AN AGREEMENT WITH MODESTO CITY SCHOOLS FOR DEVELOPMENT OF SCHOOL PROPERTY AND AMENDING THE CAPITAL IMPROVEMENT PLAN

WHEREAS, the City of Modesto owns the 2.8 acre neighborhood park site immediately to the south of Orville Wright School, and

WHEREAS, the CITY and Modesto City Schools desire to jointly develop a .6 acre portion of the property owned by Modesto City Schools for park purposes and community use, and

WHEREAS, Phase I will provide for the development of a Master Plan, Design Development Report, and Construction Documents for the park, with these three documents to be used as a blueprint for developing future phases of park development, the final design of which will be consistent with the City of Modesto Urban Area General Plan and will be based on input from community workshops, and

WHEREAS, staff interviewed four architectural firms and determined that Callander Associates is the most qualified, and

WHEREAS, Callander Associates has agreed to provide the Master Plan, Design Development Report and Construction Drawings at a cost not to exceed $72,500, with the Master Plan to be developed with community input, and

WHEREAS, an additional $7,500 is needed for staff project management, and
WHEREAS, $20,000 has been allocated to Capital Project 1400-310-M186, Orville Wright NBH Park, and

WHEREAS, an additional $60,000 is available from the Park Fund (Fund 1400) Reserve to appropriate to this project, and

WHEREAS, at its April 4, 2001 meeting, the Human Services Committee supported the recommendation to award the contract to Callander Associates, to authorize staff to negotiate an agreement with Modesto City Schools for development of school property, and to approve amending the Capital Improvement Program to appropriate funds from the Park Fund Reserve to this project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby awards a contract to Callander Associates for professional landscape architectural services to prepare a Master Plan, Design Development Report and Construction Documents for Orville Wright Neighborhood Park and School and authorizes the City Manager to execute said consultant agreement and related documents.

BE IT FURTHER RESOLVED that staff is hereby authorized to negotiate an agreement with Modesto City Schools for the development and joint use of a .6 acre portion of school property.

BE IT FURTHER RESOLVED that the Capital Improvement Plan is hereby amended to appropriate $60,000 from Parks Fund Reserve (Fund 1400) to the capital project account no. 1400-310-M186-6010, Orville Wright NBH Park.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-193

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS FOR THE PREPARATION OF SCHEMATIC DESIGN, DESIGN DEVELOPMENT AND CONTRACT DOCUMENTS FOR A NEW JOINT FIRE, POLICE AND RECREATION & NEIGHBORHOODS BUILDING

WHEREAS the Recreation and Neighborhoods Department, by an Agenda Report dated April 9, 2001, has recommended that authorization be given for City staff to proceed with a Request for Proposals (RFP) for the preparation of schematic design, design development and contract documents for a new joint Fire, Police and Recreation & Neighborhoods Department building, a copy of the Agenda Report is on file in the office of the City Clerk, and

WHEREAS the Fire, Police and Recreation & Neighborhoods Departments desire to develop a joint facility at the southwest corner of Sutter and Chicago Avenues on the site of an existing park, and

WHEREAS, a Capital Improvement Program Project has been established in Community Development Block Grant Fund 1130, project number M163, Westside Service Center, in the amount of $382,000, and

WHEREAS, the Human Services Committee met on April 4, 2001, and supported staff’s recommendation to solicit RFP’s for professional services to prepare schematic design, design development and contract documents for a new joint Fire, Police and Recreation and Neighborhoods building, and

WHEREAS, at its meeting of April 24, 2001, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes City staff to proceed with a Request for Proposals for the preparation
of schematic design, design development and contract documents for a new joint Fire, Police and
Recreation & Neighborhoods Department facility.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 24th day of April, 2001, by Councilmember Serpa, who moved its
adoption, which motion being duly seconded by Councilmember Smith, was upon roll call
carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-194

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

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

WHEREAS, the City has identified additional traffic analysis work that it desires to be completed as part of the MEIR update, and

WHEREAS, the City has identified SB50 school impact fee legislation that it desires to be completed as part of the MEIR update, and

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

NOW, THEREFORE, BE IT RESOLVED that because of the nature and large scope of this Agreement, further change orders may be required to complete the project in a timely manner. Therefore the City Manager is hereby authorized to execute further amendments in an amount up to but not to exceed $13,000.00.

BE IT FURTHER RESOLVED that the City Manager or his designee is authorized to execute the Amendment to Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM

MICHAEL D. MILICH, City Attorney

By: ALISON BARRATT-GREEN, Senior Deputy City Attorney

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-195

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 70-831
ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PREZONED PLANNED DEVELOPMENT ZONE, P-PD(73) (MEMORIAL
HOSPITAL ASSOCIATION OF STANISLAUS COUNTY)", AS PREVIOUSLY
AMENDED BY MODESTO CITY COUNCIL RESOLUTION NOS. 79-24, 79-
1216, 85-256 AND 86-597. (MEMORIAL HOSPITAL ASSOCIATION)

WHEREAS, the City Council, by Ordinance No. 1048-C.S., which was finally adopted
on September 8, 1970, and which became effective on October 8, 1970, amended Section 15-3-9
of the Zoning Map to prezone to Planned Development Zone, P-D(73), and to Professional
Office, P-O, for a five-story hospital complex including a five-story convalescent hospital and a
five-story mental health center, property located on the northeast corner of Briggsmore Avenue
and Coffee Road, and

WHEREAS, City Council Resolution No. 70-831, adopted on August 24, 1970, approved
the development plan for Planned Development Zone, P-D(73), and contained conditions of
approval thereof, and

WHEREAS, on November 4, 1970, the area prezoned to Planned Development Zone, P-
D(73), was annexed to the City of Modesto, and

WHEREAS, City Council Ordinance No. 1795-C.S., which was introduced on January 9,
1979, finally adopted on January 23, 1979, and which became effective on February 22, 1979,
amended Planned Development Zone, P-D(73), to allow additional uses, and
WHEREAS, City Council Resolution No. 79-24, adopted on January 9, 1979, approved a revised development plan for Planned Development Zone, P-D(73), and contained conditions of approval, and

WHEREAS, City Council Resolution No. 79-1216, adopted on November 20, 1979, approved a revised development plan for Planned Development Zone, P-D(73), and contained conditions of approval, and

WHEREAS, City Council Ordinance No. 2330-C.S., which was introduced on May 7, 1985, finally adopted on May 14, 1985, and which became effective on June 14, 1985, amended Planned Development Zone, P-D(73), to allow additional uses, and

WHEREAS, City Council Resolution No. 85-256, adopted on May 7, 1985, approved a revised development plan for Planned Development Zone, P-D(73), and contained conditions of approval, and

WHEREAS, Planning Commission Resolution No. 86-80, adopted May 5, 1986, approved a second heliport facility for Planned Development Zone, P-D(73), and contained conditions of approval, and

WHEREAS, City Council Resolution No. 86-597, adopted on June 24, 1986, approved on appeal a second heliport facility for Planned Development Zone, P-D(73), and contained conditions of approval, and

WHEREAS, Planning Commission Resolution No. 87-196, adopted on November 20, 1987, approved a revised development plan for Planned Development Zone, P-D(73), and contained conditions of approval, and
WHEREAS, Planning Commission Resolution No. 90-44, adopted on May 7, 1990, approved a comprehensive sign package for Planned Development Zone, P-D(73), and contained conditions of approval, and

WHEREAS, Planning Commission Resolution No. 92-12, adopted on March 16, 1992, approved a revised development plan for Planned Development Zone, P-D(73), and contained conditions of approval to allow an expansion/remodel of the existing hospital, and

WHEREAS, Planning Commission Resolution No. 94-25, adopted on May 16, 1994, approved an additional sign for Planned Development Zone, P-D(73), and

WHEREAS, Planning Commission Resolution No. 97-63, adopted on September 8, 1997, approved a revised development plan for Planned Development Zone, P-D(73), and contained conditions of approval to allow for office and parking structure expansions to the hospital, and

WHEREAS, the City Council, by Ordinance No. 3139-C.S., which was finally adopted on May 18, 1999, and which became effective on June 18, 1999, amended Section 15-3-9 of the Zoning Map to rezone from Professional Office Zone, P-O, to Planned Development Zone, P-D(73), as an addition to P-D(73), for an expansion of Memorial Hospital, property located on the north side of Spanos Court east of Coffee Road, and

WHEREAS, City Council Resolution No. 99-222, adopted on May 11, 1999, approved the development plan for Planned Development Zone, P-D(73), as an addition to P-D(73), and contained conditions of approval thereof, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(73), was filed by Memorial Hospital Association on November 27, 2000, to allow for the
addition of a seven-story tower, one-story birthing center and one-story physical plant to the Memorial Hospital campus, and

WHEREAS, after a public hearing held on March 19, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-22, that amendment of Planned Development Zone, P-D(73), as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The hospital site is large enough to accommodate additional expansions without creating significant impacts on the surrounding area.

2. The conditions of approval will help to ensure compatibility with the surrounding area.

3. The proposed amendment to P-D(73) is consistent with the Modesto Urban Area General Plan, because the General Plan anticipated that the hospital would continue to expand, and because a traffic analysis has shown that no additional significant traffic impacts would result from the proposed addition that were not anticipated by the General Plan Master EIR.

WHEREAS, said matter was set for a public hearing of the City Council to be held on April 24, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Memorial Hospital Association for an amendment to Planned Development Zone,
P-D(73), should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-22 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3218-C.S. on the 24th day of April, 2001, amending Section 2 of Ordinance No. 1048-C.S., to allow the addition of a seven-story tower, one-story birthing center and physical plant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of City Council Resolution No. 70-831 entitled "A Resolution Approving a Development Plan for Prezoned Planned-Development Zone, P-PD(73). (Memorial Hospital Association of Stanislaus County" as previously amended by Resolution Nos. 79-24, 79-1216, 85-256, and 86-597 (Memorial Hospital Association) is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The revised development plan for Planned Development Zone, P-D(73), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Memorial Medical Center Modesto - Concepts" as amended in red, stamped approved by the City Council on April 24, 2001.

2. Prior to issuance of a building permit for any structure, the applicant shall submit detailed plot plans for that structure in accordance with Section 10-2.1704 of the Modesto Municipal Code.

3. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Chief Building Official. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

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

6. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

7. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Department Director.

8. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

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

10. All conditions of City Council Resolution No. 99-222 not in conflict with this action shall remain in full force and effect.
11. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless."

SECTION 2. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 3. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 4. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance amending Planned Development Zone, P-D(73), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2001, by Councilmember Smith, 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, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr
JEAN ZAHR City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-196

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN
THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN
AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT
(SCH NO. 92052017): AMENDING PLANNED DEVELOPMENT ZONE P-D(73),
PROPERTY LOCATED ON THE EAST SIDE OF COFFEE ROAD NORTH OF
EAST BRIGGSMORE AVENUE, TO ALLOW SEVEN-STORY TOWER,
BIRTHING CENTER AND PHYSICAL PLANT ADDITIONS TO MEMORIAL
HOSPITAL. (MEMORIAL HOSPITAL ASSOCIATION)

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

WHEREAS, Memorial Hospital Association has proposed an amendment to Planned
Development Zone, P-D(73), to allow the addition of a seven-story tower, birthing center and
physical plant to the Memorial Hospital campus, in the City of Modesto ("the project"), and

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

WHEREAS, the City's Community Development Department by Environmental
Assessment Initial Study No. EA/CDD 2001-14 reviewed the proposed amendment to Planned
Development Zone, P-D(73), to determine whether the project is within the scope of the project
covered by the Modesto Urban Area General Plan Master EIR, and made the determination that
the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to Planned Development Zone, P-D(73), a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

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

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

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

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

5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the
Community Development Director is hereby authorized and directed to file a notice of approval
or determination within five (5) business days with the Stanislaus County Clerk pursuant to
Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 24th day of April, 2001, by Councilmember Smith, 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, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

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

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT A

Initial Study

EA/CDD 2001-14
City of Modesto
Initial Study

Amendment to P-D(73)

EA/CDD 2001-14
March 7, 2001

I. PURPOSE

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

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

II. PROJECT DESCRIPTION

A. Project title:
Amendment to P-D(73)

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 east side of Coffee Road north of Briggsmore Avenue.

E. Project Sponsor:
Memorial Hospital Association, 1700 Coffee Road, Modesto, CA 95355

F. General Plan Designation:
Mixed Use (MU)

G. Current Zoning:
Planned Development Zone P-D(73)

H. Description of Proposed Project:
This is an amendment to P-D(73) to allow the construction of a seven-story hospital tower, a one-story birthing center, and a physical plant, all as expansions of the existing Memorial Hospital.

I. Surrounding land uses:
The project is bounded on the west by an existing church and existing offices across
Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are therefore still valid.

F. Increased Demand for Sanitary Sewer Services

The General Plan Master EIR anticipated expansion of the hospital, and the City's Engineering and Transportation Department, which oversees the City's sanitary sewer system, did not identify any problems in supplying sanitary sewer services for the proposed additions. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

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

H. Disturbance of Archaeological and Historic Sites

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

I. Drainage, Flooding and Water Quality

Since the proposed additions will be constructed on existing parking lots, no significant additional storm water run-off should result from the project. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

J. Increased Demand for Storm Drainage

Since the proposed additions will be constructed on existing parking lots, no significant additional storm water run-off should result from the project. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are still valid.
Q. Landslides and Seismic Activity

The MEIR did not identify any significant hazards due to landslides and seismic activity in the Modesto Urban Area. Since this project is located in the Modesto Urban Area, there should be no significant impacts due to landslides or seismic activity. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-1-11) are therefore still valid.

R. Energy

The General Plan Master EIR anticipated expansion of the hospital. Although an expansion of the hospital will most likely result in additional need for energy, this was anticipated in the General Plan Master EIR. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

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

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

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

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

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

Signature:

Steve Mitchell,
Principal Planner

Attachment: Traffic Analysis - Memorial Hospital Addition
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-197

A RESOLUTION GRANTING AN EXEMPTION OF CAPITAL FACILITIES FEES TO THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS ON BEHALF OF WOODSTONE ASSOCIATES FOR A 56-UNIT MULTI-FAMILY HOUSING DEVELOPMENT AT PELANDALE AVENUE AND TULLY ROAD

WHEREAS, Chris Davidson of the Housing Authority of the County of Stanislaus, submitted a letter dated September 21, 2000, on behalf of Woodstone Associates, requesting a Waiver of Capital Facilities Fees (CFF) totaling $143,136.000 for 56 moderate and low income apartment units, limited to 60% of the Median Area Income, and

WHEREAS, the complex is located at the intersection of Pelandale Avenue and Tully Road, a southeast portion of Parcel 2-205/046-07-06-075, fronting on Tully Road, and

WHEREAS the proposed project will consist of two, three and four bedroom apartments, thirty-nine (39) of which are targeted to households at fifty percent (50%) of the Area Median Income (AMI) and seventeen (17) of which are targeted at households at sixty percent (60%) of the AMI, and

WHEREAS, by an Agenda Report to the City Council from the Recreation and Neighborhoods Department dated March 30, 2001, City staff recommended approval of a CFF exemption for this project, a copy of said Agenda Report is on file in the office of the City Clerk, and

WHEREAS, this request for exemption of CFF is considered to be in conformance with the Council’s policy to expand eligibility for CFF exemptions and deferrals, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m. on April 17, 2001 in the Tenth Street Place Chambers located at 1010 Tenth Street,
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-197

A RESOLUTION GRANTING AN EXEMPTION OF CAPITAL FACILITIES FEES TO THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS ON BEHALF OF WOODSTONE ASSOCIATES FOR A 56-UNIT MULTI-FAMILY HOUSING DEVELOPMENT AT PELANDALE AVENUE AND TULLY ROAD

WHEREAS, Chris Warden of the Housing Authority of the County of Stanislaus, submitted a letter dated September 21, 2000, on behalf of Woodstone Associates, requesting a Waiver of Capital Facilities Fees (CFF) totaling $143,136.000 for 56 moderate and low income apartment units, limited to 60% of the Median Area Income, and

WHEREAS, the complex is located at the intersection of Pelandale Avenue and Tully Road, a southeast portion of Parcel 2-205/046-07-06-075, fronting on Tully Road, and

WHEREAS, the proposed project will consist of two, three and four bedroom apartments, thirty-nine (39) of which are targeted to households at fifty percent (50%) of the Area Median Income (AMI) and seventeen (17) of which are targeted at households at sixty percent (60%) of the AMI, and

WHEREAS, by an Agenda Report to the City Council from the Recreation and Neighborhoods Department dated March 30, 2001, City staff recommended approval of a CFF exemption for this project, a copy of said Agenda Report is on file in the office of the City Clerk, and

WHEREAS, this request for exemption of CFF is considered to be in conformance with the Council’s policy to expand eligibility for CFF exemptions and deferrals, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m. on April 17, 2001 in the Tenth Street Place Chambers located at 1010 Tenth Street,
Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed matter, relative to the request for a CFF exemption for this project,

NOW, THEREFORE, BE IT RESOLVED that, subject to the execution of a Capital Facilities Fee Exemption Agreement for the project approved by the Council, the Council of the City of Modesto hereby grants an exemption of the Capital Facilities Fees to the Housing Authority of the County of Stanislaus on behalf of Woodstone Associates for a 56-unit apartment complex for households earning less that sixty percent (60%) of the Median Area Income.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute the Capital Facilities Fees Exemption Agreement with Woodstone Associates.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

Attest: 

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-198

A RESOLUTION REAPPOINTING COUNCILMEMBER TIM FISHER TO THE
HOUSING REHABILITATION LOAN COMMITTEE

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

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

SECTION 1. Councilmember Tim Fisher is hereby reappointed to the Housing
Rehabilitation Loan Committee with a term expiration of April 24, 2003.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 24th day of April, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith,
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

4/24/01/ Manager/ E Puckett
RESOLUTION NO. 2001-199

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

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

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

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

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

SECTION 1. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications, as the result of a job audit completed for Community Service Officers assigned to the Police Department Identification Unit:

Identification Technician I and Identification Technician II

The specifications for the classifications of Identification Technician I (Range 123), and Identification Technician II (Range 127), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.
SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after May 1, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZABR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-200

A RESOLUTION AMENDING EXHIBIT A OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO ESTABLISH A SALARY FOR THE CLASSIFICATIONS OF IDENTIFICATION TECHNICIAN I AND II.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 95-26 to revise the Class Range Table for General Non-Sworn Classes to establish a salary range for the classifications of Identification Technician I and II, effective May 1, 2001.

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective May 1, 2001," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Identification Technician I (Range 123) and Identification Technician II (Range 127) to the Class Range Table.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after May 1, 2001.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-201

A RESOLUTION ORDERING THE ENGINEERING AND TRANSPORTATION DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISION NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 12, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6.

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions No. 1-6 the Engineering and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 1, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-202

A RESOLUTION ORDERING THE ENGINEERING AND TRANSPORTATION DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISION NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISION UNITS NO. 1 & 2.

WHEREAS, Resolution No. 89-460 adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units No. 1 & 2, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions No. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units No. 1 & 2, the Engineering and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 2, is hereby directed to prepare and file an annual report in accordance with the provisions of the
Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-203

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS FOR THE PROFESSIONAL SERVICES OF AN ARCHITECT TO COMPLETE DESIGN DEVELOPMENT AND CONTRACT DOCUMENTS FOR THE MADDUX YOUTH CENTER ADDITION/REMODEL

WHEREAS the Recreation and Neighborhoods Department, by an Agenda Report dated April 13, 2001, has recommended that authorization be given for City staff to proceed with a Request for Proposals (RFP) for the preparation of design development and contract documents for an addition and remodel project at Maddux Youth Center, a copy of the Agenda Report is on file in the office of the City Clerk, and

WHEREAS, the City of Modesto owns Maddux Youth Center, a 7,200 square foot wood frame and concrete block structure built in 1952, and

WHEREAS, the facility is used by 3,500 to 4,000 youth per month, and due to building age and use, improvements are desired, and

WHEREAS, a Capital Improvement Program Project has been established in the Park Fund 1400, project number M182, Maddux Youth Center Improvements, in the amount of $150,000, and

WHEREAS, the Human Services Committee met on February 21, 2001, and supported staff’s recommendation to proceed with the project, and

WHEREAS, at its meeting of May 1, 2001, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes City staff to proceed with a Request for Proposals for the preparation of design development and contract documents for the Maddux Youth Center Addition/Remodel.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: 

JEAN ZAHR City Clerk

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-204

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MINAGAR & ASSOCIATES FOR CONSULTING SERVICES FOR THE CITY OF MODESTO TRAFFIC SIGNAL RETIMING PROJECT OUTSIDE MODESTO’S CENTRAL BUSINESS DISTRICT

WHEREAS, the City has determined that a Traffic Signal Timing and Coordination Study for Traffic Signals Outside of Modesto’s Central Business District should be prepared for the City to improve traffic signal coordination, and

WHEREAS, the City of Modesto applied for and received Congestion Management Air Quality (CMAQ) and RSTP/CMAQ match funds for the project, and

WHEREAS, the City of Modesto sent a Request for Proposals (RFP) to qualified consultants, and

WHEREAS, a selection panel appointed by the City Manager reviewed the proposals, interviewed consultants, and

WHEREAS, the selection panel recommended Minagar and Associates be awarded the project to retime the traffic signals outside the central business district,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Minagar & Associates for consulting services for the City of Modesto Traffic Signal Retiming Project Outside Modesto’s Central Business District be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

APPROVED AS TO FORM:

By  

MICHAEL D. MILICH, CITY ATTORNEY
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-206

A RESOLUTION APPROVING AN AMENDMENT TO A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND OATES, SIERRA PACIFIC-SACRAMENTO, LLC AND HOULIHAN; AND SIERRA PACIFIC-SACRAMENTO, LLC, A CALIFORNIA GENERAL PARTNERSHIP, FOR THE NORTHWEST AREA COMMAND OFFICE

WHEREAS, the City of Modesto entered into a Lease Agreement with Oates, Sierra Pacific-Sacramento, LLC and Houlihan; and Sierra Pacific-Sacramento, LLC, a California General Partnership, on October 7, 1997, to lease office space for a Northwest Area Command Office located at 2005 Evergreen Avenue, Suite 600, Modesto; and
WHEREAS, said lease was amended March 9, 1999; and
WHEREAS, said lease was again amended on January 18, 2000; and
WHEREAS, said lease expired on January 31, 2001; and
WHEREAS, said lease needs to be extended, and the parties hereto are willing to amend said lease to extend the lease term.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the Lease Agreement between the City of Modesto and Oates, Sierra Pacific-Sacramento, LLC and Houlihan; and Sierra Pacific-Sacramento, LLC, a California General Partnership, for the Northwest Area Command Office be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to the Lease Agreement by the designated City officials be authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

MICHAEL D. MILICH
City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-205

A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE
CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR A
BICYCLE PATH WITHIN THE MID LATERAL 6 RIGHT-OF-WAY,
ADJACENT TO BANGS AVENUE BETWEEN DALE ROAD AND AMERICAN
AVENUE

WHEREAS, the Kiernan Business Park Specific Plan designates Bangs Avenue to
include a Class I Bicycle Path; and

WHEREAS, the Modesto Irrigation District Lateral No. 6 right-of-way is adjacent to the
southerly property line of Bangs Avenue; and

WHEREAS, all dedicated right-of-way for improvements would need to come from the
properties on the north side of Bangs Avenue; and

WHEREAS, a compromise was reached to place the bicycle path on Modesto Irrigation
District right-of-way; and

WHEREAS, the Modesto Irrigation District requires a License Agreement for a bicycle
path entering the District right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and Modesto Irrigation District for a 10' wide bicycle
path on Modesto Irrigation District Lateral No. 6 right-of-way be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated
city officials be authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 2001, by Councilmember Conrad, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

MICHAEL D. MILICH, City Attorney

APPROVED AS TO FORM:

By  

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-207

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01
ANNUAL CAPITAL IMPROVEMENT PLAN BUDGET TO
ALLOCATE $422,000 IN FEDERAL TRANSPORTATION
ENHANCEMENT ACT FUNDS TO PROJECT 170-310-D247-6040,
DRY CREEK TRAIL CONSTRUCTION

WHEREAS, the City of Modesto has been awarded $422,000 in Federal Transportation
Enhancement Program grant funding through the State Transportation Improvement Program,
and

WHEREAS, this funding is for construction of approximately three miles of
pedestrian/Class I bicycle path along the south bank of Dry Creek from El Vista Avenue to Claus
Road, and

WHEREAS, the City Council, at its May 2, 2000 meeting, by Resolution No. 2000-196,
authorized the City Manager to execute all program related documents,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
Fiscal Year 2000-01 Annual Capital Improvement Plan Budget is hereby amended to estimate
revenue from the Federal Transportation Enhancement Act and appropriate expenditures to
project 170-310-D247-6040, Dry Creek Park Trail Construction.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the
necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-208

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR JANITORIAL SERVICES

WHEREAS, the Recreation and Neighborhoods Department has requested the purchase of janitorial services for the Modesto Centre Plaza, and

WHEREAS, by soliciting formal bids, the Finance Department - Purchasing Division will comply with the City of Modesto Municipal Code, Section 8-3.204, formal bid procedures.

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

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

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its regular meeting.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHN/City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-210

A RESOLUTION AUTHORIZING THE FIRE DEPARTMENT'S RECORDS MANAGEMENT SYSTEM UPGRADE AND APPROVING THE PURCHASE OF THE SUNPRO SOFTWARE SYSTEM UPGRADE

WHEREAS, the City of Modesto has deemed it necessary to upgrade the Fire Department's Records Management System (RMS), and

WHEREAS, the request for an upgrade is being made due to a change in the State of California reporting requirements, and

WHEREAS, the new reporting requirements will facilitate Federal Grant reporting, and

WHEREAS, the current version of Fox Pro 3.0, the platform the current version of SunPro is built on, is no longer supported by Microsoft, and will not be supported by SunPro in one to two years, and

WHEREAS, the City of Modesto Municipal Code allows for this action in Section 8-3.203.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the upgrade of the Fire Department's Records Management System is hereby authorized.

BE IT FURTHER RESOLVED that purchase of the SunPro software system upgrade is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: __________________________________

Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-209

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR A DIRECTIONAL BORING UNIT

WHEREAS, the Operations and Maintenance Department has requested the purchase of a directional boring unit, and

WHEREAS, the Water Department has requested the unit as a means of providing "trenchless" waterline replacement, and

WHEREAS, by soliciting formal bids, the Finance Department - Purchasing Division will comply with the City of Modesto Municipal Code, Section 8-3.204, formal bid procedures.

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the furnishing of a directional boring unit to be opened in the office of the City Clerk, 1010 10th Street, in the City of Modesto. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its regular meeting.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-211

A RESOLUTION PROCLAIMING MAY 13-19, 2001 “BIKE COMMUTE WEEK 2001”

WHEREAS, traffic congestion and air quality issues are of concern to the citizens of Modesto, and bicycle commuting is an effective means to reduce air pollution, and

WHEREAS, biking as a means of alternative transportation can reduce traffic congestion as well as fuel consumption, thereby conserving energy, and

WHEREAS, bicycle transportation is an integral part of the multi-modal transportation system planned for the federal, state, regional, and local transportation planning agencies, and

WHEREAS, the California Bicycle Coalition, the American Lung Association of California, and the California Department of Transportation have worked cooperatively with many public and private groups and individuals to promote a single day of bicycle commuting, and

WHEREAS, the month of May is “Clean Air Month” as part of the American Lung Association of California’s efforts to promote air quality, and

WHEREAS, the month of May is also the National Month to promote the bicycle as a means of transportation and recreation, and

WHEREAS, May 19, 2001, will be celebrated with the “Modesto Family Cycling Festival”,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Modesto City Council urges all citizens to recognize the importance and benefits of bicycling as
a zero-polluting transportation alternative, and hereby proclaims May 13-19, 2001, as "Bike Commute Week 2001".

The foregoing resolution was introduce at a regular meeting of the Council of the City of Modesto on the 8th day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: [Signature]

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
MODELTO CITY COUNCIL
RESOLUTION NO. 2001-212

A RESOLUTION APPOINTING FRED HERMAN TO THE COMMUNITY QUALITIES FORUM

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

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

SECTION 1. Fred Herman is hereby appointed to the Community Qualities Forum with a term expiration of January 1, 2005.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 2001, by Councilmember Smith, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jihan Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-213

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2000-272 TO AMEND THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO REVISE THE SALARY RANGE FOR THE CLASSIFICATION OF LAND SURVEYOR.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2000-272 to amend the Class Range Table for Management and Confidential Non-Sworn Classes to revise the Salary Range for the Classification of Land Surveyor,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2000-272. Exhibit "A" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 20, 2000", is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective May 15, 2001", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" revises the salary range for Land Surveyor from Range 434 to Range 438.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after May 15, 2001.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney
# CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective May 15, 2001

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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</thead>
<tbody>
<tr>
<td>407</td>
<td>Administrative Clerk 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>
<tr>
<td>411</td>
<td></td>
</tr>
<tr>
<td>412</td>
<td></td>
</tr>
</tbody>
</table>
| 413   | Senior Personnel Clerk      
       | Administrative Technician (Confidential) |
| 414   |       |
| 415   | Secretary |
| 416   |       |
| 417   |       |
| 418   | Legal Secretary |
| 419   | Public Information Technician (Confidential)      
       | Police Training and Records Technician (Confidential) |
| 420   | Accountant I (Confidential)      
       | Employee Benefits Coordinator      
       | Legal Services Technician      
       | Deputy City Clerk      
       | Executive Secretary      
       | Systems Technician      
       | Workers' Compensation Claims Examiner I |

**EXHIBIT A**
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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<tbody>
<tr>
<td>421</td>
<td></td>
</tr>
<tr>
<td>422</td>
<td>Office Supervisor</td>
</tr>
<tr>
<td>423</td>
<td>Custodian Supervisor</td>
</tr>
</tbody>
</table>
| 424   | Assistant Planner  
Assistant City Clerk/Auditor  
Buyer  
Workers’ Compensation Claims Examiner II |
| 425   | Administrative Analyst I  
Executive Assistant |
| 426   | Stores Manager  
Police Support Services Supervisor |
| 427   | Legal Services Administrator |
| 428   | Senior Buyer  
Accountant II  
Budget Analyst  
Customer Services Specialist  
Customer Services Supervisor  
Airport Operations and Maintenance Supervisor |
| 429   |       |
| 430   | Associate Planner  
Junior Civil Engineer  
Junior Traffic Engineer  
Senior Crime Analyst  
Social Services Program Supervisor  
Events Supervisor I  
Neighborhood Preservation Supervisor |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 431   | Administrative Analyst II  
       | Personnel Analyst  
       | Assistant Risk Manager  
       | Recycling Program Coordinator  
       | Senior Budget Analyst  
       | Senior Community Development Program Specialist  
       | Systems Analyst  
       | Equal Opportunity Officer |
| 432   | Plant Maintenance Supervisor  
       | Recreation Supervisor II  
       | Senior Accountant  
       | Youth Program Supervisor  
       | Industrial Waste Supervisor  
       | Water Quality Control Operations Supervisor  
       | Secondary Treatment Facilities Supervisor  
       | Operations and Maintenance Supervisor |
| 433   | Organizational Development Specialist |
| 434   | Senior Programmer Analyst  
       | Electrical Supervisor  
       | Senior Housing Rehabilitation Specialist  
       | Operations Supervisor  
       | Arborist  
       | Assistant Civil Engineer  
       | Assistant Traffic Engineer  
       | Geographic Information Systems Coordinator  
       | Events Supervisor II  
<pre><code>   | SCADA Supervisor |
</code></pre>
<table>
<thead>
<tr>
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<th>TITLE</th>
</tr>
</thead>
</table>
| 435   | Management Analyst  
       | Senior Personnel Analyst  
       | Integrated Waste Specialist  
       | Business Analyst  
       | Cultural Services Manager |
| 436   | Senior Planner |
| 437   | Deputy City Attorney I |
| 438   | Transportation Planner  
       | Housing Program Supervisor  
       | Communications and Marketing Manager  
       | Property Agent  
       | Budget Officer  
       | Financial/Investment Officer  
       | Systems Engineer  
       | Development and Operations Coordinator  
       | Senior Business Analyst  
       | Purchasing Supervisor  
       | Land Surveyor |
| 439   | Administrative Services Officer |
| 440   | Associate Civil Engineer  
       | Associate Traffic Engineer |
| 441   | Airport Manager  
       | Solid Waste Program Manager  
       | Transit Manager  
       | Streets Superintendent  
       | Parks Operations Superintendent  
       | Risk Manager  
       | Assistant Personnel Director  
       | Recreation Superintendent  
       | Fleet Manager  
       | Urban Forestry Superintendent  
       | Wastewater Collections Superintendent  
<pre><code>   | (Range 441 continues on next page) |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 441   | Water Superintendent  
       | Building Maintenance Superintendent  
       | Police Records Manager  
       | Fire Marshal  
       | Golf Services Manager  
       | Deputy City Attorney II  
       | Parks Planning and Development Manager |
| 442   | Supervising Building Inspector  
       | Supervising Construction Inspector  
       | Manager of Budget and Financial Analysis  
       | Information Services Manager  
       | Customer Services Division Manager |
| 443   | Deputy Chief Building Official  
       | Senior Deputy City Attorney I |
| 444   | General Services Manager  
       | Principal Planner |
| 445   | Accounting Division Manager  
       | Housing and Neighborhoods Division Manager |
| 446   | Water Quality Control Superintendent |
| 447   | Chief Building Official  
       | Assistant to City Manager  
       | Planning Division Manager  
       | Senior Civil Engineer  
<pre><code>   | Traffic Engineer |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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</thead>
<tbody>
<tr>
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<td></td>
</tr>
<tr>
<td>449</td>
<td>Senior Deputy City Attorney II</td>
</tr>
<tr>
<td>450</td>
<td></td>
</tr>
<tr>
<td>451</td>
<td></td>
</tr>
</tbody>
</table>
| 452   | Deputy Director – Cultural and Enterprise Services  
|       | Deputy Director – Recreation and Neighborhoods  
|       | Deputy Director of Engineering and Transportation  
| 453   |       |
| 455   | Assistant City Attorney |
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-214

A RESOLUTION SUPPORTING CALTRANS EFFORTS TO INSTALL A MEDIAN BARRIER ON STATE ROUTE 99 THROUGH MODESTO AND ENCOURAGING CALTRANS TO COMPLETE THE PROJECT AT THE EARLIEST POSSIBLE DATE.

WHEREAS, the City Council of the City of Modesto has adopted a Vision Statement that calls for Modesto to be a healthy and safe community; and

WHEREAS, State Route 99 traverses through Modesto carrying not only statewide and regional traffic, but local traffic as well; and

WHEREAS, on March 29, 2001, Mr. Gerardo Medina, an 18-year old Modesto High School Senior lost his life in a traffic accident on State Route 99 in Modesto when a pick-up truck traveling in the southbound direction crossed over into the northbound lanes and landed on the vehicle being driven by Mr. Medina; and

WHEREAS, five other people were injured as a result of this accident; and

WHEREAS, Caltrans is currently in the process of designing a project to install a median barrier at various locations on State Route 99, one of which is at the location of the accident; and

WHEREAS, the citizens of Modesto and the City Council desire that this project be implemented as soon as possible to enhance the safety of the traveling public on State Route 99; and

WHEREAS, the Transportation Policy Committee considered this matter at its April 26, 2001, meeting and recommended presenting the matter to the full Council to adopt a resolution of support,

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

1. The median barrier proposed for installation by Caltrans on State Route 99 will enhance the safety of the travelling public on State Route 99.
2. There is urgency involved in getting the median barrier installed and therefore, Caltrans is requested to complete the project and install the median barrier on State Route 99 through Modesto at the earliest possible date.

3. That Caltrans consider taking the actions suggested on Exhibit A, attached hereto, to ensure timely delivery and completion of the median barrier project.

4. That this resolution is adopted in recognition of Mr. Gerardo Medina.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers None

ATTEST: 
JEAN ZAHR, City Clerk
Exhibit A

- Install “temporary” median barriers (as you would in a construction zone when work is being done in the median) as soon as is legal and practical, even prior to the start of construction.
- Complete the design work on the project ASAP.
- Put the project out to bid as soon as design is complete, regardless of any prearranged or set advertising schedule.
- Shorten the advertisement period to the minimum required by law.
- Include an “Order of Work” clause in the contract specifications that requires the contractor to complete the median barrier installation in the downtown Modesto section of SR 99 as the first order of work.
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-215

A RESOLUTION AMENDING THE CAPITAL IMPROVEMENTS BUDGET TO RECOGNIZE ADDITIONAL REVENUE FROM THE SEWER FUND RESERVE TO FUND A DEWATERING CLAIM SETTLEMENT FILED BY RUTHERFORD AND SMITH CONSTRUCTION, INC. FOR CONSTRUCTION OF THE "RANCH CANNERY PUMP STATION AND FORCEMAIN" PROJECT.

WHEREAS, on August 25, 1998, the City Council awarded a $3,428,570.00 contract to Rutherford and Smith Construction, Inc. for the project entitled "Construction of Ranch Cannery Pump Station and Forcemain", and

WHEREAS, the Contractor filed a dewatering claim in the amount of $109,412.00 for additional construction costs related to the removal of groundwater, and

WHEREAS, on September 5, 2000, City Council accepted the improvements entitled "Construction of Ranch Cannery Pump Station and Forcemain", and

WHEREAS, the Contractor filed for claim resolution through binding arbitration, and

WHEREAS, City Council approved the claim settlement in closed session,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current capital improvement budget for the "Ranch Cannery Pump Station and Forcemain" project, account number 621-440-K731, to increase the amount of revenue in the amount of $80,000 transferred from Sewer Fund Reserves, account number 6210-800-8000-8003, to increase the budgeted amount for construction by $80,000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-217

A RESOLUTION APPOINTING MEMBERS TO THE COMMUNITY QUALITIES FORUM

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

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

SECTION 1. The following individuals are hereby appointed to the Community Qualities Forum with term expirations of January 1, 2005: James Dorroh, Larry Dovichi, Peter Gartner, Elizabeth Graham, Steve Olson, Donna Polite, Bob Schmal, and George Shoemaker.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 2001, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR
City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-216

A RESOLUTION APPROVING A SODA VENDING MACHINE LICENSE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE PEPSI BOTTLING COMPANY FOR INSTALLATION OF COIN-OPERATED SODA VENDING MACHINES IN VARIOUS CITY PARKS.

WHEREAS, the City of Modesto is the owner of Chrysler Park, Davis Park, Downey Park, Graceada Park, East LaLoma Park, Eisenhut Park, Garrison Park, Kewin Park, Muncy Park, Orchard Park, Sipherd Park, Sutter Park, Whitmore Park, Sylvan Park, John Thurman Soccer Field Park, Sherwood Park, Enslen Park, and Roosevelt Park (collectively referred to as “Parks”); and

WHEREAS, the City of Modesto desires that coin operated soft drink vending machines be available at the Parks for users of the Parks to purchase soft drinks for refreshment; and

WHEREAS, The Pepsi Bottling Company desires to install vending machines at the Parks to sell soft drinks to Park users; and

WHEREAS, The City of Modesto desires to license The Pepsi Bottling Company and The Pepsi Bottling Company desires to receive the license to the non-exclusive right to install vending machines at the Parks; and

WHEREAS, the City Council Human Services Committee reviewed and endorsed this license with The Pepsi Bottling Company at their meeting of May 2, 2001,

NOW THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the soda vending machine license agreement between the City of Modesto and The Pepsi Bottling Company for installation of coin-operated soda vending machines in various City parks be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duty seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-217A

A RESOLUTION APPROVING AN AGREEMENT WITH THE CITY OF MODESTO SWIM TEAM

WHEREAS, the City of Modesto has had an agreement with the City of Modesto Swim Team (Swim Team), a California non-profit corporation, which expired in 2000, and

WHEREAS, the City desires to enter into a new agreement with the Swim Team, and

WHEREAS, the terms of the agreement state that the City will provide use of swimming pools at no or reduced costs, payment of national dues and financial support for equipment, awards, etc., and

WHEREAS, at its May 2, 2001 meeting, the Human Services Committee supported approval of the agreement with the City of Modesto Swim Team,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the City of Modesto Swim Team is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee is hereby authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

Attest:  
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By:  
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-218

A RESOLUTION APPROVING AN AGREEMENT WITH MODESTO STANISLAUS WATER POLO

WHEREAS, the City of Modesto has had an agreement with Modesto Stanislaus Water Polo, a California non-profit corporation, which expired in 2000, and

WHEREAS, the City desires to enter into a new agreement with Modesto Stanislaus Water Polo, and

WHEREAS, the terms of the agreement state that the City will provide use of swimming pools at no or reduced costs, and

WHEREAS, at its May 2, 2001 meeting, the Human Services Committee supported approval of the agreement with Modesto Stanislaus Water Polo,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Stanislaus Water Polo is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee is hereby authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: 

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-219

A RESOLUTION ACCEPTING $20,000 IN FUNDING FROM THE GREAT VALLEY CENTER LEGACI GRANT PROGRAM FOR PHASE I DESIGN SERVICES AT THE TUOLUMNE RIVER REGIONAL PARK

WHEREAS, the City of Modesto has been notified by the Great Valley Center that $20,000 has been awarded to the Tuolumne River Regional Park from the LEGACI program, and

WHEREAS, this funding is for Phase I Design Services for the Gateway Parcel, which includes a schematic design phase, a design development phase, a construction document phase, bid review and negotiations and construction observation construction, and

WHEREAS, the Tuolumne River Regional Park Citizens Advisory Committee, at its May 14, 2001 meeting, supported acceptance of the grant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the $20,000 in grant funding from the Great Valley Center LEGACI Program is hereby accepted.

BE IT FURTHER RESOLVED that the execution of the letter of acceptance by the City Manager or his authorized designee is hereby authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: [Signature]
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: [Signature]
MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By: [Signature]
STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-220

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL CAPITAL IMPROVEMENT PLAN BUDGET TO ALLOCATE THE $20,000 IN LEGACI GRANT FUNDS TO PROJECT 8910-310-M269-6010, TRRP GATEWAY CONSTRUCTION DOCUMENTS

WHEREAS, the City of Modesto has been notified by the Great Valley Center that $20,000 has been awarded to the Tuolumne River Regional Park from the LEGACI program, and

WHEREAS, this funding is for Phase I Design Services for the Gateway Parcel, which includes a schematic design phase, a design development phase, a construction document phase, bid review and negotiations and construction observation construction, and

WHEREAS, the Tuolumne River Regional Park Citizens Advisory Committee, at its May 9, 2001 meeting, supported acceptance of the grant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2000-01 Annual Capital Improvement Plan Budget is hereby amended to estimate $20,000 in revenue from the Great Valley Center LEGACI Program and appropriate expenditures to project 8910-310-M269-6010, TRRP Gateway Construction Documents.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

Attest: 

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By: 

STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-221


WHEREAS, Juneteenth is a celebration of the day African-Americans gained their freedom from physical slavery, and

WHEREAS, the purpose of the event is to promote cultural awareness to the community, and

WHEREAS, the City has co-sponsored this event for a number of years, and

WHEREAS, the request for City assistance is for a cash contribution of $4,670 to assist with funding for new components of the event to include African dance, increased youth activities, a keynote speaker and a Buffalo Soldiers reenactment group, and

WHEREAS, the City Council, by Resolution No. 80-1066, as amended by Resolution No. 83-128, adopted a “policy for Evaluating Requests for Direct City Assistance”, and

WHEREAS, at its May 2, 2001 meeting, the Human Services Committee supported awarding the sum of $4,670 in funding to the event,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the request from the Juneteenth Celebration Committee for $4,670 in direct City assistance for the Juneteenth Celebration to be held at Mellis Park and King-Kennedy Memorial Center on June 14, 15 and 16, 2001.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: [Signature]
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: [Signature]
MICHAEL D. MILICH, City Attorney
A RESOLUTION AMENDING THE BUDGET TO TRANSFER $4,670 FROM THE GENERAL FUND RESERVE TO PROVIDE DIRECT CITY ASSISTANCE TO THE 2001 JUNETEENTH CELEBRATION.

WHEREAS, Juneteenth is a celebration of the day African-Americans gained their freedom from physical slavery, and

WHEREAS, the purpose of the event is to promote cultural awareness to the community, and

WHEREAS, the City has co-sponsored this event for a number of years, and

WHEREAS, the request for City assistance is for a cash contribution of $4,670 to assist with funding for new components of the event to include African dance, increased youth activities, a keynote speaker and a Buffalo Soldiers reenactment group, and

WHEREAS, at its May 2, 2001 meeting, the Human Services Committee supported awarding the sum of $4,670 in funding to the event,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2000-01 operating budget is hereby amended to transfer $4,670 from the General Fund Reserve, 0100-800-8000-8003, to King-Kennedy Memorial Center, Services Professional & Other, 0100-370-3731-0235 to provide direct City assistance for the 2001 Juneteenth celebration.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By: 

MICHAEL D. MILICH, City Attorney
RESOLUTION NO. 2001-223

A RESOLUTION APPROVING A REQUEST FROM THE HISPANIC LEADERSHIP COUNCIL FOR $1,000 IN CITY FINANCIAL SUPPORT FOR COLLEGE SCHOLARSHIPS.

WHEREAS, the City Manager’s Office received a request from a coalition of Hispanic organizations requesting a contribution of $1,000 for worthy student candidates to help them further their college education, and

WHEREAS, the funds will be presented at the Noche de Becas/Evening of Scholarships event at California State Stanislaus on Saturday, July 14, 2001, and

WHEREAS, the Human Services Committee met on May 2, 2001 and supported awarding the sum of $1,000 in funding for scholarships, and

WHEREAS, the funds will be deposited with the Hispanic Leadership Council, a non-profit organization,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the request from the Hispanic coalition for $1,000 in City funding for college scholarships.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

[Signature]

Attest: 

JEAN ZEHR, City Clerk

APPROVED AS TO FORM:

[Signature]

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-224

A RESOLUTION AMENDING THE BUDGET TO TRANSFER $1,000 FROM THE GENERAL FUND RESERVE TO PROVIDE FUNDING TO THE HISPANIC LEADERSHIP COUNCIL FOR COLLEGE SCHOLARSHIPS.

WHEREAS, the City Manager’s Office received a request from a coalition of Hispanic organizations requesting a contribution of $1,000 for worthy student candidates to help them further their college education, and

WHEREAS, the funds will be presented at the Noche de Becas/Evening of Scholarships event at California State Stanislaus on Saturday, July 14, 2001, and

WHEREAS, the Human Services Committee met on May 2, 2001 and supported awarding the sum of $1,000 in funding for scholarships, and

WHEREAS, the funds will be deposited with the Hispanic Leadership Council, a non-profit organization,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2000-01 operating budget is hereby amended to transfer $1,000 from the General Fund Reserve, 0100-800-8000-8003, to Cultural Promotions, Miscellaneous, 0100-360-3622-1000 to provide funding for scholarships.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Mayor Sabatino, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: ____________________________
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: ________________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-225

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

WHEREAS, JKB Homes, Corp., a California Corporation, subdividers of Legends Village Unit No. 2 subdivision, have filed irrevocable letters of credit to secure faithful performance and payment for labor and materials in the amount of $769,700 and $384,850, respectively, and,

WHEREAS, JKB Homes, Inc., has filed a warranty bond in the amount of $76,970 to guarantee improvements in Legends Village Unit No. 2 subdivision; and,

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

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

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

1. The improvements in Legends Village Unit No. 2 Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the letter of credit for faithful performance in the amount of $769,700 upon recordation of the notice of completion.
3. The City Clerk is hereby authorized to release the letter of credit for labor and materials in the amount of $384,850 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty to guarantee improvements in the amount of $76,970 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-226

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $11,000.00 TO FULLY FUND THE CONSTRUCTION OF ADVANCED TRAFFIC MANAGEMENT SYSTEM PROJECT

WHEREAS, on September 26, 1995, the City Council awarded a $1,529,971.00 contract to L. K. Comstock & Company, Inc. to install a traffic management network within the City of Modesto, and

WHEREAS, the material quantities associated with constructing the Advanced Traffic Management System project varied from the quantities specified by the original contract, and

WHEREAS, this resulted in adjustments having to be made in the quantities and additional funds being required.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an appropriation transfer of $11,000.00 from Account Number 141-160-K382-6040, Intersection Upgrades Various, to Account Number 141-160-C630-6040, Centralized Traffic Signal Control, to fully fund the project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-227

A RESOLUTION APPROVING SUPPORT OF ASSEMBLY BILL 30 (1ST EXTRAORDINARY SESSION).

WHEREAS, on January 17, 2001, California Governor Davis proclaimed pursuant to the Emergency Services Act (State Government Code Section 8625) a State of Emergency due to an electrical energy shortage; and

WHEREAS, the Governor cited the need for extraordinary measures by government in order to address the extreme peril caused by the threat of imminent power outages and their probable impact on emergency services; and

WHEREAS, this State of Emergency is ongoing until the energy crisis is resolved; and

WHEREAS, the City of Modesto and its citizens have been and will continue to be affected by rotating black-outs for an undetermined amount of time; and

WHEREAS, the energy crisis and its resultant rotating black-outs pose serious public safety challenges of staffing and response by City of Modesto public safety agencies; and

WHEREAS, existing and additional City of Modesto resources are necessary to deal with immediate public safety issues related to the rotating black-outs; and

WHEREAS, these City of Modesto resources are most efficient and effective when immediate notification of an impending rotating black-out is reported to our public safety agencies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Assembly Bill X1 30, authored by Assembly member Cardoza, relating to public safety...
notification by electrical suppliers of loss of power as soon as the planned loss becomes known as to when and where that power loss will occur, is supported by the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22\textsuperscript{nd} of May, 2001, by Council member Friedman, who moved its adoption, which motion being duly seconded by Council member Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Council members: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Council members: None

ABSENT: Council members: None

ATTEST: 

JEAN ZAHR, CITY CLERK

5/22/01/ Police/ R Wasden -2- 2001-227
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-228

A RESOLUTION OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE) AND AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #6)

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

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

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

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

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

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

5/22/01/ Attorney/ R. Stevens

-1-

2001-228
WHEREAS, Annexation #5 has not been completed, but this Council is scheduled to adopt a resolution ordering Annexation #5 on June 19, 2001.

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

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

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

SECTION 1. The above recitals are true and correct.

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

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

SECTION 4. District boundaries after the most recent annexation (Annexation #5) are shown on a map entitled “Annexation No. 5 to Community Facilities District No. 1996-1 (Village One)” on file with the County Recorder of the County of Stanislaus at Volume 3 of Maps of Assessment and Community Facilities Districts, at Page 47.

SECTION 5. The Annexed Territory is described in Exhibit “A” to this Resolution.

5/22/01 Attorney/ R. Stevens

-2- 2001-228
The boundaries of the Annexed Territory are also shown on the maps thereof, entitled "Annexation No. 6 to Community Facilities District No. 1996-1 (Village One)", on file in the office of the City Clerk, and hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than 10 days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code; including a reference to the title, book, page and recording date of the original boundary map of the District.

SECTION 6. The types of public facilities and services authorized to be provided to the District are set forth in the Resolution of Formation. These same types of facilities and services plus a comprehensive signage program as described in Resolution No. 97-174, adopted by the City Council on April 1, 1997, will be provided to the Annexed Territory.

SECTION 7. The Maintenance Special Tax to be levied in the Annexed Territory shall be the same as the Maintenance Special Tax currently levied in the original District, as set forth in the Resolution of Formation. The Facilities Special Tax to be levied in the Annexed Territory shall be slightly higher than that levied in the original District, to account for the additional cost of the community signage program, as referenced in Section 5 hereof. The Facilities Special Tax for the Annexed Territory is described in the City's Public Report, on file with the City Clerk, amended April, 1997. It is the intention of the City Council that in the
event all of the subject taxes are not approved by the qualified electors of the Annexed Territory at an election to be held subsequent to the approval of this Resolution of Intention, that then, and in that sole event, the annexation of the Annexed Territory shall be a nullity, and void from the date of the public hearing on this resolution where it is approved.

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

*Facilities Special Tax*

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Facilities Special Tax (per Gross Acre)</th>
<th>Effective July 1, 2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village Low-Density Residential</td>
<td>$24,239.12</td>
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<tr>
<td>Village Residential</td>
<td>$36,243.74</td>
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<tr>
<td>Multi-Family Residential</td>
<td>$93,924.62</td>
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<tr>
<td>Commercial</td>
<td>$106,492.33</td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>$49,872.48</td>
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</table>
**Maintenance Special Tax**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Maintenance Special Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Effective July 1, 2000</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Developed</strong></td>
<td></td>
</tr>
<tr>
<td><em>Very Low Density Residential</em></td>
<td>$143.76 (per lot)</td>
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<tr>
<td><em>Village Residential</em></td>
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</tr>
<tr>
<td><em>Multi-Family Residential</em></td>
<td>$93.33 (per unit)</td>
</tr>
<tr>
<td><em>Commercial/Industrial</em></td>
<td>$504.17 (per acre)</td>
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<tr>
<td><strong>Undeveloped</strong></td>
<td></td>
</tr>
<tr>
<td><em>Very Low Density Residential</em></td>
<td>$71.88 (per lot)</td>
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<td><em>Village Residential</em></td>
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<td><em>Multi-Family Residential</em></td>
<td>$46.66 (per unit)</td>
</tr>
<tr>
<td><em>Commercial/Industrial</em></td>
<td>$504.17 (per acre)</td>
</tr>
</tbody>
</table>

SECTION 8. A public hearing upon this Resolution shall be held at 5:15 p.m., or as soon thereafter as practicable, on Tuesday, June 26, 2001, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than 30 or more than 60 days following the adoption thereof.

SECTION 9. At the hearing, any interested persons for or against the annexation of the Annexed Territory to the District, and the levy of the special tax therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests
shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

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

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

At the conclusion of the hearing, if the Council determines to annex the Annexed Territory, it shall then submit the levy of the District special tax to the qualified electors of the Annexed Territory in a special election.
The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
“EXHIBIT A”
All that certain real property situate in the, County of Stanislaus, State of California, described as follows:

PARCEL NO. 1:
ALL THAT PORTION OF LOT 15 OF SANTA FE COLONY, AS PER MAP THEREOF, FILED DECEMBER 29, 1908 IN VOLUME 4 OF MAPS, AT PAGE 12, STANISLAUS COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 15, ON THE WESTERLY LINE OF A 25 FOOT AVENUE, AND RUNNING THENCE NORTHERLY ALONG SAID WESTERLY LINE OF SAID AVENUE 1320.50 FEET TO A POINT IN THE CENTERLINE OF A 40 FOOT COUNTY ROAD; THENCE WESTERLY ALONG SAID CENTERLINE 386.472 FEET TO A POINT; THENCE SOUTHERLY 1320.57 FEET TO THE SOUTH LINE OF SAID LOT 15; THENCE EASTERLY ALONG SAID SOUTH LINE 386.40 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE COUNTY OF STANISLAUS BY DEED RECORDED JUNE 21, 1979 IN VOLUME 3205 OF OFFICIAL RECORDS, AT PAGE 219, AS INSTRUMENT NO. 83755, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 9 EAST, MOUNT DIABLO BASE AND MERIDIAN; THENCE NORTH 89 DEGREES 38' 15" WEST, ON THE NORTH LINE OF SAID SOUTHEAST QUARTER, 25.00 FEET; THENCE SOUTH 0 DEGREES 19' 53" EAST, 20.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 89 DEGREES 38' 15" WEST, ON THE SOUTH LINE OF PRESENT 40-FOOT WIDE SYLVAN AVENUE, A DISTANCE OF 250.00 FEET; THENCE SOUTH 0 DEGREES 21' 45" WEST, 30.00 FEET; THENCE SOUTH 89 DEGREES 38' 15" EAST, 30.00 FEET SOUTHERLY OF AND PARALLEL WITH THE SAID SOUTH LINE OF SYLVAN AVENUE, A DISTANCE OF 210.54 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 89 DEGREES 18' 22"; THENCE SOUTHEASTERLY ON THE ARC OF SAID CURVE, 23.38 FEET; THENCE NORTH 89 DEGREES 40' 07" EAST, 25.00 FEET TO THE WEST LINE OF PRESENT 70-FOOT WIDE ROSELLE AVENUE; THENCE NORTH 0 DEGREES 19' 53" WEST, ON SAID WEST LINE, 44.52 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 2:
ALL THAT PORTION OF LOT 15 OF SANTA FE COLONY, AS PER MAP THEREOF FILED DECEMBER 29, 1908 IN VOLUME 4 OF MAPS, AT PAGE 12, STANISLAUS COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 15 WHICH POINT BEARS WESTERLY 386.40 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 15; THENCE WESTERLY ALONG SAID SOUTH LINE OF SAID LOT 15 A DISTANCE OF 128.80 FEET TO A POINT; THENCE NORTHERLY 1320.60 FEET TO A POINT IN THE CENTER LINE OF A 40 FOOT WIDE COUNTY ROAD; THENCE EASTERLY ALONG SAID CENTER LINE 128.824 FEET TO A POINT; THENCE SOUTHERLY 1320.67 FEET TO THE POINT OF BEGINNING.
PARCEL NO. 3:
ALL THAT PORTION OF LOTS 14 AND 15 OF SANTA FE COLONY, AS PER MAP THEREOF, FILED DECEMBER 29, 1908 IN VOLUME 4 OF MAPS, AT PAGE 12, STANISLAUS COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF SAID LOT 14, WHICH POINT BEARS EAST 515.20 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 14; THENCE FROM SAID POINT OF BEGINNING EASTERLY ALONG THE SOUTH LINE OF SAID LOTS 14 AND 15 A DISTANCE OF 257.60 FEET; THENCE NORTHERLY 1320.60 FEET TO THE CENTER LINE OF A 40 FOOT WIDE COUNTY ROAD; THENCE WEST ALONG SAID CENTER LINE 257.648 FEET; THENCE SOUTHERLY 1320.65 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL THAT PORTION DESCRIBED AS FOLLOWS:

A PORTION OF LOTS 14 AND 15 OF SANTA FE COLONY, AS PER MAP THEREOF, FILED DECEMBER 29, 1908 IN VOLUME 4 OF MAPS, AT PAGE 12, STANISLAUS COUNTY RECORDS, OF THAT PROPERTY IN THE QUITCLAIM DEED TO THE MAXINE SORRENTINO TRUST RECORDED SEPTEMBER 20, 1991, AS INSTRUMENT NO. 073325 IN THE STANISLAUS COUNTY RECORDS.

BEGINNING AT THE NORTHWEST CORNER OF SAID SORRENTINO PROPERTY; THENCE SOUTH 89 DEGREES 44' 50" EAST ALONG THE NORTH LINE OF SAID PROPERTY AND THE SOUTH LINE OF SYLVAN AVENUE, A DISTANCE OF 214.19 FEET; THENCE SOUTH 76 DEGREES 47' 35" WEST, A DISTANCE OF 214.40 FEET TO THE WEST LINE OF SAID PROPERTY; THENCE NORTH 00 DEGREES 30' 39" WEST ALONG SAID WEST LINE, A DISTANCE OF 12.94 FEET TO THE POINT OF BEGINNING.

APN: 2-132/077-09-43-271
1. The estate or interest in the land hereinafter described or referred to covered by this report is:

A FEE

2. Title to said estate or interest at the date hereof is vested in:

Isabella S. C'hiappone, Surviving Trustee, U.D.T. (Under Declaration of Trust), dated May 7, 1987

3. The land referred to in this report is situated in the State of California, County of Stanislaus and is described as follows:

A portion of Lot 14 of SANTA FE COLONY, as per Map filed December 29, 1908 in Vol.: 4 of Maps, page 12, Stanislaus County Records, described as follows:

COMMENCING at a point on the Southerly line of said Lot 14; which point bears East 257.60 feet from the Southwest corner of said Lot 14; thence from said point of beginning Easterly along the Southerly line of said Lot 14, 257.60 feet to a point; thence Northerly 1320.65 feet to a point in the centerline of a 40 foot County Road; thence Westerly along said centerline 257.648 feet; thence Southerly 1320.70 feet to the point of beginning.
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-229

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE A REQUEST FOR QUALIFICATIONS (RFQ) FOR FEDERAL LEGISLATIVE LOBBYIST SERVICES.

WHEREAS, the City of Modesto has determined it is desirable to retain a consultant to represent the City’s interests at the federal level; and

WHEREAS, since October 1993, the City has enlisted the services of Ball Janik LLP to represent the City’s federal interests; and

WHEREAS, on June 30, 2001, the consultant contract agreement with Ball Janik LLP will expire; and

WHEREAS, on May 3, 2001, the Economic Development, Community and Intergovernmental Relations Committee recommended Council approve issuance of a Request for Qualifications (RFQ) for Federal Legislative Lobbyist Services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it authorizes the City Manager to issue a RFQ for Federal Legislative Lobbyist Services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote: 
AYES: Councilmembers: Conrad, Fisher Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR / City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-230

A RESOLUTION APPROVING AND AUTHORIZING SUBMISSION OF
THE ANNUAL TRANSPORTATION CLAIM FOR FISCAL YEAR
2001/02, FOR TRANSIT PURPOSES ONLY, TO THE STANISLAUS
COUNCIL OF GOVERNMENTS (STANCOG)

WHEREAS, the greatest portion of the City’s funding for the Modesto Area Transit
(MAX) and Dial-A-Ride (DAR) Service Programs, other than fare revenues and federal funds, is
the Local Transportation Fund (LTF), and

WHEREAS, the funding is apportioned by the State in accordance with the
Transportation Development Act through the Stanislaus Council of Governments (StanCOG) to
the City, and

WHEREAS, the City’s total claim for Fiscal Year 01/2002 is $5,089,698, and the total
transit and capital budget is $12,839,941 for FY 01/2002, and

WHEREAS, Council action authorizing the claim is required by StanCOG prior to the
funds being released.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the City Manager is hereby authorized to execute the claim for apportionment of
Local Transportation Development funds on behalf of the City of Modesto, and the
submission of the City of Modesto’s claim to the Stanislaus Council of Governments
(StanCOG) in the amount of $5,089,689 for the Fiscal Year 2001-2002 is hereby
approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-231

A RESOLUTION APPROVING AND AUTHORIZING SUBMISSION OF THE ANNUAL TRANSPORTATION CLAIM FOR FISCAL YEAR 2000/01, FOR TRANSIT PURPOSES ONLY, TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG)

WHEREAS, on June 13, 2000, the City Council approved the annual claim for Local Transportation Funds for transit purposes only, and

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the Finance Department that the non-transit dollars are available to be claimed, and

WHEREAS, the claim includes $2,672,778 for street purposes, $10,000 for the “Save the Train”, project, and $106,366 for non-motorized projects, and

WHEREAS, the City is also requesting that $217,300 of carryover funds originally apportioned for transit and Amtrak purposes be reallocated for general street maintenance, and

WHEREAS, Council action authorizing the claim is required by StanCOG prior to the funds being released.

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 carryover transit revenues to be reallocated for street purposes, and the submission of the City’s claim to the Stanislaus Council of Governments (StanCOG) in the amount of $3,006,444 for Fiscal Year 2000/01 is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22\textsuperscript{nd} day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: \underline{JEAN ZAHR}, City Clerk

(SEAL)

APPROVED AS TO FORM:

By \underline{MICHAEL D. MILICH}, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-232

A RESOLUTION ESTABLISHING WEBSITE LINK FEES RELATED TO AN INTERACTIVE WEB BUSINESS DIRECTORY ON THE CITY OF MODESTO WEBSITE AND AMENDING THE CITY’S MASTER FEES GUIDE TO INCLUDE THESE FEES.

WHEREAS, it is not the intent of the City’s website to promote commercial services, advertising or other similar ventures; and

WHEREAS, it is in the best interest of visitors to the City’s website to provide a complete listing of all for-profit and non-profit business license holders within the Modesto community; and

WHEREAS, the Information Services staff will extract information from the Finance Department Business License database and convert it into an Internet-based application; and

WHEREAS, costs for the initial design and implementation of the directory will be absorbed by Information Services as part of the Internet/Intranet Technology Plan, approved by the City Council on September 5, 2000; and

WHEREAS, as a “value-added” benefit, the City will develop links to websites of those interested businesses on the Web Business Directory and charge a setup fee of $60.00 per year to establish Web Link Accounts for those businesses; and

WHEREAS, a reduced annual renewal fee after the first year, of $20.00 per year will be charged to participating businesses to offset ongoing account and website maintenance costs; and

WHEREAS, non-profits are exempt from business license fees, any non-profits participating as a link on the Web Business Directory will be charged fees for account and website maintenance costs; and

5/22/01/ CMO/ R Ledbetter

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WHEREAS, all costs are based on the percentage of businesses using the Web Business Directory service; and

WHEREAS, links from the City of Modesto website to all external sites are required to comply with the External Website Link Policy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts this resolution establishing Website Link Fees related to a Web Business Directory for the City of Modesto Internet Website and amending the City’s Master Fees Guide to include fees of $60.00 per year for new Web Business Directory Accounts and $20.00 per year for renewed Web Business Directory Accounts.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22 day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

5/22/01/ CMO/ R Ledbetter
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-233

A RESOLUTION ESTABLISHING A WEBSITE EXTERNAL LINKS POLICY
FOR THE CITY OF MODESTO WEBSITE

WHEREAS, links from the City of Modesto website to all external sites, including organizations, agencies, churches, associations, groups, profit and non-profit businesses and all other entities shall comply with the following policy:

WHEREAS, for-profit and non-profit businesses requesting links from the City of Modesto Web Business Directory must complete a Release of Liability Application, which relieves the City of Modesto from any liability incurred by visitors to those business websites; and

WHEREAS, the linked website must not discriminate based upon gender, race, ethnic origin, or other factors; and

WHEREAS, the linked website must not contain material generally considered offensive. Links to sites containing nudity, adult language, hate language and similar material are strictly prohibited; and

WHEREAS, when a City website visitor activates an external link, the City’s Webmaster shall notify the visitor that he/she is leaving the City of Modesto site; and

WHEREAS, all link requests, including those links on Department pages of the City’s website, must be submitted for approval, in writing, to the City Manager’s Office; and

WHEREAS, local, state and federal government agencies and educational institutions requesting links from the City of Modesto website are exempt from this policy.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts this resolution establishing a Website External Links Policy for the City of Modesto Internet Website hereto attached.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22 day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk
Links from the City of Modesto website to external sites, including organizations, agencies, churches, associations, groups, profit and non-profit businesses and all other entities shall comply with the following policy:

1. For-profit and non-profit businesses requesting links from the City of Modesto Web Business Directory must complete a Release of Liability Application, which relieves the City of Modesto from any liability incurred by visitors to those business websites.

2. The linked website must not discriminate based upon gender, race, ethnic origin, or other factors.

3. The linked website must not contain material generally considered offensive. Links to sites containing nudity, adult language, hate language and similar material are strictly prohibited.

4. The linked website must provide a link back to the City of Modesto website.

5. When a City website visitor activates an external link, the City’s Webmaster shall notify the visitor that he/she is leaving the City of Modesto site.

6. All link requests, including those links on Department pages of the City’s website, must be submitted for approval, in writing, to the City Manager’s Office.
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-234

A RESOLUTION AMENDING SECTIONS 1 AND 2 OF RESOLUTION NO. 79-1151 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PREZONED PLANNED DEVELOPMENT ZONE, P-PD(247) (GERRIT VANDER POL)," AS AMENDED BY RESOLUTION NO. 89-605 (PHILLIP D. OVERHOLTZER)

WHEREAS, the City Council, by Ordinance No. 1892-C.S., which was introduced on November 6, 1979, finally adopted on November 20, 1979, and which became effective on December 20, 1979, amended Section 8-4-9 of the Zoning Map to prezone to Planned Development Zone, P-D(247), for a development of "M-1 Zone uses which are agriculturally related", property located on the northwest corner of Whitmore Avenue and Crows Landing Road, and

WHEREAS, City Council Resolution No.79-1151, adopted on November 6, 1979, approved the development plan for Prezone Planned Development, P-PD(247), and contained conditions of approval thereof, and

WHEREAS, effective April 4, 1980, the area prezoned to Planned Development Zone, P-D(247), was annexed to the City of Modesto, as a part of the Crows Landing-Whitmore annexation, and

WHEREAS, City Council Ordinance No. 2670-C.S., which was introduced on June 6, 1989, finally adopted on June 13, 1989, and which became effective on July 13, 1989, rezoned a portion of P-D(247) to R-1, Low-Density Residential Zone, and

WHEREAS, City Council Resolution No.89-605, adopted on June 6, 1989, approved a revised development plan for a reduced area of Planned Development Zone,
P-D(247), and contained conditions of approval, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(247), was filed by Michael E. Beckwith on February 20, 2001, to allow a mini-storage facility which application was expanded to consider other nonagricultural industrial/commercial uses on the remainder of the site, property located on the west side of Crows Landing Road north of Whitmore Avenue, and

WHEREAS, after a public hearing held on April 16, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-26, that amendment of Planned Development Zone, P-D(247), as requested and expanded is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed amendment to P-D(247), by reason of it’s plot plan design and the conditions of approval, is compatible with surrounding land uses.

2. That the requested Planned Development Zone for a mini-storage complex along with other nonagricultural M-1 Zone and Commercial uses is within an area designated for commercial uses by the General Plan and that this development is consistent with uses included with this designation.

WHEREAS, said matter was set for a public hearing of the City Council to be held on May 22, 2001, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Michael E. Beckwith for an amendment to Planned Development Zone, P-D(247),
should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-26 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3224-C.S. on the 22nd day of May, 2001, amending Section 2 of Ordinance No. 1892-C.S., to allow the development of a mini-storage facility and other nonagriculturally-oriented industrial/commercial uses on the remainder of the site.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 and 2 of City Council Resolution No. 79-1151 entitled "A Resolution Approving a Development Plan for Prezoned Planned Development Zone, P-PD(247). (Gerrit Vander Pol)" are hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The revised development plan for Planned Development Zone, P-D(247), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plans titled "U-Stor Crows Landing, Modesto California" as amended in red, stamped approved by the Planning Commission on April 16, 2001.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Recreation and Neighborhoods Director. Screen landscaping shall be installed along the west property line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan. Climbing vines shall be planted along the chain link fencing on the north and south property lines.

3. Fences or walls shall be constructed prior to occupancy and shall be eight-
foot-high chain link along the entire north, south and west property lines. Crows Landing Road frontage shall be wrought iron.

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

5. Street dedication/reservation consistent with Standard Specifications and the City’s Street Exaction’s Policy shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

6. Street improvements including but not limited to a standard drop-curb approach and ten-foot-wide sidewalk, consistent to Standard Specifications shall be provided prior to occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety or traffic problem in the area.

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

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

9. All outdoor lighting shall be shielded from nearby residential properties as
required by the Engineering and Transportation Director.

10. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Department Director.

11. The developer shall, in a matter approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the south, substantially as shown in red on the plot plan.

12. Ten-foot public utility easements, and planting easements located within the ten-foot public utility easements, as required by the Recreation and Neighborhoods Director, be dedicated along all street frontages.

13. All signs shall comply with the sign requirements of the M-1 Zone.

14. All conditions of City Council Resolution Nos. 79-1151 and 89-605 not in conflict with this action shall remain in full force and effect.

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

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(247):

That the entire construction program be accomplished in one phase, construction to begin on or before April 16, 2003, and be completed by not later than April 16, 2004.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance amending Planned Development Zone, P-D(247), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ATTEST:**

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-235

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING PLANNED DEVELOPMENT ZONE P-D(247), PROPERTY LOCATED ON THE WEST SIDE OF CROWS LANDING ROAD NORTH OF WHITMORE AVENUE, TO ALLOW A MINI-STORAGE FACILITY AND OTHER NONAGRICULTURAL INDUSTRIAL/COMMERCIAL USES (MICHAEL E. BECKWITH)

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

WHEREAS, Michael E. Beckwith has proposed an amendment to Planned Development Zone, P-D(247), to allow a mini-storage facility and other nonagricultural industrial/commercial uses in the City of Modesto ("the project"), and

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

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study No. EA/CDD 2001-18 reviewed the proposed amendment to Planned Development Zone, P-D(247), to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the

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determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to Planned Development Zone, P-D(247), a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

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

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

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

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

5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT A

Initial Study

EA/CDD 2001-18
City of Modesto
Initial Study

Amend P-D(247) to Allow Mini-Storage

EA/CDD 2001-18
March 27, 2001

I. PURPOSE

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

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

II. PROJECT DESCRIPTION

A. Project title:
Public Hearing - Application of Michael E. Beckwith to amend P-D(247) to allow mini-storage, property located on the west side of Crows Landing Road, north of Whitmore Avenue.

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:
West side of Crows Landing Road, north of Whitmore Avenue.

E. Project Sponsor:
Michael E. Beckwith
P.O. Box 577827
Modesto, CA 95357

F. General Plan Designation:
Commercial (C)

G. Current Zoning:
Planned Development (247)
H. Description of Proposed Project:
This is a review of an application for a P-D amendment to allow mini-storage on property located on the west side of Crows Landing Road and north of Whitmore Avenue. This development is proposed on vacant property containing 4.1 acres. The surrounding area is developed with single-family residential to the west, commercial to the north, and County lands to the south and east. The proposed mini-storage would consist of 514 units totaling 68,000 square feet.

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 with the analysis contained within the MEIR.

A. Traffic and Circulation

Development of the proposed mini-storage use may tend to contribute to increased traffic in the area. However, 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 still valid.

B. Degradation of Air Quality

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

C. Generation of Noise

The proposed project is consistent with the General Plan in land use and intensity. Although it is located within the noise contours shown on Figure 3-2 of the MEIR, no additional noise-attenuation measures are necessary due to the nature of the project. Therefore, the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are still valid.

D. Loss of Productive Agricultural Land

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

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

F. Increased Demand for Sanitary Sewer Services

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

G. Loss of Sensitive Wildlife and Plant Habitat

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

H. Disturbance of Archaeological and Historic Sites

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

I. Drainage, Flooding and Water Quality

The proposed project is consistent with the General Plan in land use and intensity, and will conform to the City's standards for drainage, flood control and water quality. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

J. Increased Demand for Storm Drainage

The proposed project is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure to provide the necessary 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 the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are still valid.

K. Increased Demand for Parks and Open Space

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

L. Increased Demand for Schools

The MEIR 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, as applicable, 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 the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are still valid.

N. Increased Demand for Fire Services

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

O. Generation of Solid Waste

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

P. Generation of Hazardous Materials

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

This project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-1-11) are therefore 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 the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are still valid.

IV. **CONCLUSIONS/DETERMINATIONS OF FINDINGS**

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

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

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

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

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

Signature:

Brad Wall,
Associate Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-236

A RESOLUTION ADJUSTING RENTAL CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD, RESCINDING COUNCIL RESOLUTION NO. 99-289

WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes the Council, by resolution, to establish rental charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field, and

WHEREAS, a duly noticed public hearing was held by the Council on May 22, 2001 at 5:15 p.m. in the City Council Chambers at the City/County Administration Building (Tenth Street Place), 1010 Tenth Street, Modesto, California to consider increasing rates and charges for Modesto City-County Airport’s aircraft hangars, office space, and tie-down rentals, and

WHEREAS, the Transportation Policy Committee considered rate increases at their meeting on April 26, 2001, and are recommending the City Council conduct a hearing to consider a 6.8% rate increase in general aviation, hangars, offices, and tie-downs, and

WHEREAS, during the public hearing the recommended increase in rents and fees was amended to 3.6% to be effective for six (6) months, at which time the City should know whether the aircraft taxes paid to Stanislaus County have increased substantially enough to off-set the need for a full 6.8% increase in general aviation hangars, offices, and aircraft tiedowns, and

WHEREAS, the City Manager was asked to review the rate of aircraft tiedown rent; and if he deems necessary, the City Manager is authorized to lower the rent on tiedowns so the rent can be an incentive to aircraft owners not based at Modesto Airport to relocate to the local airport.

5/22/01/ E&T/ H Cook -4- 2001-236
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(1) T-Hangars

<table>
<thead>
<tr>
<th>Hangar</th>
<th>Rental Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hangar A</td>
<td>$107.00 unit per month</td>
</tr>
<tr>
<td>End Units</td>
<td>$124.00 unit per month</td>
</tr>
<tr>
<td>Hangar B</td>
<td>$130.00 unit per month</td>
</tr>
<tr>
<td>End Units</td>
<td>$160.00 unit per month</td>
</tr>
<tr>
<td>Hangar C</td>
<td>$137.00 unit per month</td>
</tr>
<tr>
<td>End Units</td>
<td>$165.00 unit per month</td>
</tr>
<tr>
<td>Hangar D</td>
<td>$122.00 unit per month</td>
</tr>
<tr>
<td>End Units</td>
<td>$145.00 unit per month</td>
</tr>
<tr>
<td>Hangar E</td>
<td>$179.00 unit per month</td>
</tr>
<tr>
<td>End Units</td>
<td>$209.00 unit per month</td>
</tr>
<tr>
<td>Hangar F</td>
<td>$179.00 unit per month</td>
</tr>
<tr>
<td>End Units</td>
<td>$209.00 unit per month</td>
</tr>
<tr>
<td>Hangar G</td>
<td>$179.00 unit per month</td>
</tr>
<tr>
<td>Hangar H</td>
<td>$179.00 unit per month</td>
</tr>
<tr>
<td>Hangar I</td>
<td>$349.00 unit per month</td>
</tr>
<tr>
<td>Hangar J</td>
<td>$179.00 unit per month</td>
</tr>
<tr>
<td>Portable Land Rent</td>
<td>$53.00 unit per month</td>
</tr>
</tbody>
</table>

A five percent (5%) discount will be made in any of the above rental charges when a year's lease is entered into and the year's rental charges are paid in advance.
(b) Storage Hangars:

<table>
<thead>
<tr>
<th>Hangar No.</th>
<th>Lease Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$1,341.00</td>
</tr>
<tr>
<td>2</td>
<td>$1,091.00</td>
</tr>
<tr>
<td>3</td>
<td>$575.00</td>
</tr>
<tr>
<td>4</td>
<td>$978.00</td>
</tr>
<tr>
<td>5</td>
<td>$974.00</td>
</tr>
<tr>
<td>6</td>
<td>$570.00</td>
</tr>
</tbody>
</table>

is discounted to $888.00 per month

SECTION 2. TIE-DOWN FEES. Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) Tail-in Tie-Down – Permanent, light single and multi-engine (under 12,500 lbs.) $32.00 per month

(b) Taxi-in Tie-Down – Permanent, light single and multi-engine (under 12,500 lbs.) $53.00 per month

(c) Taxi-in Tie-Down – Permanent, large multi-engine (over 12,500 lbs.) $.038 per square foot per month

(d) Taxi-in Tie-Down – Transient, helicopter/single-engine aircraft $6.00 per day

(e) Taxi-in Tie-Down – Transient, twin-engine aircraft (under 12,500 lbs.) $8.00 per day

(f) Taxi-In Tie-Down – Transient, twin-engine aircraft (over 12,000 lbs.) $12.00 per day

(g) Jets – $12.00 per day

A five-percent (5%) discount will be made in the rental charges set forth in subparagraphs (a), (b), and (c), above when a year’s lease is entered into and the year’s rental charges are paid in advance.
A volume discount may be given to Fixed Base Operators (FBO) that operate flight schools for light single and multi-engine aircraft (under 12,500 lbs.) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 3. OFFICE SPACE. The monthly charge for office spaces at the Modesto City-County Airport/Harry Sham Field are hereby established as follows:

(a) Old Administration Building ....................... $.71 per square foot
(b) Office Building No. 1 ............................... $.71 per square foot
(c) Office Building No. 2 ............................... $.71 per square foot
(d) Hangar Office Space ...................... $.326 per square foot

SECTION 4. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL.
Organization and service providers desiring to temporarily use the passenger terminal will be charged a daily rate:

(a) Ticket counter ......................................... $.067 per square foot
(b) Other areas ........................................... $.067 per square foot

SECTION 5. NONSCHEDULED TRANSIENT AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE. Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:
(a) All light single, multi-engine aircraft and helicopters - $10.00 per landing

(b) All large single and multi-engine aircraft – $.66 per 1,000 pounds of gross weight, but not less than $10.00 per landing

(c) All transient aircraft owned and operated by individuals, companies, and corporations carrying their own products shall not be charged for the first two (2) trips per calendar months. All other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.

(d) No landing fee shall be charged for any aircraft, which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 6. PASSENGER FACILITY CHARGE (PFC). Commercial air carrying passengers excluding “frequent flyers” or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158.

   (a) Enplane passenger by airline $3.00 per ticket passengers.

SECTION 7. ADVERTISEMENT CALLBOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement callboard as follows

<table>
<thead>
<tr>
<th>Display Size</th>
<th>Display Only</th>
<th>Display &amp; Telephone</th>
</tr>
</thead>
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<tr>
<td>7.5” x 9.5”</td>
<td>$30.00</td>
<td>$50.00</td>
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<tr>
<td>7.5” x 21”</td>
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<tr>
<td>19” x 21”</td>
<td>$40.00</td>
<td>$60.00</td>
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</table>

SECTION 8. FAX SERVICE. Persons wishing to use the airport administration office fax machine shall be charged for the service. Airport personnel is authorized to collect as follows:
(a) Incoming Service .................. $.50 per page
(b) Outgoing Service .................. Area code 209 - $1.00 per page
                              Other area codes - $2.00 first page
                              $1.50 - all other pages

SECTION 9. PERMANENTLY BASED COMMERCIAL SERVICES. Any person
engaging in a commercial enterprise permanently based at the Modesto City-County
Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees
set forth in Chapter 1 of Title 6 of the Modesto Municipal Code, except that a minimum fee of
$100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of
Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided
for in Chapter 1 of Title 6 of the Modesto Municipal Code.

SECTION 10. FUEL FLOWAGE FEES. A fuel flowage fee of six cents ($.06) per
gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the
fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be
negotiated for volume purchases.

SECTION 11. TEMPORARILY BASED COMMERCIAL SERVICES. Any person
engaging in a commercial enterprise, temporarily based at the Modesto City-County
Airport/Harry Sham Field, shall pay to the City a license fee in the sum of Two Hundred and
no/100ths ($200.00) Dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of Ninety
and no/100ths ($90.00) Dollars per month, or any portion thereof, payable in advance, for the
privilege of using the Airport and its facilities.
SECTION 12. OFF-AIRPORT CAR RENTAL OPERATOR FEE. Off-airport operators picking up customers at the Modesto City-County Airport/Harry Sham Field will pay to the City of Modesto the greater of ten percent (10%) of gross on time mileage of vehicles rented or the monthly charge for passenger terminal advertisement space and callboard phone service. Additionally, the operators will be accessed a parking fee at the same rate on-airport car rental operators are charged for vehicles left in the public parking area overnight.

SECTION 13. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for longer than thirty (30) days at a time shall pay to the City a parking fee of Twenty-five and no/100ths ($25.00) Dollars per month, payable in advance.

SECTION 14. PENALTIES. A five percent (5%) penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 15. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES. Commencing July 1, 2001, the rents, fees and charges set forth in Sections 1, 2, and 3 of this resolution may be adjusted within six (6) months or on the first day of January ("the Adjustment Date"), as follows:

The base for computing the adjustment is the National Consumer Price Index for the West Urban (all urban consumers), published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), with a base year of 1982 – 1984 = 100 ("Beginning Index"). The Index published most immediately preceding the Adjustment Date in question ("Adjustment Index") is to be used in determining the amount of the adjustment. If the Adjustment Index has increased over the Beginning Index, the rents, fees and charges set forth in this resolution shall
be set by multiplying the rents, fees and charges set forth in this resolution by a fraction, the
numerator of which is the Adjustment Index and the denominator of which is the Beginning
Index.

In no case shall the minimum rents, fees and charges be less than existing approved and
adopted rents, fees and charges nor shall any increase in a year be greater than five (5%) percent.
If the indexes change so that the base year differs from that in effect on July 1, 2001, the Index
shall be converted in accordance with the conversion factor published by the United States
Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any
time after the effective date of this resolution, such other government index or computation with
which it is replaced shall be used in order to obtain substantially the same result as would be
obtained if the Index had not been discontinued or revised.

SECTION 16. EFFECTIVE DATE. This resolution shall go into effect and be in full
force and operation on July 1, 2001.

SECTION 17. SUPERSEDE. This resolution rescinds Council Resolution No. 99-289.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001 by Councilmember who Smith, moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich, City Attorney

5/22/01/ E&T/ H Cook -12- 2001-236
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-237

A RESOLUTION APPROVING ALLOCATION OF $368,850 IN FISCAL YEAR 2001-2002 COMMUNITY DEVELOPMENT BLOCK GRANT AND EMERGENCY SHELTER GRANT FUNDING

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

WHEREAS, the City receives a Community Development Block Grant (CDBG) and an Emergency Shelter Grant (ESG), and

WHEREAS, the City receives these grants annually because of its population size, number of households living below the poverty level, and the number of housing units that are considered substandard, and

WHEREAS, a maximum of fifteen percent of the City’s annual CDBG grant may be allocated to local non-profit organizations for the purposes of providing assistance that is consistent with the functions of CDBG funding to very-low, low and moderate income persons and families residing within the city limits of Modesto, and

WHEREAS, in Fiscal Year 2001-2002, fifteen percent of the City’s CDBG grant is $281,850, which is the amount recommended for allocation, and

WHEREAS, the City allocates one hundred percent of its annual ESG to local non-profit organizations for the purposes of providing assistance that is consistent with the functions of ESG funding to very-low, low and moderate income persons and families residing within the city limits of Modesto, and

WHEREAS, in Fiscal Year 2001-2002, the City’s ESG grant is $87,000, which is the amount recommended for allocation, and

WHEREAS, local non-profit organizations were invited to submit Requests for Proposals (RFPs), and

WHEREAS, at a public meeting on April 20, 2001, the Citizens Housing and Community Development Committee recommended funding as set forth in Exhibits "A" and "B" attached hereto and incorporated herein by reference,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the allocation of $368,850 in Fiscal Year 2001-2002 Community Development Block Grant and Emergency Shelter Grant funding as set forth in Exhibits “A” and “B” attached hereto and incorporated 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 implementation of the allocation of Fiscal Year 2001-2002 CDBG/ESG Public Service Grant funding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

Attest: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

5/22/01 R&N/S Valarde
<table>
<thead>
<tr>
<th>Agency</th>
<th>Program Name</th>
<th>Requested Funding Amounts</th>
<th>Recommended Funding</th>
<th>Agency</th>
<th>Program Name</th>
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<td></td>
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<td>ESG</td>
<td>CDBG</td>
<td>ESG</td>
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<td>36,685</td>
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<td>Center for Senior Employment</td>
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<td>Modesto Fire Department</td>
<td>Smoke Detector Program</td>
<td>10,600</td>
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<td>Commodity Food Supplement Program</td>
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<td>Nirvana Drug and Alcohol Treatment Program</td>
<td>Shelter and Treatment Program</td>
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<td>Subsidized Childcare Program</td>
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<td>Sierra Vista Children's Center</td>
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<td>Stanislaus Cty. Affordable Housing Corp.</td>
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<tr>
<td>Agency</td>
<td>Program Name</td>
<td>Requested Funding Amounts</td>
<td>Recommended Funding Amounts</td>
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<tr>
<td>Catholic Charities</td>
<td>Laura's House</td>
<td>27,332</td>
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<td>Center for Human Services</td>
<td>Liferoads</td>
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<td>Center for Senior Employment</td>
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<td>Community Housing and Shelter Services</td>
<td>Families in Transition</td>
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<td>Hold Your Horses</td>
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<td>Modesto Police Department</td>
<td>Wake Up</td>
<td>9,833</td>
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<td>Nirvana Drug &amp; Alcohol Treatment Program</td>
<td>Alcohol/Drug Detox Services</td>
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<td>Stanislaus County Library</td>
<td>West Side Read/Succeed Program</td>
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<td>Stanislaus Literacy Center</td>
<td>Literacy Services</td>
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<td>United Way of Stanislaus County</td>
<td>Information &amp; Referral Program</td>
<td>10,000</td>
<td>10,000</td>
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<td><strong>Total Requests/Recommendations</strong></td>
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<td><strong>315,913</strong></td>
<td><strong>69,000</strong></td>
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</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-238

A RESOLUTION SETTING A PUBLIC HEARING TO BE HELD ON AUGUST 14, 2001, WITH THE INTENT TO CONSIDER THE PROPOSED SEWER SERVICE CHARGE INCREASES OF 5%, 4%, 4% AND 3% ACROSS-THE-BOARD EFFECTIVE OCTOBER 1, 2001, 2002, 2003, AND 2004 RESPECTIVELY, TO FUND CAPITAL IMPROVEMENTS AND OPERATIONS AND MAINTENANCE COSTS RELATED TO THE CITY OF MODESTO’S SEWER SYSTEM, AND GIVING NOTICE AS PROVIDED BY LAW OF THE PROPOSED SEWER SERVICE CHARGE INCREASE.

WHEREAS, Section 11-6.10 of the Modesto Municipal Code authorizes the Council to establish sewer service charges from time to time by resolution, and

WHEREAS, the Council has previously established sewer service charges, and

WHEREAS, on, November 14, 2000, the City Council adopted 2000-581, amending the sewer service charge, and

WHEREAS, under Proposition 218, certain fees or charges cannot be increased by any agency unless it meets certain requirements, and

WHEREAS, by an Agenda Report dated May 7, 2001, from the Engineering & Transportation Department, City staff recommended a sewer service charge increase, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, on May 22, 2001, the City Council considered City staff’s recommendation to give notice as required by Proposition 218 and set a public hearing to be held on August 14, 2001, to consider a sewer service charge increase to fund capital improvement and operations and maintenance costs related to the sewer system.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Tuesday August 14, 2001, at 5:15 p.m., located in the Chambers at 1010 Tenth Street, Modesto, California, is hereby set as the date, time and place for a public hearing to consider a sewer service charge increase to fund capital improvements and operations and maintenance costs related to the sewer system as recommended by City staff in an Agenda Report dated May 7, 2001, from the Engineering & Transportation Director, a copy of which is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that staff is authorized to send notices as provided by law of the proposed sewer service charge increase.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-239

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $29,000 TO FULLY FUND THE MAILING OF A NOTICE OF PUBLIC HEARING FOR THE SEWER SERVICE CHARGE RATE INCREASE.

WHEREAS, the Engineering and Transportation Department budget did not include the cost for the mailing of a Notice of Public Hearing for the Sewer Service Charge Increase, and
WHEREAS, this was a result of not anticipating the need to increase the Sewer Service Charge rates,

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

FROM: 6210-800-8000-8003; $29,000.00
TO: 6210-440-5201-0235; $29,000.00

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

5/22/01 / E&T / R. Ulm 2001-239
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-239

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $29,000 TO FULLY FUND THE MAILING OF A NOTICE OF PUBLIC HEARING FOR THE SEWER SERVICE CHARGE RATE INCREASE.

WHEREAS, the Engineering and Transportation Department budget did not include the cost for the mailing of a Notice of Public Hearing for the Sewer Service Charge Increase, and
WHEREAS, this was a result of not anticipating the need to increase the Sewer Service Charge rates,
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:
FROM: 6210-800-8000-8003; $29,000.00
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The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

5/22/01 / E&T / R. Ulm -9- 2001-239
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-240

A RESOLUTION AUTHORIZING AND DIRECTING STAFF TO NEGOTIATE AGREEMENTS WITH FORECAST HOMES AND PACIFIC UNION HOMES FOR THE PROVISION OF CERTAIN FACILITIES IN CFD NO. 1996-1 (VILLAGE ONE), WITH MODESTO IRRIGATION DISTRICT FOR THE DISPOSAL OF STORM WATER RUNOFF TO ITS CAVIL DRAIN, DIRECTING STAFF TO INITIATE A PRECISE PLAN AMENDMENT, AND ALL NECESSARY ACTIONS TO PLAN, DESIGN, ACQUIRE, FINANCE AND CONSTRUCT THE CFD NO. 1996-1 STORM DRAINAGE SYSTEM AND TO DECOMMISSION CERTAIN EXISTING TEMPORARY STORM DRAINAGE BASINS LOCATED WITHIN CFD NO. 1996-1 (VILLAGE ONE)

WHEREAS, according to existing authorities, past development in CFD No. 1996-1 has constructed portions of the permanent storm drainage system planned for inclusion in that CFD, but connectors between the CFD’s proposed West Basin, the Central Basin and Claus Road force main do not exist, and

WHEREAS, completion of the permanent storm drainage system will provide pumping stations and force mains allowing timely removal of storm water from drainage basins in CFD No. 1996-1 that do not percolate water, but rather retain it, and

WHEREAS, the City Council desires to facilitate and assist development prior to completion of the permanent storm drainage system in CFD No. 1996-1, and

WHEREAS, the City Council is desirous of facilitating development of dual use park/drainage basins in lieu and instead of the construction of temporary on-site storm water retention basins benefiting only individual subdivisions, and

WHEREAS, two developers, Forecast Homes and Pacific Union Homes, have requested that they be allowed to receive tax credits in return for the provision of certain storm drainage facilities prior to their completion, contrary to the City’s existing requirement that facilities be completed before tax credits are offered, and

WHEREAS, the aforementioned developers may agree in return to construct the CFD No. 1996-1 West Basin in accordance with plans and specifications approved by the City’s District Engineer, and in accordance with the tax policies specified below, and
WHEREAS, the above-referenced developers wish to use CFD No. 1996-1's West Basin as a temporary drainage basin for subdivisions in its area before the permanent system is complete, and

WHEREAS, developers have provided calculations of the drainage performance of the West Basin performed by engineer Tom Delamare of Delamare-Fultz, and the City’s Community Facilities District Group has retained the engineering firm of Garcia-Davis-Ringler to independently provide calculations of such performance, and

WHEREAS, it is assumed by City staff that the aforementioned developers have agreed to:

1. Construct the CFD No. 1996-1 West Basin as a dual use basin and install irrigation, turf and landscaping to City standards in the upper two levels of the basin in return for tax credits, with earth removal credits at $3.50 and the irrigation, turf and landscaping reimbursement based on verified invoices (subject to the limitation that tax credit reimbursement for all of the above-referenced facilities shall in no event exceed the sum of all of the tax credits available, less the noncreditable administration and recoupment portion of the CFD tax, for completion of those facilities/segments under current authority).

2. Design the extension of Bear Cub Lane to Hillglen Avenue and other nearby street segments, suitable to the City’s District Engineer and construct the same, including a 42-inch storm drain pipe in Bear Cub Lane, in return for tax credits, as specified in paragraph 1 above, and relocate the existing water line to the new alignment of Bear Cub Lane.

3. Assume all financial responsibility for maintenance of the CFD No. 1996-1 West Basin and any water pumping costs, including but not limited to the cost of portable pumping equipment suitable to the District Engineer, while the basin serves in a temporary basin status prior to completion of the CFD No. 1996-1 storm drainage permanent system.

4. Provide temporary fencing around that portion of the CFD No. 1996-1 West Basin below the 100-year flood inundation level at the developer’s sole cost.
during the entire time that the subject West Basin serves in a temporary basin status as above.

5. Construct a 24-inch force main adjacent to the Papatone property in accordance with design and specifications approved by the City's District Engineer in return for tax credit (see paragraph 1).

6. Pay the additional costs, if any, incurred by the City to transform the temporary CFD 1996-1 West Basin into a permanent facility, which costs are associated with de-watering, slope and landscape restoration relating to or arising out of the transition of the West Basin from a temporary to a completed, pumped basin.

WHEREAS, the amount needed to be financed to complete the CFD No. 1996-1 permanent storm drainage system is currently unknown, and may be substantially larger than the 1996 estimate, and

WHEREAS, it is possible that the CFD No. 1996-1 West Basin may come into existence without the planned associated complete drainage system due to failure of debt financing or for some other reason, and

WHEREAS, there may be no outlet for accumulated storm drainage waters in the CFD No. 1996-1 West Basin, and

WHEREAS, unusual storm activity coupled with the existence of the CFD No. 1996-1 West Basin in the condition described in the next preceding paragraph may result in area-wide flooding, and

WHEREAS, staff has prepared an initial study for this project in accordance with the California Environmental Quality Act and Environmental Assessment No. EA/CA2001-01 found that the projects described herein are within the scope of the previously approved Village One Specific Plan program as amended by the Village One Supplemental EIR (SCH No. 90020181),

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

1. Staff is authorized to negotiate agreements with the above-named developers containing all of the conditions, qualifications and limitations described above for the planning, specification, design, grading and completion of the CFD No. 1996-
1 Dual Use West Basin/Park as well as the extension of Bear Cub Lane to Hillglen Avenue, and the acquisition of other related street facilities, subject to final approval upon presentation of the subject agreements to this Council.

2. Contingent upon successful negotiation of the above-referenced agreements, staff is authorized to take the necessary steps to authorize one-time community facilities tax credits prior to completion of the subject facilities at the time the tax would ordinarily be paid by the developers, subject to all of the conditions and limitations set forth above.

3. Staff is hereby directed to initiate community meetings with residents of the CFD No. 1996-1 (Village One) area and a public planning process to plan the amenities to be required in the West Basin Park and adjacent Dual Use Basin.

4. Staff is directed to initiate a precise plan amendment sufficient to permit the realignment of Bear Cub Lane to comport with the eventual design of the Dual-Use Basin/Park.

5. Staff is authorized to enter into negotiations with Modesto Irrigation District to enter into an agreement for the pumping of storm drainage water from the CFD No. 1996-1 West Basin to the cavil drain until the complete Village One drainage system is constructed and operational.

6. City staff is authorized, as appropriate, to initiate all necessary actions required to complete the area-wide Village One storm drainage system including, but not limited to, planning studies, system design, right-of-way acquisition, bond financing and construction of the system as well as the decommissioning of all existing temporary in tract subdivision drainage basins and their connection to the Village One permanent drainage system.
The foregoing Resolution was passed and adopted at a regular meeting of the City Council of the City of Modesto held on the 22nd day of May, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  Conrad

(Seal)

APPROVED AS TO FORM:

By  

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-241

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BRADFORD & BRADFORD, A GENERAL PARTNERSHIP, FOR THE ACQUISITION OF PROPERTY LOCATED AT 300-310 BEECH STREET, MODESTO, FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

WHEREAS, the Council of the City of Modesto has approved a project to construct an overcrossing at Kansas Avenue and Needham Avenue; and
WHEREAS, right of way needs to be acquired for this project; and
WHEREAS, Agreements are 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 the City of Modesto and Bradford & Bradford, a General Partnership, for the acquisition of property located at 300-310 Beech Street, Modesto, for the Kansas/Needham Overcrossing project is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Agreement by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: ________________________________
JEAN ZAHR, City Clerk

6/5/01/CDD/W Harper 2001-241
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-242

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF PROPERTY OWNED BY BRADFORD & BRADFORD, A GENERAL PARTNERSHIP, LOCATED AT 300-310 BEECH STREET, MODESTO, FOR THE KANSAS/NEEDHAM OVERCROSSING 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, City desires to acquire right of way from Bradford & Bradford, a General Partnership, located at 300-310 Beech Street, Modesto, for the Kansas/Needham Overcrossing project.

NOW, THEREFORE, BE IT HEREBY 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 Bradford & Bradford, a General Partnership, located at 300-310 Beech Street, Modesto, for the Kansas/Needham Overcrossing project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR City Clerk

6/5/01/CDD/ W Harper 2001-242
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-243

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RAY WADE CHRISTIANSEN, JOHN ROBERT CHRISTIANSEN, AND THE BRADFORD FAMILY TRUST DATED 1/2/90 FOR THE ACQUISITION OF A PORTION OF THE PROPERTY LOCATED AT 309 BEECH STREET, MODESTO, FOR THE KANSAS/NEEDHAM OVERCROSSING PROJECT

WHEREAS, the Council of the City of Modesto has approved a project to build an overcrossing at the Union Pacific Tracks at Kansas Avenue; 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 the City of Modesto and Ray Wade Christiansen, John Robert Christiansen, and the Bradford Family Trust Dated 1/2/90 for the acquisition of a portion of the property located at 309 Beech Street, Modesto, for the Kansas/Needham Overcrossing Project is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Agreement by the designated City officials be authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-244

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN
ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION OF
PROPERTY OWNED BY RAY WADE CHRISTIANSEN, JOHN ROBERT
CHRISTIANSEN, AND THE BRADFORD FAMILY TRUST DATED 1/2/90 FOR
THE ACQUISITION OF A PORTION OF THE PROPERTY LOCATED AT 309
BEECH STREET, MODESTO, FOR THE KANSAS/NEEDHAM OVERCROSSING
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, City desires to acquire right of way from Ray Wade Christiansen, John Robert
Christiansen, and the Bradford Family Trust Dated 1/2/90 for the acquisition of a portion of the
property located at 309 Beech Street, Modesto, for the Kansas/Needham Overcrossing Project.

NOW, THEREFORE, BE IT HEREBY 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 Ray Wade Christiansen, John Robert Christiansen, and the
Bradford Family Trust Dated 1/2/90 for the acquisition of a portion of the property located at 309
Beech Street, Modesto, for the Kansas/Needham Overcrossing Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:        Councilmembers: None

ABSENT:      Councilmembers: None

ATTEST:     

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-245

A RESOLUTION AMENDING THE BUDGET AND RE-ESTIMATING REVENUE FOR THIRD QUARTER OF THE FISCAL YEAR 2000-2001 ANNUAL BUDGET

WHEREAS, the third quarter 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 2000-2001.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2000-2001 budget have been adjusted as shown in Attachment E.

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 5th day of June, 2001, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHR, City Clerk
(seal)

APPROVED AS TO SUFFICIENCY:
By: ____________________________
STAN FEATHERS, Budget Officer

APPROVED AS TO FORM:
By: ____________________________
MIKE MILICH, City Attorney
## Attachment E

### Third Quarter Report

#### Closed Capital Improvement Projects

<table>
<thead>
<tr>
<th>Fund Agency</th>
<th>Project Description</th>
<th>Budget</th>
<th>Final Budget</th>
<th>Budget Adjustment</th>
<th>Action</th>
</tr>
</thead>
</table>

**Closed Projects**

<table>
<thead>
<tr>
<th>Project</th>
<th>Budget</th>
<th>Final Budget</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>K136 Dry creek reg prk trail-rep</td>
<td>77,000</td>
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<td>L324 Cycling festival bike to work</td>
<td>20,000</td>
<td>19,197.33</td>
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<td>C930 Mchenryleighland (nqsn)</td>
<td>45,874</td>
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<td>H063 Pavement maintenance</td>
<td>360,000</td>
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<td>H064 Public facilities 12 norwegi.</td>
<td>19,828</td>
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<td>H065 Public facilities 13 elm/omr.</td>
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<td>H066 Sidewalks special assessment</td>
<td>74,440</td>
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<td>H090 Signalizn-instnl led's city</td>
<td>731</td>
<td>730.79</td>
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<tr>
<td>H093 Intersection illuminatin project</td>
<td>274,650</td>
<td>274,649.86</td>
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<td>H094 Citywide pavement delineation</td>
<td>80,000</td>
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<td>H095 Changeable message signs</td>
<td>200,000</td>
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<td>J062 Curb/sidewalk repairs</td>
<td>210,000</td>
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<td>K036 Showers &amp; lockers 10th street</td>
<td>87,500</td>
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<td>K005 K169 Curb/sidewalk repairs</td>
<td>200,000</td>
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<tr>
<td>K068 Restriping various new locn</td>
<td>2,070</td>
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<tr>
<td>K368 Replace mechanical controller</td>
<td>60,000</td>
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<td>L025 Jefferson st/ux/pdr-light up</td>
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<td>L033 Street name signs various locations</td>
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<td>L035 Curb/sidewalk repairs</td>
<td>200,000</td>
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<td>L025 City rideshare program</td>
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<td>M015 Street name signs various locations</td>
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<td>M011 Street lights various new locations</td>
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<tr>
<td>E045 Landscape berming &amp;vmt-ADA</td>
<td>13,574</td>
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<tr>
<td>H096 Airport nbd public imp</td>
<td>57,000</td>
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<tr>
<td>J062 J234 Jisk Road Landscaping</td>
<td>23,000</td>
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<tr>
<td>J066 K139 Airport Street</td>
<td>1,359,357</td>
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<td>K017 Street paving-low income area</td>
<td>367,367</td>
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<tr>
<td>K020 Traffic light-sisk ro/bean</td>
<td>110,000</td>
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<tr>
<td>K021 Traffic light/precinct/cyser</td>
<td>96,200</td>
<td>68,155.43</td>
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<tr>
<td>K022 Street lights-paradise road</td>
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<tr>
<td>K024 Handicap accessible curb ramp</td>
<td>9,999</td>
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<tr>
<td>K025 Empire/Monterey Ave Improvements</td>
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<tr>
<td>K026 Audible Pedestrian Signals</td>
<td>15,000</td>
<td>10,888.00</td>
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<tr>
<td>K027 School Flasing Beacons</td>
<td>12,000</td>
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<tr>
<td>K028 Sidewalk improvements</td>
<td>46,633</td>
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<tr>
<td>K160 Handicap barrier removal-curb</td>
<td>20,000</td>
<td>19,561.71</td>
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<tr>
<td>H006 McHenry museum stairs</td>
<td>80,466</td>
<td>79,629.65</td>
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<tr>
<td>J009 Copy machinets</td>
<td>66,719</td>
<td>66,718.74</td>
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<td>J004 Traffic light projects</td>
<td>408,622</td>
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<tr>
<td>J006 Merle ave wastewater/storm</td>
<td>90,862</td>
<td>60,681.13</td>
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</tr>
<tr>
<td>K077 Thurnman field capital project</td>
<td>32,013</td>
<td>32,012.34</td>
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<tr>
<td>L013 Thurnman field capital project</td>
<td>50,000</td>
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<td>L108 Building services relocation</td>
<td>100,000</td>
<td>99,933.98</td>
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<tr>
<td>J006 Parks equipment</td>
<td>176,000</td>
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<td>H007 E. la lorna nth park parking</td>
<td>16,065</td>
<td>16,054.93</td>
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<tr>
<td>J346 McHenry mansion ext paint</td>
<td>40,025</td>
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<tr>
<td>J404 Park amenities replacement</td>
<td>28,000</td>
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</tr>
<tr>
<td>J413 Park lighting rmp/downey/davi.</td>
<td>103,080</td>
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<tr>
<td>J423 Park restroom renov-vrns-various</td>
<td>86,030</td>
<td>86,030.48</td>
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<tr>
<td>K051 School fac infratr contrib</td>
<td>154,000</td>
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<tr>
<td>L006 Tennis court renovation</td>
<td>135,000</td>
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<tr>
<td>L009 Park partners</td>
<td>117,200</td>
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<tr>
<td>L102 School fac infratr contrib</td>
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<td>L014 Miscellaneous improvements</td>
<td>34,000</td>
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<td>E433 Carpente/mazza/hatch plantline</td>
<td>26,488</td>
<td>29,847.10</td>
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<tr>
<td>H040 Tis modify orangeburg/oakdale</td>
<td>28,689</td>
<td>28,689.92</td>
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<tr>
<td>H041 Tis modify orangeburg/sunrise</td>
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<td>J074 Pelandale expressway: phase</td>
<td>1,084,446</td>
<td>1,084,433.96</td>
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<tr>
<td>K071 Northwest expwy cnctn stdy</td>
<td>514</td>
<td>513.92</td>
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<tr>
<td>P054 Tis central control system</td>
<td>719,865</td>
<td>689,097.62</td>
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<tr>
<td>K037 Bike trail(fmp)-city contrib</td>
<td>114,900</td>
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<td>M021 School footing beams</td>
<td>24,000</td>
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<td>L120 Park site land acct-beck</td>
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<td>P065 City hall lot saal coat</td>
<td>1,432</td>
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<td>J001 Replace water meter (810)</td>
<td>140,941</td>
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<tr>
<td>J003 Install gaz at well 32 (810)</td>
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<td>K029 Resid. h20 meters zone 1</td>
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<tr>
<td>K063 Drill test holes (810)</td>
<td>9,394</td>
<td>9,393.38</td>
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<tr>
<td>K060 Saoda improvements (810)</td>
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</table>
Attachment E
Third Quarter Report
Closed Capital Improvement Projects
FUND AGENCY PROJECT
610 440
K515 Extend mains (610) village I
610 440
K531 Extend mains (610) carvr-ban
610 440
K538 Extend mains (6iD) pelndl-sn
6100 480
L044 Extend water mains-village I
6100 480
L049 Extend water mains pelandl/s
610 480
L054 Strengthen water system (615)
612 480
J944 24" trans main,mchenry-carver
612 480
J963 12~ mains-hatch,morgan,glen
615 480
H364 Replace water mains (615)
615 480
J517 Replace water mains (615)
615 480
J520 Strengthen water system (6i5)
615 440
K558 Rebuild dew pit wells (615)
615 440
K570 Install new services (615)
615 440
K583 Drill test holes (615)
615 440
K596 Purchase generators (615)
615 440
L055 Install new services (615)
6150 480
L057 Purchase generators (6i5)
616 480
J552 Strengthen water system (616)
616 440
K627 Purchase generator (616)
616 440
K636 Install new services (616)
616 440
K643 Strengthen water system (616)
616 440
K645 Drill test holes zone 3 (616)
616 440
K648 Install scada (616)
6160 480
L06S Drill test holes zone 3 (616)
6160 480
L066 Install scada (6i6)
6160 460
L067 Wellhead treatment-graysn(616)
6160 480
L068 Well treatmt electro~dialysis
621 480
0321 Vari spd~inf!uentleffluent
621 480
E540 Drain ditch bulkhead
621 480
E556 Parallel 60" outfall, phase I
F709 Alice stlmchnry ave sew bypass
621
480
621
480
F716 Cathodic protection
621
480
F733 Reclamation partnership
621
480
F810 Biosolids dredging project
621
480
H378 Industrial billing program
621 480
H829 Black & veatch
621 480
H832 Wastewater flood restoration
621
480
J001 Boiler replacement
621
440
K001 Effluent pump station repair
621
440
K676 AnnualJift station rehab('99)
621 440
K688 Oaf drives replacement
621 440
K689 Rebuild clarifier#2 catwlk
621 440
K705 Re~bld clarifr#1 deck/arms
6210 480
L073 Prima!), clarifiers1&2pmps&ct
6210 480
L074 Rebid clarifier1 scum/add
6210 480
L076 Clarifiers 1 &2 control reloc
LOBO Relocate lab-pondsite cntrl
6210 480
6210 480
L081 Cathodic protection
6210 480
L082 Effluent gate control automt
6210 480
L085 Emergency genertr for ponds
623 480
J610 Stowaway hoists
623 480
J620 Infrared scanning camera
623 480
J622 Fiber optiCS (uimp)
623 480
J623 Chlorine analyzers
623 480
J624 Sulfonater controllers
623 480
J889 Parane! 60~ outfall, cnstruction
628 480
H083 Annual pas storm drain repai
628 480
J740 Rockwell replacementladdition
628 440
K766 Rockwell replcmntladditn ('99)
628 440
K790 Annual:sidewlk@rckwe!ls(,99)
628 440
K808 Corp's-dry creek/flood study
6280 480
L091 Annual catch basin&va!ley gt
6280 480
L094 Rockwell rejuvenatn dty wide
6280 480
L095 Storm wtr emrgcy gen&pump
6280 480
M252 Annual catch basin and valley
632 480
F78B Rewire rnwys&txwys Ight crd
632 480
J852 Reroof airport hangar #3
651
160
F748 Purchase 3 new transit buses
651
160
F773 Event tent
651
160
F774lnstal! bus stop signs
651
160
F775 Litter containers

BUDGET

18,899
73,374
13,335
15,000

32,000
200,000
1,515,000
33,081
350,000
294,951
21,049
99,850
9,987
9,178
52,200
3,734
80,000
50,000
18,931
5,000
50,000
1,817
4,935
15,000
5,000
30,000
150,000
364,408

76,366
215,520
267,853
58,453
2,100
888,860
50,000
212,259
64,339
42,261
324,605
363,730
5,392
11,000
40,000
27,000
90,000
15,000
5,000
30,000
60,000
4,881
9,162
39,242
47,668
45,941
11,013
1,793,187
23,486
482,204
406,264
60,000
50,000
11,254
478,361
199,682
1,752
136,454
17,025
292,000

600
30,000
4,647

FINAL
BUDGET

18,898.10
73,373.85
13,335,00
14,999.92
32,000.00
200,000,00
1,297,958.35
28,094.59
350,000.00
294,037.55
21,049.00
99,849.96
9,986.63
9,177.17
51,839.31
3,734.00
50,326.47
50,000.00
18,93022
5,000.00
50,000.00
1,816.67
4,934.17
15,000.00
5,000.00
30,598.18
149,999.70
364,407.09
76,365.65
215,519.06
267,852.73
58,452,98
2,099.88
855,931.77
50,000.00
212,258.15
58,367.83
42,260.66
298,557.02
348,377.10
5,391.14
123.94
19,174.97

2,341.96
410.42

97.54
9,161.52
39,241.03
47,667.84
45,940.78
11,012.09
1,729,704.69
23,485.47
482,203.65
406,263.44
60,000.00
314.65
11,253.35
478,290.34
199,681.70
1,751.58
136,453.03
17,025.00
282,378.97
600.00
29,756.42
4,556,97

BUDGET
ADJUSTMENT ACTION
(0.90) Close
(0.15) Close
Close
(D.08) Close
Close
Close
(217,041.65) Close
(4,986.41) Close
Close
(913.45) Close
Close
(0.04) Close
(0.37) Close
(0.83) Close
(360.69) Close
Close
(29,673.53) Close and combine with 6150-480~M228
Close
(0.78) Close
Close
Close
(0.33) Close
(0.83) Close
Close
Close
598.18 Close
(0.30) Close
(0.91) Close
(0.35) Close
(0.94) Close
(0.27) Close
(0.02) Close
(0.12) Close
(32,928.23) Close and combined with 62i0-K038
Close
(0.85) Close
(5,971.17) Close
(0.34) Close
(26,047.98) Close
(15,352.90) Close and combine with 6210"440~K653
(0.86) Close
(i0,876.06) Close and combined with 62i0-L072
(20,825.03) Close and combined with 6210-L012
(27,000.00) Close and combined with 6210-L072
(90,000.00) Close and combined with 6210-L072
(12,658.04) Close and combined with 6210-L072
(5,000.00) Close and combine with 6210-K038
(29,589.58) Close and combine with 6210-K038
(60,000.00) Close
(4,783.46) Close and combine with 6210·K038
(0.48) Close
(0.97) Close
(0.16) Close
(0.22) Close
(0.91) Close
(63,482.31) Close
(0.53) Close
(0.35) Close
(0.56) Close
Close
(49,685.35) Close
(0.65) Close
(70.66) Close
(0.30) Close
(0.42) Close
(0.97) Close
Close
(9,621.03) Close
Close
(243.58) Close
(90.03) Close


## Attachment E
### Third Quarter Report
#### Closed Capital Improvement Projects

<table>
<thead>
<tr>
<th>FUND</th>
<th>AGENCY</th>
<th>PROJECT</th>
<th>BUDGET</th>
<th>FINAL BUDGET</th>
<th>ADJUSTMENT</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>651</td>
<td>160</td>
<td>F780 Spare Allison elect transmnn</td>
<td>13,600</td>
<td>13,640.81</td>
<td>(0.19)</td>
<td>Close</td>
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<tr>
<td>651</td>
<td>160</td>
<td>F781 Three passenger bus shelters</td>
<td>12,000</td>
<td>11,726.97</td>
<td>(273.03)</td>
<td>Close</td>
</tr>
<tr>
<td>651</td>
<td>480</td>
<td>F782 Hose reels (3) and pumps (2)</td>
<td>5,000</td>
<td>25.25</td>
<td>(4,774.74)</td>
<td>Close</td>
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<tr>
<td>651</td>
<td>160</td>
<td>H078 Bus stop improvements</td>
<td>25,000</td>
<td>25,000.00</td>
<td>-</td>
<td>Close</td>
</tr>
<tr>
<td>651</td>
<td>160</td>
<td>H079 Bus yrd msw/above grd</td>
<td>100,000</td>
<td>99,999.09</td>
<td>(0.01)</td>
<td>Close</td>
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<tr>
<td>651</td>
<td>160</td>
<td>J640 Bus stop improvements</td>
<td>25,000</td>
<td>24,999.50</td>
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<td>651</td>
<td>160</td>
<td>K026 Bus stop improvements</td>
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<td>29,459.89</td>
<td>(540.11)</td>
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<tr>
<td>651</td>
<td>160</td>
<td>K818 Commuter bus for bart service</td>
<td>400,000</td>
<td>381,260.26</td>
<td>(18,739.74)</td>
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<tr>
<td>651</td>
<td>160</td>
<td>L082 Bus stop improvements</td>
<td>36,000</td>
<td>25,029.75</td>
<td>(11,971.25)</td>
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<tr>
<td>651</td>
<td>160</td>
<td>L083 Bike racks for max buses</td>
<td>5,000</td>
<td>2,526</td>
<td>(4,974.74)</td>
<td>Close</td>
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<tr>
<td>651</td>
<td>160</td>
<td>L103 Transn cntr video surveillan</td>
<td>40,000</td>
<td>26,694.40</td>
<td>(10,105.60)</td>
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<tr>
<td>651</td>
<td>330</td>
<td>K095 Dryden clubhouse roof</td>
<td>30,000</td>
<td>833.68</td>
<td>(29,166.32)</td>
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<tr>
<td>651</td>
<td>340</td>
<td>J096 Lanserver</td>
<td>30,000</td>
<td>28,006.63</td>
<td>(1,993.37)</td>
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<td>651</td>
<td>340</td>
<td>J985 Re-surface parking lot</td>
<td>6,800</td>
<td>6,445.00</td>
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<td>651</td>
<td>340</td>
<td>K036 Filter cable-centre plaza</td>
<td>20,500</td>
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<tr>
<td>652</td>
<td>480</td>
<td>H029 Main shop - add roll up door</td>
<td>7,000</td>
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<tr>
<td>720</td>
<td>480</td>
<td>H400 Corp yrd undergrnd tank removal</td>
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<td>7800</td>
<td>490</td>
<td>L111 Hvac repair/replace</td>
<td>25,000</td>
<td>6,210.00</td>
<td>(18,790.00)</td>
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<tr>
<td>7800</td>
<td>480</td>
<td>L112 John thurman field maintenance</td>
<td>15,000</td>
<td>12,561.16</td>
<td>(2,438.84)</td>
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<tr>
<td>7800</td>
<td>490</td>
<td>L113 Miscellaneous building repair</td>
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<tr>
<td>7800</td>
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<td>L115 Roof repairs/replacements</td>
<td>45,000</td>
<td>39,750.00</td>
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<td>891</td>
<td>310</td>
<td>F971 Trp trail</td>
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<tr>
<td>891</td>
<td>310</td>
<td>L004 Legion hall annex building repair</td>
<td>60,000</td>
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### TRANSFERS OF CIP BUDGETS

<table>
<thead>
<tr>
<th>FUND</th>
<th>AGENCY</th>
<th>PROJECT</th>
<th>BUDGET</th>
<th>FINAL BUDGET</th>
<th>ADJUSTMENT</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>6150</td>
<td>480</td>
<td>M228 Strengthen and replace mains</td>
<td>252,676</td>
<td>262,349.00</td>
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<tr>
<td>6210</td>
<td>440</td>
<td>K653 Scenic lift station</td>
<td>530,000</td>
<td>545,352.00</td>
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<tr>
<td>6150</td>
<td>440</td>
<td>D072 Primary clarifiers 1&amp;2</td>
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<td>6150</td>
<td>440</td>
<td>K038 Laboratory remodel</td>
<td>1,263,801</td>
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<td>7800</td>
<td>490</td>
<td>4912 Building Service</td>
<td>3,297,162</td>
<td>3,602,321.00</td>
<td>305,159.00</td>
<td>Combined from above</td>
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**Net Reductions** (1,172,751.08)
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-246

A RESOLUTION WAIVING FORMAL BID PROCEDURES BY FIVE (5) AFFIRMATIVE VOTES AND AUTHORIZING PURCHASE OF EQUIPMENT FROM SHEPHERD MACHINE COMPANY AND HOLT OF CALIFORNIA

WHEREAS, the Operations & Maintenance Department-Secondary Water Quality Control (WQC) has requested the purchase of one (1) used 1996 Caterpillar 330BL Excavator, S/N 6DR00627; and one (1) used 1999 Wheel Loader, S/N 5FW000945; and one (1) used 140H, 1997 Motor Grader, S/N 22K01805; and

WHEREAS, this equipment will be used for maintaining construction of new and existing facility systems at the Secondary Water Quality Control Plant located at 7007 Jennings Road, Modesto, California; and

WHEREAS, informal bids were received by the Operations & Maintenance Department-Secondary Wastewater Treatment Plant staff for said used equipment, and the lowest responsive and responsible bidders were identified based on the best value for the condition of the equipment, year model, hours of use, price and warranty, and

WHEREAS, time does not permit solicitation of formal bids since the City is purchasing used equipment; and

Now, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the formal bid procedures for the purchase of one used 1996 Caterpillar 330BL Excavator, S/N 6DR00627, and one 1999 Wheel Loader, S/N 5FW000945, from Holt of California in the amount of $268,984.24, and one used 140H, 1997 Motor Grader, S/N 22K01805 from Sheperd Machinery Company in the amount of $128,550.00, are hereby waived.

6/5/01/ Finance/T Reddie -1- 2001-246
BE IT FURTHER RESOLVED that the purchase of one used 1996 Caterpillar Excavator and one 1999 Wheel Loader from Holt of California, and one used 1997 Motor Grader from Shepherd Machinery Company for the total amount of $397,444.24 is hereby approved, and the Purchasing Supervisor is hereby authorized to issue purchase orders for said equipment as set forth herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-247

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

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

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

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

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

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

Police Officer/Police Officer Trainee

As part of the restructuring of the ongoing effort of the Police Department to hire the best qualified candidates, the age requirement has been changed. Additional language has also been added regarding California Government Code Section 1031 (a), pertaining to citizenship.

The specifications for the classification of Police Officer/Police Officer Trainee, as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after June 5, 2001.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney
POLICE OFFICER/POLICE OFFICER TRAINEE

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

DEFINITION

To perform law enforcement and crime prevention work; to control traffic flow and enforce State and local municipal codes, violations and traffic regulations; to perform investigative work; to participate in and provide support and assistance to special crime prevention and enforcement programs; and to perform a variety of technical and administrative tasks in support of the department.

DISTINGUISHING CHARACTERISTICS

**Police Officer Trainee** - This is the entry level class in the Police Officer series. This class is distinguished from the Police Officer by the performance of the more routine tasks and duties assigned to positions within the series. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

**Police Officer** - This is the full journey level class within the Police Officer series. Employees within this class are distinguished from the Police Officer Trainee by the performance of the full range of duties as assigned including the full range of law enforcement work. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

SUPERVISION RECEIVED EXERCISED

Receives general supervision from higher level supervisory and management staff.

Exercises technical supervision over non-sworn personnel.

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

**Essential Functions**

Patrol a designated area of the City to preserve law and order, discover and prevent the commission of crimes, and enforce traffic and other laws and ordinances; assist stranded motorists.

**EXHIBIT A**
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Essential Functions:

Answer calls and complaints involving automobile accidents, robberies, and related misdemeanors and felonies; render first aid as required.

Respond to general public service calls including animal complaints, domestic disturbances, civil complaints, property control, and related incidents.

Collect, process, photograph and present evidence using scientific techniques including fingerprints, fibers, blood, and related physical evidence.

Check buildings for physical security.

Serve as Field Training Officer as assigned; train new officers on departmental policies, procedures and activities.

Enforce traffic laws and ordinances; check speed with radar; issue warnings and citations. Direct traffic at fire, special events, and other emergency or congested situations.

Conduct investigations of serious injury and fatality traffic accidents.

Conduct traffic accident analyses and general traffic surveys.

Conduct a variety of criminal investigations involving crimes against persons and property, auto theft, white-collar crime, and narcotics; gather evidence and prepare cases for prosecution.

Identify suspects; conduct interviews and interrogations; apprehend and arrest offenders.

Teach bicycle safety in accordance with State agencies.

Contact and interview victims and witnesses; preserve and investigate crime scenes.

Conduct covert, undercover investigations as assigned.

Contact and cooperate with other law enforcement agencies in matters relating to the apprehension of offenders and the investigation of offenses.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Essential Functions:

Maintain contact with citizens regarding potential law enforcement problems and preserve good relationships with the general public; take an active role in areas of public education relative to crime and crime prevention.

Assist in the performance of special investigative and crime prevention duties as required.

Prepare reports on arrests made, activities performed and unusual incidents observed.

Make arrests as necessary; interview victims, complainants and witnesses; interrogate suspects; administer polygraph tests; gather and preserve evidence; testify and present evidence in court.

Serve warrants within the department and with outside agencies; remain current on laws and procedures required for processing warrants.

Serve as Assistant Squad Leader performing the duties of a Police Sergeant as assigned; act as Watch Commander; review and approve the reports of other Police Officers.

Perform a wide variety of laboratory tests and procedures including those related to narcotics testing; act as Department photographer; testify in court as an expert witness.

Serve as Department Training Manager; review and assess training needs and available programs; oversee and coordinate the attendance of Departmental staff at training programs and seminars; research policies and procedures related to training activities.

Serve as Crime Prevention Officer; oversee and coordinate crime prevention activities; make presentations to local citizens and community groups.

Serve as Intelligence Officer or Gang Officer; gather crime related intelligence information and conduct background investigations; coordinate information and activities with outside agencies and jurisdictions.
CITY OF MODESTO
POLICE OFFICER/POLICE OFFICER TRAINEE
Page – 4

Essential Functions: (Continued)

Investigate juvenile related crimes including child abuse and juvenile narcotics; coordinate youth services with outside agencies and organizations including local school districts; conduct community presentations and instruct assigned classes.

Participate in recruiting sworn staff; conduct background investigations; interview potential job candidates and references; administer voice stress analysis tests.

Give oral presentations at schools, clubs and other community organizations.

Act as Department court liaison.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Police Officer Trainee

Ability to:

Learn proper Police procedures and methods.

Analyze situations quickly and objectively, and determine and take emergency and/or appropriate action.

Understand and carry out oral and written instructions.

Communicate effectively, both orally and in writing.

Learn the operation of standard equipment and facilities required in the performance of assigned tasks including a computer.

Type at a reasonable speed necessary for successful job performance (25 wpm).
QUALIFICATIONS: (Continued)

Ability to:

Learn standard broadcasting procedures of a police radio system including mobile dispatch terminals.

Meet the physical requirements established by the Department.

Prepare accurate and grammatically correct written reports.

Experience and Training Guidelines

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

Experience:

None required.

Training:

Equivalent to the completion of the twelfth grade and completion of a minimum of 30 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

License or Certificate

Possession of an appropriate, valid California driver's license.

Additional Requirements:

- Minimum of 20 years of age at time of application.
- According to California Government Code Section 1031(a), must be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship.
In addition to the qualifications for Police Officer Trainee

Knowledge of:

Police methods and procedures including patrol, crime prevention, traffic control, investigation and identification techniques.

Criminal law and criminal procedure with particular reference to the apprehension, arrest and custody of persons committing misdemeanors and felonies, including rules of evidence pertaining to the seizure and preservation of evidence.

Offensive and defensive weapons nomenclature and theory.

Self defense tactics.

First aid and CPR procedures and practices.

Interviewing and interrogation techniques.

Ability to:

Use and care for firearms.

Use maps and learn City geography.

Handle multiple assignments.

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:

None required.
Training:

Equivalent to the completion of the twelfth grade and completion of a minimum of 30 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

Completion of a California P.O.S.T. certified Basic Law Enforcement Academy.

License or Certificate

Possession of an appropriate, valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-248

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT POWERS AGREEMENT FORMING THE STANISLAUS COUNCIL OF GOVERNMENTS.

WHEREAS, on October 6, 1998, the Modesto City Council adopted a revised Joint Powers Agreement establishing the Stanislaus Area Association of Governments (RES. No. 98-527); and

WHEREAS, subsequent to that action, the Stanislaus Area Association of Governments has elected to change its name to the Stanislaus Council of Governments; and

WHEREAS, this change requires that the Joint Powers Agreement be revised to reflect the Organization’s new name,

NOW, THEREFORE, BE IT RESOLVED that the City of Modesto approves, endorses, and ratifies the Joint Powers Agreement establishing the Stanislaus Council of Governments, attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager to execute the Joint Powers Agreement with the Stanislaus Council of Governments on behalf of the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, CITY ATTORNEY

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-249

A RESOLUTION WITHDRAWING THE FLEUR DE VILLE
SUBDIVISION FROM THE SALIDA HIGHWAY LIGHTING DISTRICT
AND ASSUMING RESPONSIBILITY FOR 14 STREET LIGHTS ON
DALE ROAD AND PELANDALE AVENUE.

WHEREAS, the Fleur de Ville subdivision was annexed to the Salida Highway
Lighting District on January 17, 1989, by the Stanislaus County Board of Supervisors
(Resolution No. 89-102); and

WHEREAS, when the subdivision was annexed to the Lighting District, the
maintenance of 14 street lights on Dale Road and Pelandale Avenue adjacent to the Fleur
de Ville subdivision became the responsibility of the Salida Highway Lighting District; and

WHEREAS, on December 17, 1991, the Modesto City Council adopted
Resolution No. 91-767 ordering the Fleur de Ville reorganization to the City of Modesto; and

WHEREAS, said resolution did not provide for the withdrawal of the Fleur de Ville
subdivision and the associated 14 street lights from the Salida Highway Lighting
District, and

WHEREAS, Stanislaus County has requested that the City of Modesto withdraw
the Fleur de Ville subdivision and associated street lighting from the Salida Highway
Lighting District; and

WHEREAS, Section 19290 of the Streets and Highways Code provides that
whenever any portion of a district is included within a city by reason of incorporation,
annexation, or otherwise, such portion may be withdrawn from the district by resolution
of the legislative body of the City; and

WHEREAS, the City currently operates and maintains street lights on public
streets within the City of Modesto, and the aforementioned 14 street lights are located on
public streets in the City, specifically Dale Road and Pelandale Avenue,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fleur de Ville subdivision is hereby withdrawn from the Salida Highway Lighting District.

BE IT FURTHER RESOLVED that the 14 street lights abutting the Fleur de Ville subdivision along Dale Road and Pelandale Avenue shall become the responsibility of the City of Modesto to maintain and operate once the withdrawal from the Salida Highway Lighting District legally takes effect.

BE IT FURTHER RESOLVED that the street lights contained within the Fleur de Ville subdivision are and will continue to be the responsibility of the Home Owners Association to operate and maintain and nothing in this resolution will cause that responsibility to change.

The foregoing resolution was introduced at a meeting of the Council of the City of Modesto held on the 5th day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________________________

JEAN ZABR, City Clerk

APPROVED AS TO FORM:

By ____________________________________________

MICHAEL D. MILICH, CITY ATTORNEY
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-250

A RESOLUTION ACCEPTING THE BID OF DELL ENGINEERING FOR THE PROJECT TITLED “AIRPORT NEIGHBORHOOD REPLACE WATER MAINS”

WHEREAS, the bids received for Airport Neighborhood Replace Water Mains were opened at 11:00 a.m. on April 17, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $196,214.01 received from Dell Engineering be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Dell Engineering 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 5th day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By MIChael D. Milich, City Attorney

ATTEST: Jean Zahr, City Clerk

06/05/01 / E&T / D Milam

2001-250
WHEREAS, Article 10 of Chapter 2 of Title 3 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish angle parking in the City of Modesto, and.

WHEREAS, Modesto Police Department has requested angle parking along the east side of 10th Street between G Street and F Street and the north side of F Street between 10th Street and 11th Street to maximize parking stall yields, and

WHEREAS, Mr. Hank Barrett, CEO of Valley First Credit Union has requested angle parking along the east side of 15th Street between K Street and H Street to maximize parking stall yields, and

WHEREAS, City staff has reviewed the geometrics and traffic flow at these locations and has concluded that angled parking can be accommodated as requested without creating a hazard and without impeding traffic flow, and

WHEREAS, by Agenda Report dated May 18, 2001, from the Engineering and Transportation Department, City staff recommended the installation of angle parking on the east side of 10th Street between G Street and F Street and the north side of F Street between 10th Street and 11th Street, and installation of angle parking on the east side of 15th Street between K Street and H Street, and

WHEREAS, the Transportation Policy Committee reviewed and approved at their April 26, 2001 meeting angle parking on 10th Street and F Street, and at their May 17, 2001 meeting angle parking on 15th Street, as requested by the Modesto Police Department and Mr. Hank Barrett respectively, and

WHEREAS, said matter was considered by City Council at its meeting of June 5, 2001, NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. ANGLE PARKING. Angle parking in the City of Modesto is hereby established at the following locations:

- Portions of 10th Street, between I & K Streets (west side) (diagonal)
- 18th Street, between G and H Streets (west side) (diagonal)
- F Street, between 10th and 11th Streets (south side) (diagonal)
- I Street between 9th and 12th Streets (both sides) (diagonal)
- P Street, between 9th and Needham Streets (both sides) (diagonal)
- Coldwell Avenue, between Tully Road and College Avenue
- 4th Street, between E Street and G Street (west side)
- 16th Street, between I Street and J Street (east side)
- Elm Street, between Jefferson and Washington Streets (diagonal)
- Jefferson Street, between 8th and Laurel Streets (diagonal)
- 13th Street, between H and L Streets (east side)
- J Street, between 7th Street and 8th Street (north side)
- 10th Street, between G Street and F Street (east side) (diagonal)
- F Street between, 10th Street and 11th Street (north side) (diagonal)
- 15th Street between K Street and H Street (east side) (diagonal)

SECTION 2. The Engineering and Transportation Director is hereby directed to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, CITY ATTORNEY
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-252

A RESOLUTION APPROVING THE FINAL MAP OF GENERATIONS
SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, FLORSHEIM BROS., a California General Partnership, by Florsheim Properties, a California Corporation, partner, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 19.18 acres, known as Generations ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 22nd day of January, 2001, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said GENERATIONS 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 Agreement hereinafter referred to.

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 5th day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: __________________________

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: ______________________________

ALISON A. BARRATT-GREEN
Senior Deputy City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-253

A RESOLUTION APPROVING A CONSENT TO COMMON USE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR KANSAS AVENUE OVERCROSSING IMPROVEMENTS AT MID LATERAL 4.

WHEREAS, the Kansas Avenue Overcrossing requires a portion of land and overhead space at the Modesto Irrigation District Lateral No. 4; and
WHEREAS, the City will construct the Kansas Avenue Overcrossing on the Modesto Irrigation District’s right-of-way at Lateral No. 4 with State Grade Separation Grant Funds; and
WHEREAS, the Modesto Irrigation District requires a Consent to Common Use Agreement for a street entering the District right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District for Kansas Avenue Overcrossing @ MID Lateral 4 for the construction of the improvements Kansas Avenue Overcrossing be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM
By
MICHAIL D. MILICH, City Attorney

ATTEST: JEAZ ZAHR/City Clerk

6/5/01 / E & T / K Becker

2001-253
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-254

A RESOLUTION APPROVING THE FINAL MAP OF MONTEREY BAY, UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, BRIGHT DEVELOPMENT, A California Corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 9.74 acres, known as MONTEREY BAY, UNIT NO. 2 in the Carver-Bangs Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 17th day of April, 2000, 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 MONTEREY BAY, UNIT NO. 2 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 Agreement hereinafter referred to.

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 5th day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: ALISON A. BARRATT-GREEN
Senior Deputy City Attorney

ATTEST: JEAN ZAHN
JEAN ZAHN, City Clerk

(SEAL)
A RESOLUTION ACCEPTING THE OFF-SITE IMPROVEMENTS ONLY, OUTSIDE THE BLUFF AT SEVEN FALLS SUBDIVISION AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Wellington Cove Development, LLC, a California Limited Liability Company, subdividers of The Bluff at Seven Falls subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of $117,000 and $58,500 respectively to guarantee off-site improvements outside The Bluff at Seven Falls 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 public Subdivision Improvements only outside said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory period.

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

1. The public Subdivision Improvements only outside The Bluff at Seven Falls Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $117,000 upon recordation of notice of completion.

3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of $58,500 upon expiration of the statutory period.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-256

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION FOR PUBLIC TRANSIT OPERATING AND CAPITAL PURPOSES AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL GRANT APPLICATION AND GRANT AGREEMENT DOCUMENTS

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

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

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

WHEREAS, the City of Modesto has received authority from the Designated Recipient, StanCOG, to apply for Urban Area Formula Program Assistance for no more than $4,701,693 for FY 2000-2001, and

WHEREAS, the grant for Federal assistance will impose certain obligations on the City of Modesto, and may require the city to provide the local share of the project costs, and

WHEREAS, by a report to the Council dated May 15, 2001, from the Engineering and Transportation Department, City staff recommended submitting a grant application for $4,669,132 in formula funds to offset the operational and capital costs of the City’s public transit program, a copy of said report is attached hereto and incorporated herein by reference, and

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

BE IT FURTHER RESOLVED that the City Manager or his designee is authorized to execute grant agreements with the Federal Transit Administration on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-257

A RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT IN THE AMOUNT OF $150,000 TO LARRY WALKER ASSOCIATES FOR NATIONAL POLLUTION ELIMINATION DISCHARGE SYSTEM (NPDES) PERMIT STUDIES.

WHEREAS, on May 11, 2001, the City of Modesto’s Wastewater Treatment Plant began operating under a new National Pollution Elimination Discharge System (NPDES) Permit and,

WHEREAS, new studies and testing will be required on certain constituents within the NPDES Permit, and

WHEREAS, Larry Walker Associates will develop studies on these constituents as required by the NPDES Permit, and

WHEREAS, the City Council has directed staff to study options and create guidelines on Source Control, and

WHEREAS, Larry Walker Associates has the level of expertise and knowledge of Modesto’s Environmental Compliance Programs and/or NPDES permit necessary to conduct the required studies and establish guidelines for source control.

NOW, THEREFORE BE IT HEREBY RESOLVED by the Council of the City of Modesto that the professional service contract with Larry Walker Associates for NPDES Permit studies in the amount of $150,000 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said professional services contract by the City Manager or his designee is hereby authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

MICHEAL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-258

A RESOLUTION CALLING AN ELECTION FOR THE PURPOSE
OF SUBMITTING THE LEVY OF THE SPECIAL TAX TO THE
QUALIFIED ELECTORS OF THE TERRITORY PROPOSED TO
BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO.
1996-1 (VILLAGE ONE - ANNEXATION #5)

WHEREAS, this Council did, on April 24, 2001, adopt its Resolution No. 2001-187 (the
"Resolution of Intention to Annex") to indicate its intention to annex certain territory (the
"Annexed Territory") to its Community Facilities District No. 1996-1 (the "District") in order to
finance certain public facilities (the "Facilities") and services (the "Services") and to authorize
the levy of a special tax (the "Special Tax") within the Annexed Territory, pursuant to Chapter
3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California
Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982"
(the "Act"), and

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

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

WHEREAS, on June 5, 2001, this Council held the hearing as required by law related to
the proposed annexation of territory and the levy of the Special Tax within the Annexed
Territory and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the
proposed annexation of territory and the levy of the Special Tax therein and all other matters set
forth in the Resolution of Intention to Annex, including all interested persons or taxpayers for or
against the proposed annexation of territory and the levy of the Special Tax therein were heard
and considered, and a full and fair hearing was held thereon, and

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

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

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

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

SECTION 1. The foregoing recitals are true and correct.
SECTION 2. All prior proceedings taken with respect to the annexation of territory to the District and the levy of the Special Tax therein, were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

SECTION 3. The proposed annexation of territory and the levy of the Special Tax therein have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 4. (a) The Facilities to be financed by the Annexed Territory are set forth in EXHIBIT “A” attached hereto and by this reference incorporated herein.

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

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

SECTION 5. (a) The Services to be financed by the Annexed Territory are set forth in EXHIBIT A attached hereto and incorporated by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The Services are governmental services which the City is authorized by law to provide to the extent that they are in addition to those provided in the Annexed Territory before the territory was annexed to the District.

(b) The Services are necessary to meet the increased demands placed upon the City and other local agencies operating within the area of the Annexed Territory as a result of development occurring in the Annexed Territory.
SECTION 6. The Amended Report related to the Facilities and Services shall be a part of the record in these proceedings.

SECTION 7. (a) As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex territory to the District and levy a Special Tax within the Annexed Territory. Specifically, upon such approval the Council shall levy the Special Tax upon the Annexed Territory.

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

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

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

SECTION 8. A special election (the "Election") is hereby called as a mail ballot election on the proposition of levying the Special Tax within the Annexed Territory. This Council further directs that this Resolution shall constitute the notice of the Election on the above proposition. However, the giving of such notice is waived if the City Clerk shall receive unanimous consent to such waiver from the Landowners.
SECTION 9. It is hereby found that there were fewer than twelve registered voters registered to vote within the Annexed Territory on any one day during the ninety days preceding the close of the protest hearing. Pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Annexed Territory and each landowner who is the owner of record at the close of the Hearing, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that he or she owns within the Annexed Territory. The number of votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner.

SECTION 10. If the City Clerk shall have received appropriate waivers of time limits and other requirements pertaining to the conduct of the Election by each of the owners of land included in the Annexed Territory (collectively, the "Landowners") on or before Tuesday, the 12th day of June, 2001, the Election shall be held on that day, or on such earlier date on which the City Clerk shall have received such waivers and completed ballots. Otherwise, the Election shall be held on the first Tuesday after that date which is 90 days after the date on which this Resolution is adopted.

The Election shall be conducted by the City Clerk in the manner required by this Resolution, the Act and applicable laws. Receipt by the City Clerk of this Resolution, a certified map of sufficient scale and clarity to show the boundaries of the Annexed Territory and a sufficient description to allow the City Clerk to determine the boundaries of the Annexed Territory within three business days after the adoption of this Resolution shall be conclusively evidenced by the signature of the City Clerk on the certificate of adoption relating to this Resolution.
In accordance with Section 53326 of the Act, the ballots for the election shall be distributed by mail or by personal service by the City Clerk, with return postage prepaid, to each Landowner, or Landowner's authorized representative for the purpose of voting its interests at the special election, within the Annexed Territory. The City Clerk shall certify the proper mailing or service of ballots by an affidavit, which shall constitute conclusive proof of mailing or service in the absence of fraud. The voted ballots shall be returned to the City Clerk in person or by mail, courier, messenger or other means of delivery not later than 7:00 p.m. on the day of the Election.

SECTION 11. Unless waived with the unanimous consent of all the Landowners, there shall be prepared and included in the ballot material provided to each voter an impartial analysis pursuant to Section 5011 of the California Elections Code (the "Elections Code") and arguments and rebuttals, if any, pursuant to Sections 5012 to 5016, inclusive, and 5025 of the Elections Code.

SECTION 12. The Annexed Territory shall constitute a single election precinct for the purpose of holding the Election.

SECTION 13. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the Election. The City Clerk shall perform and render all services and proceedings incidental to and connected with the Election. These services shall include, but not be limited to, the following activities as are appropriate to the Election:

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

2. Furnish and address to mail or personally deliver the official ballots to the qualified electors of the Annexed Territory;
3. Cause the official ballots to be mailed or personally delivered, as required by law;

4. Receive the returns of the Election and supplies;

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

6. Canvass the returns of the Election;

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

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

9. Conduct and handle all other matters relating to the proceedings and conduct of the Election in the manner and form as required by law.

SECTION 14. Following the Election the City Clerk shall present a report to the City Council with the Election results. The Council shall then make a determination as to whether two-thirds or more of the votes cast are in favor of levying the Special Tax within the Annexed Territory. If the Council determines that two-thirds or more of the votes cast are in favor of the Special Tax, this Council may levy the Special Tax in the Annexed Territory in the amount and for the purposes specified in the Resolution of Intention to Annex. The Special Tax may be levied in the Annexed Territory at the rate and may be apportioned in the manner specified in the Resolution of Intention to Annex and in the attached EXHIBIT A.

SECTION 15. The City Clerk, in accordance with Sections 3114.5 and 3117.5 of the Streets and Highways Code, shall record an amendment to the Notice of Special Tax Lien originally recorded pursuant to Section 3114.5 of the California Streets and Highways Code in
the office of the County Recorder of the County of Stanislaus as Document No. 96-0090915-00 on October 24, 1996.

The foregoing Resolution was passed and adopted at a regular meeting of the City Council of the City of Modesto held on the 5th day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: (SEAL) 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

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

CITY OF MODESTO
STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

AMENDED APRIL 1997
FOR
ANNEXATION NO. 1

Prepared by:
VAIL ENGINEERING CORPORATION
2033 Howe Ave., Ste. 220
Sacramento, CA 95825
(916) 929-3323
(800) 929-1779 FAX
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COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)
CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

INTRODUCTION

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

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

(hereinafter referred to as the "District") and

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

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

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

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

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

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

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

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

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

A. ARTERIAL ROADS

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

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

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

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

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

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

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

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

1. West Basin (9.56 acres): Retention with pump out facilities to Central Basin.
2. Central Basin (15.59 acres): Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.
3. Industrial Basin (8 acres): Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

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

C. UTILITY RELOCATION

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

D. PARKS

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

- Community Park 39 acres
- Roselle Neighborhood Park 7 acres
- Claus Neighborhood Park 7 acres
- Merle Neighborhood Park 8 acres

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

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

F. OTHER

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

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

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

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

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

A. CAPITAL COSTS FOR FACILITIES SPECIAL TAX

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

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial Roads</td>
<td>$20,509,278</td>
</tr>
<tr>
<td>Storm Drainage</td>
<td>$13,240,470</td>
</tr>
<tr>
<td>Utility Relocation</td>
<td>$1,120,458</td>
</tr>
<tr>
<td>Parks</td>
<td>$10,863,967</td>
</tr>
<tr>
<td>Public Facilities</td>
<td>$25,000</td>
</tr>
<tr>
<td>Other</td>
<td>$2,698,683</td>
</tr>
<tr>
<td><strong>Subtotal:</strong></td>
<td><strong>$48,457,856</strong></td>
</tr>
<tr>
<td>Annual CFD Administration (1%)</td>
<td>$484,579</td>
</tr>
</tbody>
</table>

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

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

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

- Annual maintenance cost at buildout in 1996 dollars:

  Community Park and three (3) neighborhood parks ....... $149,073
  Street/Parkways: 1,500,000 sq. ft. x $0.417 / sq. ft. ............ $625,500
  Pathway Landscaping: Subtotal Paths ......................... $44,965
  Class I: 17,389 / 5,280 x $4,020 = $13,550
  Class II: 82,388 / 5,280 x $1,500 = $23,405
  Class III: 84,480 / 5,280 x $500 = $3,000
  Total Annual Cost: $850,000

- Total annual costs at "good" standard for all neighborhood and community parks in 1996 dollars is $708,576. The amount attributed to the Village One CFD is $149,073.
IV. RATE AND METHOD (By David Taussig and Associates)

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

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

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

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

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

"City" means the City of Modesto.

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

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

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

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

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

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

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

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

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

"Land Use Class" means any of the five classes listed in Table 1 and Table 2 below.
"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year (i) to pay for authorized maintenance expenses, (ii) to pay administrative expenses of CFD No. 1996-1, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

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

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

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

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

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

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

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

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

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

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

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

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

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

B. ASSIGNMENT TO LAND USE CLASS

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

1. Facilities Special Tax

a) **Very Low Density Residential Property and Village Residential Property**

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

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

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

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

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

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

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

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

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

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

Step 3: Multiply the product determined in Step 2 above by 1.01 to calculate the total Facilities Special Tax that shall be collected from Multi-Family Residential, Commercial or Industrial Property prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.
Table 1
Per-Acre Special Tax to be Used in Calculation of Maximum Facilities Special Tax For Annexation Area No. 1 (Fiscal Year 1996-97)

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Per-Acre Special Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Very Low Density Residential</td>
<td>$19,715 per Gross Acre</td>
</tr>
<tr>
<td>2</td>
<td>Village Residential</td>
<td>$29,479 per Gross Acre</td>
</tr>
<tr>
<td>3</td>
<td>Multi-Family Residential</td>
<td>$76,394 per Gross Acre</td>
</tr>
<tr>
<td>4</td>
<td>Commercial</td>
<td>$86,616 per Gross Acre</td>
</tr>
<tr>
<td>5</td>
<td>Industrial</td>
<td>$40,564 per Gross Acre</td>
</tr>
</tbody>
</table>

Beginning in January 1997, the Facilities Special Tax shall be adjusted annually by applying the greater of (1) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Facilities Special Tax shall become effective on the subsequent July 1, and shall apply to all Parcels which have not paid the Facilities Special Tax prior to July 1.

The Facilities Special Tax represents a lien on each Parcel which is anticipated to be released upon payment of the Facilities Special Tax, which is expected to occur no later than final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

2. Maintenance Special Tax

All Taxable Property within this CFD Annexation No. 1 shall be subject to a Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1996-1 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner.
a) **Developed Property**

The following maximum rates apply to all Parcels of Developed Property within CFD No. 1996-1 for each Fiscal Year in which the Maintenance Special Tax will be levied:

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Maximum Annual Maintenance Special Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Very Low Density Residential</td>
<td>$112.43 per lot</td>
</tr>
<tr>
<td>2</td>
<td>Village Residential</td>
<td>$112.43 per lot</td>
</tr>
<tr>
<td>3</td>
<td>Multi-Family Residential</td>
<td>$72.99 per unit</td>
</tr>
<tr>
<td>4</td>
<td>Commercial</td>
<td>$394.30 per Gross Acre</td>
</tr>
<tr>
<td>5</td>
<td>Industrial</td>
<td>$394.30 per Gross Acre</td>
</tr>
</tbody>
</table>

Beginning in January 1997, the maximum Annual Maintenance Special Tax shall be adjusted annually by applying the greater of (I) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

b) **Undeveloped Property**

**Undeveloped Residential Property:**

The maximum Annual Maintenance Special Tax for each Parcel of Residential Undeveloped Property shall be determined as follows:

**Step 1:** Determine whether the Parcel will be developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property determined by reference to the Village One Specific Plan.
Step 2: Multiply the average density for the Parcel's Land Use Class as determined in Step 1 by the Gross Acreage of the Parcel to determine the average number of units that could be built on the Parcel. The average density for each Land Use Class shall be determined based on reference to the Village One Specific Plan.

Step 3: Multiply the average number of units for the Parcel as determined in Step 2 by the maximum Annual Maintenance Special Tax for the appropriate Land Use Class, as determined by reference to Table 2.

Step 4: Multiply the figure calculated in Step 3 by 0.50 to determine the total Maintenance Special Tax to be levied on the Parcel.

Undeveloped Commercial and Undeveloped Industrial Property:

The maximum annual Maintenance Special Tax that can be levied on Undeveloped Commercial and Undeveloped Industrial Property is the same as those rates identified in Table 2 above for Developed Commercial or Industrial Property.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

The Facilities Special Tax shall be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction for any residential or non-residential structure within CFD No. 1996-1 and shall be immediately delinquent if not so paid.
2. **Maintenance Special Tax**

Commencing with Fiscal Year 1997-98 and for each following Fiscal Year, the City or its designee shall determine the Maintenance Special Tax Requirement to be collected from Taxable Property in CFD No. 1996-1 in the Fiscal Year. The Maintenance Special Tax shall then be levied as follows:

**Step 1:** Calculate the total Maintenance Special Tax revenues that could be collected from Developed and Undeveloped Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C above.

**Step 2:** Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1.

**Step 3:** If the ratio determined in Step 2 is greater than or equal to 1, levy the Maximum Maintenance Special Tax determined pursuant to Section C on all Developed and Undeveloped Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.

**Step 4:** Levy the maximum Annual Maintenance Special Tax against all Parcels of Developed Property. Subtract the amount generated from Developed Property from the Maintenance Special Tax Requirement, and levy a Maintenance Special Tax on all Parcels of Undeveloped Residential, Undeveloped Commercial and Undeveloped Industrial Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax for Undeveloped Property determined pursuant to Section C.2.b. above.

The Annual Maintenance Special Tax for CFD No. 1996-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1996-1 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes.
E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

F. ENFORCEMENT

All delinquent Facility Special Taxes, or delinquent Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.
V. GENERAL TERMS AND CONDITIONS

A. SUBSTITUTION FACILITIES

The description of the general capital facilities, as set forth herein and as shown in the Facilities Master Plan, are conceptual in their nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans may show substitutes, in lieu or modifications to the proposed work in order to accomplish the work of improvement, and any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in this report.

B. APPEALS AND INTERPRETATION PROCEDURE

Any landowner or resident who feels that the amount of formula of the special tax is in error may file a notice with the legislative body appealing the levy of the special tax. An appeals panel of three members, as appointed by the legislative body, will then meet and promptly review the appeal, and if necessary, meet with the applicant. If the findings of the Appeals Board verify that the tax should be modified or changed, a recommendation at that time will be made to the legislative body, as appropriate, the special tax levy shall be corrected, and if applicable, in any case, a refund shall be granted.

Interpretations may be made by the legislative body by Resolution for purposes of clarifying any vagueness or ambiguity as it relates to any category, zone, rate or definition applicable to these proceedings.

C. ADMINISTRATION OF FUNDS

1. Facilities Fund

All funds received from the payment of the one-time facilities special tax shall be maintained in a single facilities fund account. This account shall apportion the funds into the facilities categories as shown on page 43 of the "City of Modesto Village One Finance Plan" as adopted by the City Council in Resolution No. 96-463 dated August 13, 1996, or as said ordinance may be amended. The City has full discretion in the use of the funds for all authorized facilities within this pooled account. Accounting of the fund shall
track the use of funds to insure the ultimate distribution of funds at buildout are as proportioned in said Ordinance 96-463:

2. Maintenance Fund

All annual maintenance special taxes shall be maintained in a single account. Funds shall be utilized at the discretion of the City to fund authorized maintenance and administration services.
VI. CERTIFICATION

It is my opinion that the special tax rate and method of apportionment, as set forth, is fair and equitable, uniformly applied, and not discriminatory or arbitrary.

Jerry L. Slinkard
Vail Engineering Corporation

Date
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-259

A RESOLUTION ESTABLISHING BATTERY BACK-UP SYSTEMS FOR TRAFFIC SIGNALS IN THE CITY OF MODESTO AND INITIATION OF THE BIDDING PROCESS FOR THE PURCHASE OF BATTERY BACK-UP SYSTEMS EQUIPMENT

WHEREAS, City staff has reviewed the need for battery back-up systems for traffic signals in the City of Modesto to provide continued traffic signal operation during power outages, and

WHEREAS, the Transportation Policy Committee reviewed and approved at their May 17, 2001 meeting the installation of a battery back-up system at the top fifteen locations throughout Modesto, and recommended budgeting $200,000 for this project, and

WHEREAS, the Transportation Policy Committee recommended initiation of the bidding process for this project, and

WHEREAS, by authorizing the Purchasing Supervisor to accept the lowest responsive and responsible bid for Battery Back-up Systems for the fifteen locations without returning to City Council for subsequent approvals, delivery time and installation of said equipment will be improved, and,

WHEREAS, said matter was considered by City Council at its meeting of June 5, 2001,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. BATTERY BACK-UP SYSTEMS FOR TRAFFIC SIGNALS.
Installation of battery back-up systems is hereby established at the following intersections:

1. Claus-Briggsmore
2. Oakdale-Scenic
3. Oakdale-Briggsmore
4. Oakdale-Sylvan
5. Coffee-Briggsmore
6. Coffee-Sylvan
7. Tully-Standiford
8. Tully-Briggsmore
9. Prescott-Standiford
10. Prescott-Briggsmore
11. Standiford-Dale
12. Standiford-Sisk
13. Orangeburg-Oakdale
14. Carpenter-Blue Gum
15. Coffee-Scenic

SECTION 2. The Purchasing Supervisor is hereby authorized to accept the lowest responsive and responsible bid for battery back-up systems being purchased for an amount not to exceed $200,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June 2001, by Councilmember Friedman, 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, Friedman, Frohman, Smith, Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: 

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, CITY ATTORNEY

6/5/01/E&TF Vohra -2- 2001-259
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-260

A RESOLUTION AMENDING THE BUDGET FOR GENERAL FUND RESERVES, TRANSFERRING THE APPROPRIATION TO SPECIAL FUND FOR CAPITAL OUTFLAY AND CREATING A NEW CAPITAL PROJECT FOR $200,000

WHEREAS, City staff has reviewed the need for battery back-up systems for traffic signals in the City of Modesto to provide continued traffic signal operation during power outages, and

WHEREAS, the Transportation Policy Committee reviewed and approved at their May 17, 2001 meeting the installation of a battery back-up system at the top fifteen locations throughout Modesto, and budgeting $200,000 for this project, and

WHEREAS, said matter was considered by City Council at its meeting of June 5, 2001,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the budget by $200,000 for General Fund Reserves; transferring said money to the Special Fund for Capital Outlay, and creating a capital project: entitled “Battery Back-up System for Traffic Signals” as follows:

<table>
<thead>
<tr>
<th>General Fund Reserves</th>
<th>0100-800-8000-8003</th>
</tr>
</thead>
<tbody>
<tr>
<td>$200,000</td>
<td></td>
</tr>
<tr>
<td>Transfer from General Fund</td>
<td>0100-700-7000-7130</td>
</tr>
<tr>
<td>$200,000</td>
<td></td>
</tr>
<tr>
<td>Transfer to Special Fund for Capital Outlay</td>
<td>1300-700-7000-9010</td>
</tr>
<tr>
<td>$200,000</td>
<td></td>
</tr>
<tr>
<td>Name of Project</td>
<td>1300-160-MXXX-6040</td>
</tr>
<tr>
<td>$200,000</td>
<td></td>
</tr>
</tbody>
</table>
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June 2001, by Councilmember Friedman, 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, Friedman, Frohman, Smith, Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, CITY ATTORNEY

JEAN ZAHR, City Clerk
A RESOLUTION ESTABLISHING ADOPTION OF CALTRANS' “SPECIFICATIONS FOR BACK-UP SYSTEMS FOR TRAFFIC SIGNALS” AS THE CITY STANDARD FOR THE CITY OF MODESTO

WHEREAS, City staff has reviewed the need for battery back-up systems for traffic signals in the City of Modesto to provide continued traffic signal operation during power outages, and

WHEREAS, the Transportation Policy Committee reviewed and approved at their May 17, 2001 meeting the installation of a battery back-up system at the top fifteen locations throughout Modesto, and recommended adopting Caltrans’ specifications for battery back-up system for traffic signals as the City Standard, and

WHEREAS, said matter was considered by City Council at its meeting of June 5, 2001, NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves adopting the Caltrans’ “Specification for Battery Back-up System for Traffic Signals” as the City Standard for the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June 2001, by Councilmember Friedman, 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, Friedman, Frohman, Smith, Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-262A

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE
OFFICE OF THE CITY ATTORNEY OF THE CITY OF MODESTO AND
RESCINDING RESOLUTION NO. 94-696

WHEREAS, pursuant to Government Code Section 87300, every local agency must
adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City
agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code
reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of June 12, 2001 considered the adoption of
amended conflict of interest codes for various City departments, including the Office of the City
Attorney.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto
hereby adopts an amended Conflict of Interest Code for the Office of the City Attorney of the
City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 94-696 adopted by the Council is
hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 12th day of June, 2001, by Councilmember Friedman, who moved its
adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

Jean Zahr
City Clerk

6/12/01/City Clerk/M Romey

2001-262A
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-262B

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE
OFFICE OF THE CITY MANAGER OF THE CITY OF MODESTO AND
RESCINDING RESOLUTION NO. 2000-490

WHEREAS, pursuant to Government Code Section 87300, every local agency must
adopt a conflict of interest code, and
WHEREAS, the City Clerk is authorized to maintain a current list of the City
agencies/departments which have adopted conflict of interest codes, and
WHEREAS, pursuant to Government Code Section 82011, this Council is the code
reviewing body for agencies of the City of Modesto, and
WHEREAS, the Council, at its meeting of June 12, 2001 considered the adoption of
amended conflict of interest codes for various City departments, including the Office of the City
Manager.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto
hereby adopts an amended Conflict of Interest Code for the Office of the City Manager of the
City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2000-490 adopted by the Council is
hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 12th day of June, 2001, by Councilmember Friedman, who moved its
adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR City Clerk

6/12/01 City Clerk/ M Romey

2001-262B
A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE
FINANCE DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING
RESOLUTION NO. 98-593

WHEREAS, pursuant to Government Code Section 87300, every local agency must
adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City
agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code
reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of June 12, 2001 considered the adoption of
amended conflict of interest codes for various City departments, including the Finance
Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto
hereby adopts an amended Conflict of Interest Code for the Finance Department of the City of
Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 98-593 adopted by the Council is
hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 12th day of June, 2001, by Councilmember Friedman, who moved its
adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-263

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE
COMMUNITY DEVELOPMENT DEPARTMENT OF THE CITY OF MODESTO
AND RESCINDING RESOLUTION NO. 2000-491

WHEREAS, pursuant to Government Code Section 87300, every local agency must
adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City
agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code
reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of June 12, 2001 considered the adoption of
amended conflict of interest codes for various City departments, including the Community
Development Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto
hereby adopts an amended Conflict of Interest Code for the Community Development
Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2000-491 adopted by the Council is
hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 12th day of June, 2001, by Councilmember Friedman, who moved its
adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

6/12/01/City Clerk/ M Romey
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-264

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE
ENGINEERING & TRANSPORTATION DEPARTMENT OF THE CITY OF
MODESTO AND RESCINDING RESOLUTION NO. 2000-492

WHEREAS, pursuant to Government Code Section 87300, every local agency must
adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City
agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code
reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of June 12, 2001 considered the adoption of
amended conflict of interest codes for various City departments, including the Engineering &
Transportation Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto
hereby adopts an amended Conflict of Interest Code for the Engineering & Transportation
Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2000-492 adopted by the Council is
hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 12th day of June, 2001, by Councilmember Friedman, who moved its
adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-265

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE FIRE
DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING
RESOLUTION NO. 2000-493

WHEREAS, pursuant to Government Code Section 87300, every local agency must
adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City
agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code
reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of June 12, 2001 considered the adoption of
amended conflict of interest codes for various City departments, including the Fire Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto
hereby adopts an amended Conflict of Interest Code for the Fire Department of the City of
Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2000-493 adopted by the Council is
hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 12th day of June, 2001, by Councilmember Friedman, who moved its
adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
       Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

6/12/01/City Clerk/ M Romey
2001-265
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-266

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE
POLICE DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING
RESOLUTION NO. 2000-496

WHEREAS, pursuant to Government Code Section 87300, every local agency must
adopt a conflict of interest code, and
WHEREAS, the City Clerk is authorized to maintain a current list of the City
agencies/departments which have adopted conflict of interest codes, and
WHEREAS, pursuant to Government Code Section 82011, this Council is the code
reviewing body for agencies of the City of Modesto, and
WHEREAS, the Council, at its meeting of June 12, 2001 considered the adoption of
amended conflict of interest codes for various City departments, including the Police
Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto
hereby adopts an amended Conflict of Interest Code for the Police Department of the City of
Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2000-496 adopted by the Council is
hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 12th day of June, 2001, by Councilmember Friedman, who moved its
adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
City Clerk

6/12/01/ City Clerk/M Romey 2001-266
A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE
OPERATIONS & MAINTENANCE DEPARTMENT OF THE CITY OF
MODESTO AND RESCINDING RESOLUTION NO. 2000-494

WHEREAS, pursuant to Government Code Section 87300, every local agency must
adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City
agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code
reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of June 12, 2001 considered the adoption of
amended conflict of interest codes for various City departments, including the Operations &
Maintenance Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto
hereby adopts an amended Conflict of Interest Code for the Operations & Maintenance
Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2000-494 adopted by the Council is
hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 12th day of June, 2001, by Councilmember Friedman, who moved its
adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-267

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE
RECREATION & NEIGHBORHOODS DEPARTMENT OF THE CITY OF
MODESTO AND RESCINDING RESOLUTION NO. 2000-497

WHEREAS, pursuant to Government Code Section 87300, every local agency must
adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City
agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code
reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of June 12, 2001 considered the adoption of
amended conflict of interest codes for various City departments, including the Recreation &
Neighborhoods Department.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto
hereby adopts an amended Conflict of Interest Code for the Recreation & Neighborhoods
Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 2000-497 adopted by the Council is
hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 12th day of June, 2001, by Councilmember Friedman, who moved its
adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-268

A RESOLUTION APPROVING A SECOND AMENDMENT WITH VANIR CONSTRUCTION MANAGEMENT INC. FOR CONSTRUCTION MANAGEMENT SERVICES DURING CONSTRUCTION OF THE MODESTO POLICE BUILDING EXPANSION PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT TO AGREEMENT.

WHEREAS, on March 17, 1998, the City Council entered into an agreement with Vanir Construction Management for construction management services during Phase I of the Modesto Police Building Expansion project for a not-to-exceed amount of $128,000.00, and

WHEREAS, on November 10, 1998, the City entered into a first amendment to contract for an additional $382,388.00 for construction management services during construction of Phases II & III of the project, and

WHEREAS, due to soil contamination and subsequent delays in Phase I work which delayed the start of Phase II work, Vanir’s efforts exceeded the contract amount anticipated in the original contract and first amendment, and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a second amendment to the contract with Vanir Construction Management Inc. in the not-to-exceed amount of $85,000.00 for continued professional services through project close-out.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute the amendment to the agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: MARILYN ROMBY, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

06/12/01 / E& T / TParmer 2001-268
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-269

A RESOLUTION ACCEPTING THE PROJECT TITLED "CONSTRUCTION OF ADVANCED TRAFFIC MANAGEMENT SYSTEM" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Construction of Advanced Traffic Management System, has been completed by L. K. Comstock & Company, Inc., in accordance with the contract agreement dated September 26, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Construction of Advanced Traffic Management System project be accepted from said contractor, by L. K. Comstock & Company, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,605,852.54 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

6/12/01/ E&T/ R Grangberg 2001-269