MODESTO CITY COUNCIL
RESOLUTION NO. 2000-437

A RESOLUTION RESTATING TERMS OF OFFICE AND
PROCEDURES FOR THE CITIZENS HOUSING AND
COMMUNITY DEVELOPMENT COMMITTEE, INCLUDING
DISSOLUTION OF THE HOUSING MAINTENANCE AND
COUNSELING SUBCOMMITTEE, AND RESCINDING
RESOLUTION NO. 96-576.

WHEREAS, by Resolution No. 75-834, adopted on August 11, 1975, the City
Council appointed members to the Housing Maintenance and Counseling Subcommittee of the
Citizens Housing and Community Development Committee (“CH&CDC”), and

WHEREAS, said subcommittee’s role was development of the Housing
Maintenance Program, development of a relocation program including provisions for emergency
housing, and development of a relocation program including provisions for emergency housing,
among other things, and

WHEREAS, the Housing Maintenance and Counseling Subcommittee has not met
for approximately ten years, and many of its responsibilities have either been fulfilled or
assumed by other advisory committees, and

WHEREAS, the CH & CDC Committee met on May 26, 2000, and supported
dissolution of the Housing Maintenance and Counseling Subcommittee, and

WHEREAS, the Council desires to dissolve the Housing Maintenance and
Counseling Subcommittee of the CH & CDC Committee, and

WHEREAS, the Council further desires to restate the terms of office and
procedures for the CH & CDC Committee, without inclusion of the Housing Maintenance and
Counseling Subcommittee,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

A. Committee Titles and Roles.

The Committee titles and roles as hereinafter stated are hereby established.

1. Title: Citizens Housing and Community Development Committee.

Role: To provide overall review and make recommendations to the City Council regarding the City’s Housing and Community Development Act (“HCDA”) program and its projects; to review the annual HCDA application, including the Housing Assistance Plan; to monitor and evaluate the entire program and committee effectiveness; to involve citizens in the program; and to formulate and transmit recommendations regarding policy matters to the City Council.

2. Title: Housing Rehabilitation Loan Committee.

Role: To develop a rehabilitation loan pool, especially the procedural manual including administrative procedures and policies for loan funds, eligibility, and extent of governmental and private sector commitment of funds; to monitor and evaluate these rehabilitation loan pool efforts; to involve citizens in the program; to consider and approve requests for loans through the City Housing Rehabilitation programs; and to formulate and transmit recommendations regarding policy matters to the CH & CDC Committee.

3. Title: Economic Development Loan Committee.

Role: To develop an economic development loan pool, especially the procedural manual including administrative procedures and policies for loan funds, eligibility, and extent of
governmental and private sector commitment of funds; to monitor and evaluate these economic development loan pool efforts; to involve citizens in the program; to consider and approve requests for loans through the City Economic Development Revolving Loan Fund; and to formulate and transmit recommendations regarding policy matters to the CH & CDC Committee.

B. Committee Membership Composition and Terms.

Committee membership composition and terms of office shall be as follows:

1. Terms of Office
   a. There shall be a two term maximum for any person.
   b. Full terms shall be four years.
   c. A partial term of two or more years shall be considered a full term.

2. Membership Composition

All regular Committee members shall be appointed by the City Council. The two alternate members of the Housing Rehabilitation Loan Committee shall be appointed as follows:

Alternate Seat No. 8 - A member of the Citizens Housing and Community Development Committee who volunteers to be an Alternate delegate shall be approved by the Chairperson of the Citizens Housing and Community Development Committee and the Chairperson of the Housing Rehabilitation Loan Committee.

Alternate Seat No. 9 - A member of the Housing Authority of Stanislaus County who volunteers to be an Alternate delegate shall be approved by the Executive Director of the Housing Authority of Stanislaus County, the Chairperson of the Citizens Housing and Community Development Committee, and the Chairperson of the Housing Rehabilitation Loan Committee.

a. Citizens Housing and Community Development Committee.

   Seat No. 1 - City Council Member
   Seat No. 2 - Citizen At Large
Seat No. 3 - Board of Supervisors Member
Seat No. 4 - Planning Commissioner
Seat No. 5 - Human Relations Commissioner
Seat No. 6 - Citizen At Large
Seat No. 7 - Citizen At Large
Seat No. 8 - Citizen At Large
Seat No. 9 - Chairperson, Housing Rehabilitation Loan Committee
Seat No. 10 - Citizen At Large
Seat No. 11 - Chairperson, Economic Development Loan Committee

b. 

**Housing Rehabilitation Loan Committee:**

Seat No. 1 - City Council Member
Seat No. 2 - Financial Institution/Provider
Seat No. 3 - Citizen At Large
Seat No. 4 - Financial Institution
Seat No. 5 - Provider/Services
Seat No. 6 - Housing Authority of Stanislaus County
Seat No. 7 - Provider/Services
Seat No. 8 - Alternate, Citizens Housing and Community Development Committee

c. 

**Economic Development Loan Committee:**

Seat No. 1 - City Council Member
Seat No. 2 - Business Institution
Seat No. 3 - Commercial Financial Institution
Seat No. 4 - Business Institution
Seat No. 5 - Commercial Financial Institution
Seat No. 6 - Low Income/Minority Citizen
Seat No. 7 - Low Income/Minority Citizen

C. 

**Chairperson and Vice Chairpersons.**

1. Chairperson for the Citizens Housing and Community Development Committee, the Housing Rehabilitation Loan Committee, and the Economic Development Loan Committee shall be appointed by the City Council.

2. Vice Chairperson for the Citizens Housing and Community
Development Committee, the Housing Rehabilitation Loan Committee, and the Economic Development Loan Committee shall be elected by the respective committees.

3. Full terms of the office of Chairperson and Vice Chairperson of the committee shall be four years commencing on July 1 of a given year and ending on June 30 four years later. Incumbents may serve more than one term.

D. Quorum and Voting.

1. A quorum shall be six persons for the Citizens Housing and Community Development Committee and four persons each for the Housing Rehabilitation Loan Committee and the Economic Development Loan Committee.

2. To take formal action, six affirmative votes shall be necessary for the Citizens Housing and Community Development Committee. To take formal action, a vote of a majority of those present, as long as at least a quorum is present, shall be necessary for the Housing Rehabilitation Loan Committee and the Economic Development Loan Committee.

3. The Housing Rehabilitation Loan Committee, in order to guarantee a quorum necessary for each meeting, may have two Alternate members who shall be invited to each Committee meeting. These two Alternate delegates may participate in all discussions, but shall not vote on any action, unless their attendance is necessary to make a Committee quorum.

E. Staff.

The Community Development Department shall provide staff support for the Housing and Community Development Act Committees and coordinate assistance from other City departments.

BE IT FURTHER RESOLVED that City Council Resolution No. 96-576 is
hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 2000, 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. 2000-438

A RESOLUTION APPROVING DIRECT CITY ASSISTANCE REQUESTED BY THE REALITY ALUMNI ASSOCIATION FOR THEIR ANNUAL RALLY FOR RECOVERY EVENT AND APPROVING THE USE OF AMPLIFIED INSTRUMENTS AND VOICE DURING THE RALLY.

WHEREAS, the Reality Alumni Association has requested direct City assistance for its Rally for Recovery Event to be held at Graceada Park on Friday, September 8, 2000, from 11:00 a.m. to 5:00 p.m., 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 Reality Alumni Association was established in 1992 to provide encouragement and support to clients of the Reality Alcohol Treatment Program, and

WHEREAS, the Alumni’s mission is to provide assistance and support to current and former clients of alcohol and drug treatment facilities by providing a safe, healthy environment for those individuals seeking recovery, and their families, and

WHEREAS, the Alumni Association now works in partnership with the Stanislaus County Department of Alcohol and Drug Programs, and

WHEREAS, this year the annual Recovery Rally has been moved from the County Court House lawn to Graceada Park to enhance the event and to accommodate the anticipated increase in event participation, and

WHEREAS, City staff supports the Association’s request for assistance and
recommends that the City waive the key deposit fee, park rental fees ($240), Operations and Maintenance Department staff fees ($457), and pay for insurance coverage ($88), totaling an estimated $785, and

WHEREAS, the Association is also requesting that the City grant them permission to use amplified instruments and voice during the rally, and

WHEREAS, the current City Council Policy 6.007 - Amplification of Music in City Parks, prohibits the use of amplified music in public parks but allows the City Council the discretion to approve such use where an event is part of an annual community-wide celebration of an established event, if the amplified music is played in a location and at a volume that will not unreasonably disturb or annoy the peace and quiet of the residents living adjacent to the park, and the volume will conform with the noise regulations contained in Section 4-9.101, et seq., of the Modesto Municipal Code, and

WHEREAS, in order for the Reality Alumni to provide this community event for individuals seeking to recover from their drug addiction, direct assistance from the City is needed, and

WHEREAS, the Human Services Committee met on August 2, 2000, and recommended that City assistance be provided and that permission be granted to use amplified instruments at the Rally for Recovery Event,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of the Reality Alumni Association for direct City assistance in the total estimated amount of $785 for the Association’s annual Rally for Recovery Event.
BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby approves the Association’s request for the use of amplified music and voice on Friday, September 8, 2000, from 11:00 a.m. to 5:00 p.m., provided that the amplified music is played in a location and at a volume that will not unreasonably disturb or annoy the peace and quiet of the residents living adjacent to the park, and the volume will conform with the noise regulations contained in Section 4-9.101, et seq., 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 15th day of August, 2000, 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
(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-439

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO APPROPRIATE FUNDS TO COVER THE COST OF SERVICES AND FEES FOR THE RALLY FOR RECOVERY AT GRACEADA PARK

WHEREAS, the Reality Alumni Association has relocated their annual Recovery Rally from the County Court House lawn to Graceada Park to enhance the event and to accommodate the anticipated increased event participation; and

WHEREAS, staff supports the Association’s request and recommends that the City Council waive the key deposit fee, park rental fees, staff fees, and pay for their insurance coverage.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

Expense:
#0100-800-8000-8003 $(785.00)
#0100-380-3801-0416 $ 88.00
#0100-480-4522-0130 $ 697.00

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 15th day of August, 2000, 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 votes:

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

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-440

A RESOLUTION APPROVING THE ADOPTION OF THE RISK MANAGEMENT MANUAL.

WHEREAS, the Personnel Department, Risk Management Division, by agenda report dated August 15, 2000, to the Mayor and Members of the City Council, is requesting the adoption of the Risk Management Manual (hereafter referred to as "Manual") for the employees of the City of Modesto, and

WHEREAS, the Manual is intended to provide a single source for all risk management policies and procedures that require dissemination to the general City staff, and

WHEREAS, since the Manual includes new and updated policies Council action is required for adoption, and

WHEREAS, after adoption of the Manual by the Council copies will be distributed to all City of Modesto employees, and

WHEREAS, the Council considered the adoption of the Manual as recommended by the Personnel Department, Risk Management Division, at its meeting held on August 15, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the adoption of the Risk Management Manual as recommended by the Personnel Department, Risk Management Division, copies of which will be distributed to all City of Modesto employees.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 2000, 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
(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
RESOLUTION

1 Attorney
1 Personnel/Risk Management
2
A RESOLUTION APPROVING AN AGREEMENT WITH MODESTO IRRIGATION DISTRICT CONSENTING TO COMMON USE FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF A STORM DRAIN PIPELINE UNDER AND ACROSS M.I.D. LATERAL NO. 6 FOR THE NORTHGATE VILLAGE SHOPPING CENTER PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District consenting to common use for the installation, operation and maintenance of a storm drain pipeline under and across M.I.D. Lateral No. 6 for the Northgate Village Shopping Center project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee 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 August, 2000, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-442

A RESOLUTION APPROVING THE FINAL MAP OF
LEGENDS VILLAGE UNIT NO. 4 SUBDIVISION OF THE
CITY OF MODESTO.

WHEREAS, J.K.B. HOMES, CORP., a California Corporation, is possessed of a
tract of land situated in the City of Modesto, County of Stanislaus, consisting of 13.91 acres,
known as LEGENDS VILLAGE UNIT NO. 4 ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 28th day of February, 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 LEGENDS VILLAGE UNIT NO. 4 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 15th day of August, 2000, 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

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By Alison A. BARRATT-GREEN
Senior Deputy City Attorney
RESOLUTION APPROVING FINAL SUBDIVISION MAP

2 - Clerk
1 - Attorney
1 - Engineering
1 - Planning
1 - Engineering & Transportation - Traffic
1 - Bank
1 - Subdivider
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-443

A RESOLUTION APPROVING THE FINAL MAP OF ARBOR LANE NO. 1 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, FLORSHEIM BROS., a California general partnership, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 22.16 acres, known as ARBOR LANE NO. 1 ("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. 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 15th day of August 2000, 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, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Friedman

ATTEST:  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By ALISON A. BARRATT-GREE
Senior Deputy City Attorney
RESOLUTION APPROVING FINAL SUBDIVISION MAP

2 - Clerk
1 - Attorney
1 - Engineering
1 - Planning
1 - Engineering & Transportation - Traffic
1 - Bank
1 - Subdivider
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-444

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:

Events Supervisor I

Events Supervisor II

The specifications for the classifications of Events Supervisor I (Range 430), and Events Supervisor II (Range 434), as shown on the attached Exhibit “A”, which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan.
Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS AMENDED. The Position Classification Plan of the city of Modesto is hereby amended to revise the following classifications:

Maintenance Worker I

Maintenance Mechanic Crewleader - Pumps

Airport Operations and Maintenance Supervisor

The revised specifications for the classification of Maintenance Worker I (Range 110), as shown on the attached Exhibit “B”, Maintenance Mechanic Crewleader - Pumps (Range 124), as shown on the attached Exhibit “C”, and Airport Operations and Maintenance Supervisor (Range 428), as shown on the attached Exhibit “D”, 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 3. CLASSIFICATIONS ABOLISHED. The Position classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Events Supervisor

Business Development Division Manager

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after August 15, 2000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 2000, by Councilmember Fried

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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EVENTS SUPERVISOR I

DEFINITION

Under direction, supervise and coordinate the needs and services of lessees for events at the Modesto Centre Plaza. This work includes booking, scheduling, planning, and supervision of events.

DISTINGUISHING CHARACTERISTICS

Events Supervisor I - This is the entry-level class in the Events Supervisor series. This class is distinguished from the Events Supervisor II 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 work experience.

Events Supervisor II - This is the full journey level class within the Events Supervisor series. Employees within this class are distinguished from the Events Supervisor I by the performance of the full range of duties assigned. 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 AND EXERCISED

Events Supervisor I
Receives direction from the Centre Plaza Manager or Events Supervisor II.

May exercise direct supervision over subordinate, technical, scheduling, temporary, and contracted staff.

Events Supervisor II
Receives general direction from the Centre Plaza Manager.

Exercises direct supervision over subordinate, technical, scheduling, temporary, and contracted staff.

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

Essential Functions:

Booking, scheduling, and sales of Centre Plaza events.

Working with Centre Plaza users to plan the execution of their events, including equipment, personnel, and services.

Supervise Centre Plaza events while in progress. This includes some evening and weekend events.

Prepare event settlements and evaluations.

Operation of box office functions including ticket ordering, ticket sales, ticket taking, supervision of related personnel and final ticket auditing.

Record, transfer and process all monies that the Centre generates through ticket sales, rental deposits and settlement, novelty sales and other.

Assist in budget preparation and administration.

Respond to facility user complaints and inquiries.

Maintain and update as needed: rental agreement, permit agreements, and associated rules and regulations for events and outside services; service manuals, box office manuals, and operations manual for contracted services and center personnel; evaluation procedures for catering, concessions, and decorators who provide services.

Maintain records and prepare reports and correspondence, as necessary, related to events and facility use.
In addition to the above, the functions of the Events Supervisor II may include:

Proactive communication with representatives of various organizations regarding potential facility use.

Recommendations for rate schedules.

Supervision of the Events Supervisor.

Working closely with the Modesto Convention and Visitors Bureau.

Preparation of the division’s annual operating budget.

Recommendation for capital improvement projects and expenditure of FF&E funds.

Identification of new and existing markets for facility use.

Development and utilization of avenues of distribution for promotional information to potential users.

Maintenance of effective public, media and community relations for the Centre.

Maintenance and supervision of vendors, subcontractors and employees, including the hiring/discharging, training and supervision of staff.

Marginal Functions:

Perform other related work as may be assigned.

QUALIFICATIONS:

Knowledge of:

Principals and techniques for scheduling, booking, planning, servicing and coordinating a variety of theatrical, entertainment, meeting, banquet, and convention events.

Basic accounting as used in event and box office bookkeeping and settlement.
Knowledge of, Continued:

Fire and safety regulations and emergency procedures related to public assembly facilities.

Security, catering, concessions, equipment, services, and other operational needs of community/convention center events.

Principles of box office and ticketing operations.

In addition to the knowledge for Events Supervisor I, Events Supervisor II requires:

Knowledge of:

Negotiation techniques.

Principals of administration, budget and personnel management.

Process and structure of City and department.

Pertinent Federal, State, local laws, codes and regulations.

Ability to:

Book, Schedule, and sell Centre Plaza space to potential users.

Plan, organize, and coordinate the activities of various service providers associated with Centre Plaza events.

Supervise events in progress.

Communicate clearly and concisely, orally and in writing.

Respond appropriately to Center Plaza guests within the context of Centre Plaza policies and procedures while maintaining a high customer service ethic.

Identify and analyze potential problems, situations and needs; accurately and quickly carry out solutions.
Lift and carry objects, if it becomes necessary.

Establish and maintain cooperative relationships with those contacted during work.

In addition to the Ability for Events Supervisor I, Events Supervisor II requires:

Hire, supervise, train, and evaluate subordinates.

Identify and respond to public and City Council issues and concerns.

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

**Experience and Training Guidelines**

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

**Events Supervisor I:**

**Experience:**

Two (2) years experience in supervising and coordinating a variety of events in a conference center, convention center, college union, recreational, entertainment, or other public assembly facility.

One (1) year experience with ConCentRICS facility management software is desirable.

**Training:**

Equivalent to graduation with a Bachelor's Degree from an accredited college or university.

**License or Certificate**
Possession of valid Class 3 drivers' license issued by California Department of Motor Vehicles within one month of employment.

Possession of a certificate from the International Association of Assembly Managers (IAAM) school for Public Assembly Management is desirable.

Events Supervisor II

Experience and Training Guideline

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

Experience:

Three (3) years experience in supervising and coordinating a variety of events in a conference center, convention center, college union, recreational, entertainment, or other public assembly facility.

One (1) year experience with ConCentRICS facility management software is desirable.

Training:

Equivalent to graduation with Bachelor's Degree from an accredited college or university.

License or Certificate

Possession of valid Class 3 drivers' license issued by California Department of Motor Vehicles within one month of employment.

Possession of certificate from the International Association of Assembly Managers (IAAM) school for Public Assembly Management is desirable.
WORKING CONDITIONS

Environmental Conditions:
Office and field environment.

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.
MAINTENANCE WORKER I
MAINTENANCE WORKER II

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 semiskilled labor in the maintenance and repair of parks and park facilities, street trees, water distribution systems, sewer systems, parking lots, bus shelters, streets, traffic control markings, fire hydrants, or other public works.

DISTINGUISHING CHARACTERISTICS

Maintenance Worker I - This is the entry level class in the Maintenance Worker series. This class is distinguished from the Maintenance Worker II class 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.

Maintenance Work II - This is the full journey level class within the Maintenance Worker series. Employees within this class are distinguished from the Maintenance Worker I by the performance of the full range of duties as assigned, including the ability to work independently exercising judgment and initiative and the ability to operate the full range of tools and mechanical equipment related to a specific assignment. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and they are fully aware of the operating procedures and policies of the work unit. Level I/II positions assigned to the Parks Division of Operations and Maintenance are subject to assignment to weekend work during the summer months and may not be able to schedule vacation at that time.

SUPERVISION RECEIVED AND EXERCISED

Maintenance Worker I

Receives immediate supervision from higher level supervisory and management staff.

Maintenance Worker II

Receives general supervision from higher level supervisory and management staff.

EXHIBIT "B"
Exercises functional and technical supervision over lower level maintenance staff.

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

Work as part of a street maintenance crew; shovel and spread asphalt and asphalt base in patching, repairing and reconstructing streets.

Use concrete cutting and breaking equipment; operate a jackhammer; pour and assist in finishing concrete and masonry work; construct concrete forms and perform rough carpentry work.

Install street barricades and cones prior to the performance of street repair activities; direct and control traffic around work sites.

Clean and maintain City restrooms, pools, picnic areas, buildings and other public facilities.

Clean up debris from parking lots, walkways, ditches, alleys, streets and storm drains.

Trim, prune, plant and maintain City trees; work in a tree trimming crew; operate a chain saw, chipper, stump digger and root cutter.

Mow, edge, fertilize and maintain grass and turf; remove weeds, prune shrubs, maintain plants and flowers; operate a mower, edger, blower and tractor.

Maintain and repair public sprinkler systems.

Inspect and clear obstructions from storm drains' maintain and rebuild rockwells.

Identify equipment needs for each assigned project.

Pick up and transport refuse to the appropriate dumping site.

Operate construction equipment such as dump trucks, rollers, front loaders, and power tools such as compressors, jack hammers, paint sprayers, sandblasters, and concrete saws.

Perform work in emergency situations as required.
Marginal Function Statements:
Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:
Uses and purposes of general construction tools and equipment.
Safe work practices.

Ability to:
Understand and follow oral and written directions.
Learn to perform unskilled and semi-skilled tasks in a variety of construction and maintenance activities.
Perform heavy manual labor, meaning lifting and carrying fifty (50) to one hundred (100) pounds of weight.

In addition to the qualifications for Maintenance Worker I, Maintenance Worker II requires:

Knowledge of (Depending upon assignment):
Methods, techniques and tools and the operational characteristics of mechanical equipment used in the construction and maintenance of asphalt and/or concrete facilities.
Methods, techniques and tools and the operational characteristics of mechanical equipment used in maintenance of buildings, park areas, trees and golf courses.

Ability to:
Perform semi-skilled maintenance, construction and repair work in the area of work assigned.
In addition to the qualifications for Maintenance Worker I, Maintenance Worker II requires:

Operate a variety of vehicular and stationary mechanical equipment in a safe and effective manner in routine situations.

Work independently in the absence of supervision.

Use and operate hand tools, mechanical equipment, and power tools and equipment required for the work in a safe and efficient manner.

Read and interpret basic maps and blueprints.

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:
No experience is required.

Training:
Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

License or Certificate

Experience and Training Guidelines, Continued:

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

A Class B California driver's license is required prior to the end of the 12-month probationary period. Failure to obtain this license will result in release from probation.

Maintenance Worker II Experience:

One (1) year of increasingly responsible experience performing field maintenance duties comparable to those performed by a Maintenance Worker I.
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.
MAINTENANCE MECHANIC CREWLEADER - PUMPS

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

DEFINITION

To assist in supervising and to participate in the work of a crew involved in the maintenance, repair, and service of water, sewer, and storm drain lift stations; and to perform the most complex maintenance and inspection activities in the work group.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from a higher level supervisory and management staff. Exercises functional and technical supervision over assigned Maintenance Mechanics in Pumps.

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

Provide lead supervision, training and assistance to maintenance staff involved in the operation and maintenance of the City's storm and sewer lift stations, and pumping plants.

Train maintenance staff in confined space entry procedures for lift and/or pump stations and other confined spaces.

Assign work activities and assist in the coordination of water, sewer, and storm drain maintenance activities.

Monitor repair and service work; requisition supplies; maintain time, material, equipment use, and detailed maintenance records.

Inspect lift stations and pumping plants for needed work and overall cleanliness; coordinate and schedule major repairs to storm and sewer lift stations and/or water pumping plants.

Inspect, maintain, troubleshoot, repair, and service machinery and equipment, including pumps, valves, motors, engines, compressors, and computerized pneumatic and odor control systems.

Rebuild and overhaul pumps, pneumatic control systems, and ventilation blower units.

Provide input on design blueprints and recommend changes before finalization.

EXHIBIT "C"
EXAMPLES OF DUTIES (Continued)

Operate steam cleaner and/or portable sample pump.

Operate and maintain a variety of equipment and tools in the performance of maintenance tasks.

Fabricate parts and equipment, including mounts, brackets, and shields; operate welding and cutting equipment.

Coordinate activities with other departments and divisions; recommend improvements to design, installation, and maintenance of lift stations.

Operate a Supervisory Control and Data Acquisition (SCADA) computerized pump control system.

Backflush plugged pumps as required.

Monitor and maintain Granular Activated Carbon (GAC) filters, assist in removal and replacement of carbon, backwashes as required.

Inspect and calibrate gauges and meters; inspect and test air quality and analyzers.

Perform plumbing duties, as required.

Marginal Function Statements:

Perform related duties, as assigned.

QUALIFICATIONS

Knowledge of:

Principles, methods, materials, and tools employed in the repair and maintenance of pumps, motors, and related equipment.

Principles of supervision and training.

Principles and practices of hydraulics related to pumps.

Preventive maintenance and inspection methods.
QUALIFICATIONS (Continued)

Knowledge:

Safety and health hazards related to sewer, water, and/or storm collection systems.

Proper lock-out and tag-out procedures.

Confined space entry procedures using atmospheric hazard test equipment and SCBA (self-contained breathing apparatus) gear required to comply with CAL-OSHA environmental standards.

Appropriate safety practices and regulations.

Ability to:

Lead, train, and supervise Maintenance Mechanics in Pumps; use and train others in safe work procedures.

Supervise and monitor the repair and maintenance of the City's lift stations and/or water pumping plants and related equipment.

Work independently in the absence of supervision, or lead a crew in a situation involving investigating and resolving sewer, water, and/or storm complaints; using good judgment and tact with irate citizens/customers.

Represent the City in situations where the public is frequently upset over sewer or water service interruptions or street flooding.

Independently perform a variety of complex repair, maintenance, servicing, and cleaning tasks involving pumps and motors.

Read and interpret blueprints.

Work in confined spaces and follow confined space entry/egress procedures.

Perform manual labor, including but not limited to medium-heavy occasional lifting up to 75 pounds.

Estimate necessary materials and supplies with a reasonable degree of accuracy; handle contaminated, infectious materials, and equipment.
QUALIFICATIONS (Continued)

Ability to:

Communicate effectively with those contacted in the course of work including government regulatory agencies.

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 experience comparable to that of a Maintenance Mechanic - Pumps.

Training:

Equivalent to the completion of the twelfth grade, supplemented by specialized training in the areas of mechanical maintenance and repair.

License or Certificate:

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

When assigned to Collections:

Possession of a Grade II Mechanical Technologist Certification, issued by the California Wastewater Pollution Control Association, is desirable.

When assigned to Water:

Possession of an AWWA Water Distribution Operator Grade II Certificate is desirable.

Possession of a Water Sampling Certificate is desirable.

Possession of a Grade II Water Treatment Plant Operator Certificate is desirable.
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.
AIRPORT OPERATIONS AND MAINTENANCE SUPERVISOR

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

DEFINITION

To plan, organize, supervise, and review the work of employees engaged in the maintenance of the airport, and as necessary, complete needed maintenance; to handle some day-to-day operational activities, to assist airport Manager with monitoring and implementing airport services, to assist in the preparation and management of the annual budget, and to perform a variety of technical tasks relative to assigned area of responsibility.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Airport manager.

Exercises direct supervision over maintenance staff in assigned area.

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

Essential Functions:

Plan, prioritize, assign, supervise and review the work of staff involved in maintenance activities related to airfield, buildings and grounds, as well as the security at the City airport.

Recommends and enforces airport system rules and regulations.

Assist in determining and recommending maintenance and construction needs; coordinate operational activities with the Airport Manager.

Attend planning and pre-construction conferences.

Prepare and submit equipment and short-term capital project needs, recommendations, and estimate the cost.

Prepare and answer correspondence; provide airport facility information on request.

EXHIBIT "D"
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Continued

Essential functions:

Coordinate and supervise FAA airport security and certification program; review and inspect airport safety and security operations to ensure compliance with local, state and federal requirements.

Plan, conduct and coordinate the airport Storm Water Pollution Prevention Plan.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for budget items; monitor and control expenditures.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various operation and activity reports.

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

Act as liaison with Fire Department involving Aircraft Firefighting and Rescue activities.

Maintain airport activity records.

Compile information for duties and reports.

Assume the duties of the Airport Manager in his absence and share emergency week-end and holiday call duty with the Airport Manager.

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

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Modern office procedures, methods and computer equipment.
Business letter writing and basic report preparation.

QUALIFICATIONS (Continued)

Knowledge of:

Principles of supervision, training and performance evaluation.

Principles and procedures of record keeping.

Material, equipment and practices of maintenance and repair of buildings, airports, runways and aprons including pavement and airfield electrical systems.

Pertinent Federal, state, and local laws, codes and regulations.

Communication procedures on maintenance and ground control radios, and understanding of aviation industry terminology.

Various operational activities within the airport system.

Ability to:

Supervise, train and evaluate assigned staff.

Operate computer systems, radios, and small and large ground maintenance equipment.

Order and maintain adequate level of maintenance materials and supplies.

Provide excellent customer service to both internal and external customers.

Coordinate and supervise the work of subordinate personnel.

Exercise mature judgment and make sound decisions.

Perform manual labor, including but not limited to medium-heavy occasional lifting up to 75 pounds.
Ability to, Continued:

Read plans and specifications.

Communicate clearly and concisely, both orally and in writing.

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:

Three years progressively responsible experience in airport operations and maintenance in a non-hub or larger general aviation airport involving daily public contact.

Training:

Equivalent to an Associate of Arts degree with major coursework in business Administration, aviation, or a related field.

License or Certificate:

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

WORKING CONDITIONS

Environmental Conditions:

Airport environment; travel from site to site; exposure to noise, dust, grease, smoke, fumes, gases, active aircraft operations, and inclement weather conditions.
Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time; operating motorized equipment and vehicles.
Personnel Resolution re: Salary Schedule and Classification Plan

2 - Clerk
1 - Attorney
1 - Personnel
1 - Department involved - Recreation & Neighborhoods
1 - Finance
6 - Operations & Maintenance
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-445

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 EVENTS
SUPERVISOR I AND EVENTS SUPERVISOR II, AMEND
THE CLASS RANGE TABLE FOR PARKS PLANNING AND
DEVELOPMENT MANAGER, AND ABOLISH THE SALARY
RANGES FOR EVENTS SUPERVISOR AND BUSINESS
DEVELOPMENT DIVISION MANAGER; AND AMENDING
EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE
CLASS RANGE TABLE FOR GENERAL NON-SWORN
CLASSES TO AMEND THE CLASS RANGE TABLE FOR
MAINTENANCE MECHANIC CREWLEADER-PUMPS.

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 August 15, 2000”, which is attached hereto and made a part hereof as though
set forth in full herein. Said amended Exhibit "A" adds Events Supervisor I (Range 430) and
Events Supervisor II (Range 434) to the Class Range Table, amends the salary range for Parks
Planning and Development Manager from Range 438 to Range 441, and abolishes the salary ranges for Events Supervisor and Business Development Division Manager.

**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 August 15, 2000”, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit “A” amends the salary range for Maintenance Mechanic Crewleader-Pumps from Range 123 to Range 124.

**SECTION 2. EFFECTIVE DATE.** This resolution shall become effective on and after August 15, 2000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 2000, 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 ZAHIR, City Clerk
(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
</tr>
<tr>
<td>408</td>
<td>Administrative Clerk II (Confidential)</td>
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<tr>
<td>409</td>
<td>Administrative Clerk II (Confidential)</td>
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<tr>
<td>410</td>
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<td>412</td>
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<td>413</td>
<td>Senior Personnel Clerk</td>
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<td>Administrative Technician (Confidential)</td>
</tr>
<tr>
<td>414</td>
<td>Administrative Technician (Confidential)</td>
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<tr>
<td>415</td>
<td>Secretary</td>
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<td>416</td>
<td>Secretary</td>
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<td>417</td>
<td>Secretary</td>
</tr>
<tr>
<td>418</td>
<td>Legal Secretary</td>
</tr>
<tr>
<td>419</td>
<td>Legal Secretary</td>
</tr>
<tr>
<td></td>
<td>Public Information Technician (Confidential)</td>
</tr>
<tr>
<td></td>
<td>Police Training and Records Technician (Confidential)</td>
</tr>
<tr>
<td>420</td>
<td>Accountant I (Confidential)</td>
</tr>
<tr>
<td></td>
<td>Employee Benefits Coordinator</td>
</tr>
<tr>
<td></td>
<td>Legal Services Technician</td>
</tr>
<tr>
<td></td>
<td>Deputy City Clerk</td>
</tr>
<tr>
<td></td>
<td>Executive Secretary</td>
</tr>
<tr>
<td></td>
<td>Systems Technician</td>
</tr>
<tr>
<td></td>
<td>Workers' Compensation Claims Examiner I</td>
</tr>
</tbody>
</table>

**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>
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</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  
|       | Neighborhood Preservation Supervisor  
|       | Senior Crime Analyst  
|       | Social Services Program Supervisor  
<p>|       | Events Supervisor I |</p>
<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  
      | Land Surveyor  
      | Assistant Civil Engineer  
      | Assistant Traffic Engineer  
      | Geographic Information Systems Coordinator  
<pre><code>  | **Events Supervisor II** |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<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 |
| 439   | Administrative Services Officer |
| 440   | Purchasing Officer  
       | 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   | (Continued)  
       | 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  
       | Strategic 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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<tbody>
<tr>
<td>448</td>
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</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   | Assistant City Attorney |
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective August 15, 2000

<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  
       | Equipment Service Worker II |

EXHIBIT "A"
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
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</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 |
| 119   | Maintenance Mechanic – Parks  
       | Planning Technician II  
       | Maintenance Mechanic – Pumps  
       | Wastewater Treatment Plant Operator  
       | Civil Engineering Technician I  
       | Building Maintenance Mechanic  
       | Police Administrative Assistant  
       | Public Information Technician  
       | Code Enforcement Officer II  
       | Community Service Officer II  
<pre><code>   | Assistant Buyer |
</code></pre>
<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  
Landscape Technician  
Senior Fire Equipment Mechanic |
| 128   | Instrument Repair Technician  
Programmer Analyst II  
Public Improvement Specialist  
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  
Fire Plan Checker  
Plan Review Engineer |
Personnel Resolution re: Salary Schedule
and Classification Plan

2 - Clerk
1 - Attorney
1 - Personnel
1 - Department involved - Recreation & Neighborhoods
1/6 - Finance

Operations & Maintenance
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-446

A RESOLUTION RETURNING $7.2 MILLION TO THE GENERAL FUND AND ALLOCATING A MAXIMUM OF $367,000 ANNUALLY FOR STREET REPAIRS FOR STREETS THAT ARE IN NEED OF REPAIR DUE TO THE INSTALLATION AND MAINTENANCE OF WATER AND SEWER LINES.

WHEREAS, by Ordinance No. 3181-C.S., introduced on June 27, 2000, a copy of which is on file in the office of the City Clerk, the City Council adopted the budget for Fiscal Year 2001, and

WHEREAS, on June 13, 2000, the City received a report from the Stanislaus County Civil Grand Jury which addressed the City’s practice of making annual transfers to the General Fund from the utility fund, and

WHEREAS, the Grand Jury report recommended that the City consider refunding the transfers from the water and sewer funds to the General Fund for the period of July 1997, the effective date of Proposition 218, through September 1999, when the fund transfers ceased, and

WHEREAS, until such time as the Council could properly consider those recommendations, the City Council, as part of the budget for Fiscal Year 2001, designated the sum of $7.2 million of the General Fund’s fund balances as potential refund to the utility funds, and

WHEREAS, the City Council, having considered the recommendations of the Stanislaus County Civil Grand Jury, desires to return the $7.2 million to the General Fund and
allocate a maximum of $367,000 annually to be earmarked for street repairs for streets that are in need of repair due to the installation and maintenance of water and sewer lines.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the return of $7.2 million to the General Fund and hereby allocates a maximum of $367,000 annually to be earmarked for street repair due to the installation and maintenance of sewer and water lines, said sum of $367,000 to be reviewed annually as to any adjustment which may be needed. In this manner the General Fund will be reimbursing the Utility Enterprise Funds for the “transfers” criticized by the Grand Jury because those are costs that would otherwise be paid by those funds in the ordinary course of business.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Smith

NOES: Councilmembers: Conrad, Serpa, Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-447

A RESOLUTION ACCEPTING GRANT FUNDING IN THE AMOUNT OF $159,483 FROM THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT A GRANT AGREEMENT TO THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION.

WHEREAS, in September, 1998, Council authorized the City Manager to sign an application for $250,000 in funding from the State Resources Agency, Environmental Enhancement and Mitigation Program, and

WHEREAS, the program provides grant funding for projects that mitigate the environmental impact of recently constructed or modified transportation facilities, and

WHEREAS, the transportation project related to the grant proposal is the widening of Standiford Avenue in 1992, which is to continue development of the Class I bicycle trail within the Hetch Hetchy utility easement from Shawnee Avenue to Semallon Drive, including trail construction, installation of signals at the Shawnee/Standiford intersection and landscaping along the trail, and

WHEREAS, on June 19, 2000, the Department of Transportation notified the City that a grant of $159,483 had been allocated to the Hetch Hetchy Bicycle Trail project, and

WHEREAS, said project will provide a much needed east-west link to several north-south Class II bicycle lanes, and will serve recreational bicyclists and pedestrians as well as commuter cyclists,

8/18/00

WALKING/RESOS/Environmental Enhancement and Mitigation Program Grant.wpd
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts grant funding in the amount of $159,483 from the Environmental Enhancement and Mitigation Program for the Hetch Hetchy Bicycle Trail project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the Applicant-State Agreement and related documents on behalf of the City of Modesto for submittal to the State Department of Transportation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET
ESTABLISHING A NEW CIP, ESTIMATING REVENUE FOR THE HETCH HETCHY
BICYCLE TRAIL PROJECT

WHEREAS, the Department of Transportation notified staff that a grant of $159,483 had
been allocated to the Hetch Hetchy Bicycle Trail project; and

WHEREAS, the total project costs are estimated at $259,007; with the balance of project
funds coming from the Local Non-Motorized Transportation Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
2000-01 Annual Budget is hereby amended as indicated below:

Expense:
From: #0520-310-K092-6040  $(99,524)
To:   #1400-310-M271-6040  $ 99,524
      #1400-310-M271-6040  $159,483
Revenue:
To:   #1400-510-9510-3134  $325,575
Transfer:
To:   #1400-700-7000-9052  $99,524
      #0520-700-7000-7140  $99,524

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 August 2000, 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 votes:

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

NOES:  Councilmembers:  None

ABSENT: Councilmembers:  None

ATTEST:  JEAN ZAHR, City Clerk

APPROVED AS TO SUFFICIENCY:

By:  STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-449

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $99,524 TO PROVIDE THE BALANCE NEEDED TO COMPLETE CONSTRUCTION OF THE CLASS I BICYCLE TRAIL IN THE HETCH HETCHY EASEMENT PROJECT

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

FROM: Non-Motorized Transportation Plan, 052 310 K092 6040 $99,524
TO: Hetch Hetchy Bicycle Trail, 1400-310-New CIP $99,524

Funds will provide for the balance needed to complete construction of the Class I bicycle trail in the Hetch Hetchy easement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August 2000, 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. 2000-450

A RESOLUTION SUPPORTING PROPOSED PROJECTS FOR REMOVE GRANT FUNDING THROUGH THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT A GRANT APPLICATION AND RELATED DOCUMENTS FOR GRANT FUNDING TO THE DISTRICT.

WHEREAS, in late June, the City of Modesto received application packets for Phase VII of the REMOVE Program, sponsored by the San Joaquin Valley Air Pollution Control District ("SJVAPCD"), and

WHEREAS, the REMOVE Program's goal is to assist with meeting the requirements of the California Clean Air Act by reducing motor vehicle emissions, and

WHEREAS, it is anticipated that $2.4 million will be awarded during this allocation phase, and

WHEREAS, REMOVE Grant requirements are very stringent and involve numerous calculations to determine the pounds of emissions removed by a project, and eligible projects must have a direct air quality benefit to the SJVAPCD, and

WHEREAS, City staff has recommended the following projects for the REMOVE Grant:

1. Rideshare & Bicycling Program - REMOVE (Match) Request - $6,882.
2. Clean Air Rewards Program (incentives for carpooling) - REMOVE (Match) Request - $3,000.
3. E-Community Project (comprised of Web Enhancements and Community Web Portals (or Kiosks)) - REMOVE Request - $24,900.
and

WHEREAS, grant recipients have one year to complete their projects, and project funds (even matching funds), may not be expended until March 1, 2001, and

WHEREAS, the Transportation Policy Committee reviewed the proposed projects at their July 20, 2000, meeting, unanimously recommending Council approval of the projects, and suggesting staff attempt to find additional projects to forward to the Council for consideration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports the proposed projects for REMOVE Grant Funding through the San Joaquin Valley Air Pollution Control District.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute a grant application and related documents on behalf of the City of Modesto for REMOVE Grant Funding for proposed projects through 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 22nd day of August, 2000, 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]
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

[Signature]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-451

A RESOLUTION APPROVING A FIVE (5%) PERCENT INCREASE IN SALARY FOR THE CITY ATTORNEY AND A ONE-TIME FIVE (5%) PERCENT BONUS.

WHEREAS, by Resolution No. 2000-272 effective June 20, 2000, the City Council approved and established a “City Of Modesto Schedule Of Salary Ranges In City Service For FY 00-01 Effective June 20, 2000”, for Executive Management (Exhibit “J”), and

WHEREAS, salaries for Charter Officers appointed by the Council are subject to periodic review and adjustment, and

WHEREAS, the City Council desires to approve a five (5%) percent increase in salary to MICHAEL D. MILICH, City Attorney, effective August 22, 2000, which increase is within the range established in Exhibit “J” of Resolution No. 2000-272, and

WHEREAS, the Council is desirous of approving a one-time bonus for the City Attorney in the amount of $5,862.52, which is equivalent to five (5%) percent of his salary, in recognition of extraordinary performance during this review period,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a five (5%) percent increase in salary to MICHAEL D. MILICH, City Attorney, effective August 22, 2000, as follows:

<table>
<thead>
<tr>
<th>Title</th>
<th>Hourly</th>
<th>Bi-Weekly</th>
<th>Monthly</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Attorney</td>
<td>$ 58.9622</td>
<td>$ 4,716.99</td>
<td>$10,259.43</td>
</tr>
</tbody>
</table>


BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves a one-time bonus for the City Attorney in the amount of $5,862.52.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2000, 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
PERSONNEL RESOLUTION

re: Salary Schedule and Classification Plan

2 - Clerk
1 - Attorney
1 - Personnel
1 - Department involved
1 - Finance

6
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-452

A RESOLUTION APPROVING A FOUR (4%) PERCENT INCREASE IN SALARY FOR THE CITY CLERK/AUDITOR

WHEREAS, by Resolution No. 2000-272 effective June 20, 2000, the City Council approved and established a "City Of Modesto Schedule Of Salary Ranges In City Service For FY 00-01 Effective June 20, 2000", for Executive Management (Exhibit "J"), and

WHEREAS, salaries for Charter Officers appointed by the Council are subject to periodic review and adjustment, and

WHEREAS, the City Council desires to approve a four (4%) percent increase in salary to JEAN ZAHR, City Clerk/Auditor, effective August 22, 2000, which increase is within the range established in Exhibit "J" of Resolution No. 2000-272, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a four (4%) percent increase in salary to JEAN ZAHR, City Clerk/Auditor, effective August 22, 2000, as follows:

<table>
<thead>
<tr>
<th>Title</th>
<th>Hourly</th>
<th>Bi-Weekly</th>
<th>Monthly</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Clerk/Auditor</td>
<td>$33.4539</td>
<td>$2,676.32</td>
<td>$5,820.99</td>
</tr>
</tbody>
</table>
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2000, 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, 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. 2000-453

A RESOLUTION APPROVING THE FINAL MAP OF THE
LEGACY UNIT NO. 1 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 10.97
acres, known as Legacy Unit No. 1 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. 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, and

WHEREAS, the Community Development Director has certified that all public
improvements required by the City of Modesto, except the Landscaping improvements, have
been completed in said tract to the satisfaction of the Community Development Director,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that said final map be approved; that the improvements completed in said tract,
except the Landscaping improvements, 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.

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 22nd day of August, 2000, 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, Frohman, Serpa, Smith

Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Friedman

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
RESOLUTION APPROVING FINAL SUBDIVISION MAP

2 - Clerk
1 - Attorney
1 - Engineering
1 - Planning
1 - Engineering & Transportation - Traffic
1 - Bank
1 - Subdivider
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-454

A RESOLUTION ACCEPTING THE CERTIFICATION OF THE SIGNATURE COUNT FOR THE CHARTER AMENDMENT PETITION - ARTICLE 3, SECTION 300. CHANGING THE DATE OF THE REGULAR MUNICIPAL ELECTION FROM NOVEMBER TO MARCH AND ADDING SECTION 506 TO ARTICLE 5, LIMITATIONS OF TERMS OF OFFICE.

WHEREAS, a charter amendment petition has been circulated by its proponents to place on the ballot a charter amendment to Article 3, Section 300, changing the date of the Regular Municipal Election from November to March and adding Section 506 to Article 5, to provide for term limits for members of the Modesto City Council, and

WHEREAS, the Stanislaus County Clerk's office has verified signatures and found the petition to be sufficient to qualify for a regular municipal election,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the certification of signature count as set forth on the Certificate of Signatures For An Initiative Amending The Modesto City Charter Providing For Term Limits For Members Of The Modesto City Council And Changing The Date Of The Regular Municipal Election From November to March, a copy of which is attached hereto 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 22nd day of August 2000, 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]

JUAN ZAHY, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
CERTIFICATE OF SIGNATURES FOR
AN INITIATIVE AMENDING THE MODESTO CITY CHARTER PROVIDING FOR TERM LIMITS FOR MEMBERS OF THE MODESTO CITY COUNCIL AND CHANGING THE DATE OF THE REGULAR MUNICIPAL ELECTION FROM NOVEMBER TO MARCH ("The Term Limits Act of 2000")

ARTICLE 3, SECTION 300 – REGULAR MUNICIPAL ELECTIONS AND ADDING SECTION 506 TO ARTICLE 5, LIMITATIONS OF TERMS OF OFFICE

I, Jean Zahr, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk’s Office on August 18, 2000 to verify signatures for the above stated petition.

A total of 18,144 were submitted for the petition containing the term limit provisions and 12,236 were found to be sufficient.

A total of 15% (11,966) of the registered voters signatures were required for the amendment to qualify for placement on the ballot at either a special, municipal or any established election date.

Jean Zahr
City Clerk/Auditor
City of Modesto

August 18, 2000
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-455

A RESOLUTION AUTHORIZING THE CITY MANAGER AND
CITY ATTORNEY TO SUBMIT CITY’S RESPONSE TO THE
1999-00 STANISLAUS COUNTY CIVIL GRAND JURY’S
REPORT REGARDING THE MODESTO FIRE DEPARTMENT.

WHEREAS, on May 31, 2000, the Stanislaus County Civil Grand Jury released
Final Report - Part Thirteen regarding the City of Modesto/Modesto Fire Department, which
report followed a citizen complaint alleging a "Conflict of Interest" within the Fire Department,
and

WHEREAS, a response from the Modesto City Attorney and Modesto Fire
Department is required within ninety days of the report being released, by Section 933(c) and
933.05 of the California Penal Code, and

WHEREAS, the Council considered this matter at its meeting of August 22, 2000,
which was held in the Chambers located at 1010 Tenth Street,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorizes the City Manager and the City Attorney to convey the City’s response to
the 1999-00 Stanislaus County Civil Grand Jury’s Final Report regarding the Modesto Fire
Department. A copy of said report is on file in the office of the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2000, 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

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

ATTEST: JEAN ZAHN, City Clerk

1/5/00
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-456

A RESOLUTION APPROVING AN AGREEMENT WITH EIP ASSOCIATE TO PREPARE A FOCUSED ENVIRONMENTAL IMPACT REPORT FOR MODESTO JUNIOR COLLEGE COMMERCIAL CENTER, FOR A TOTAL AMOUNT NOT TO EXCEED $80,000, WITH AN UNCONDITIONAL REIMBURSEMENT OF COSTS WITHIN THREE YEARS FROM THE APPLICANT

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and EIP Associates to prepare a Focused Environmental Impact Report for Modesto Junior College Commercial Center for a total amount not to exceed $80,000, with an unconditional reimbursement of costs within three years from the applicant, be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee 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 August, 2000, 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, Serpa, Smith
NOES: Councilmembers: Frohman, Mayor Sabatino
ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR (City Clerk)
MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-457

A RESOLUTION ACCEPTING THE BID OF AUBURN CONSTRUCTORS FOR THE PROJECT TITLED “PRIMARY CLARIFIERS NO. 1 AND 2 RENEWAL”

WHEREAS, the bids received for Primary Clarifiers No. 1 and 2 Renewal were opened at 11:00 a.m. on August 15, 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 $895,400 received from Auburn Constructors be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $895,400 from Auburn Constructors 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 September, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $263,802 TO FULLY FUND THE PROJECT TITLED "PRIMARY CLARIFIERS NO. 1 AND 2 RENEWAL"

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

FROM: Clarifier Pumps, 6210-480-L073 6040 $23,000
       Cathodic Protection, 6210-480-L081 6010 $25,000
       Cathodic Protection, 6210-480-L081 6040 $195,000
       Cathodic Protection, 6210-480-L081 6050 $20,000
       Secondary Plant Flow Meters, 621-480-F798 6070 $15,802

TO:   Clarifier 1&2 Rebuild, 6210-480-L072 6040 $263,802

The project scope has increased to replace all moving parts at both Clarifiers. This could be accomplished by repairing one Clarifier, then re-budgeting/re-bidding for the second Clarifier. However, economy of scale was utilized by bidding both Clarifiers in one contract, also alleviating the possibility of two different units by two different manufacturers.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2000, 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. 2000-459

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO FULLY FUND THE KANSAS AVENUE RECONSTRUCTION PROJECT

WHEREAS, primary funding for the Kansas Avenue Reconstruction project is provided by the State Transportation Improvement Program, with the remainder funded by local street and drainage funds; and

WHEREAS, this project was originally budgeted as an overlay, however, further testing showed that a reconstruction was more economical; and

WHEREAS, by adding City funds, the project will now provide a complete reconstruction of the roadway, resulting in a longer pavement life.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

From:
#070-430-K156-6010  $(2,500)
#070-430-K156-6040  $(28,500)
#070-430-K156-6050  $(20,000)
#070-430-K156-6060  $(26,000)
#0700-430-M141-6040  $(74,200)
#628-800-8003  $(40,000)

To:
#2300-430-M206-6040  $191,200

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 September, 2000, 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 votes:

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

NOES:  Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By:  STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-460

A RESOLUTION ACCEPTING THE BID OF GEORGE REED INC. FOR THE PROJECT TITLED “KANSAS AVENUE RECONSTRUCTION”

WHEREAS, the bids received for Kansas Avenue Reconstruction were opened at 11:00 a.m. on August 15, 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 $747,109 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 $747,109 from George Reed 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 September, 2000, 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 ACCEPTING THE PROJECT TITLED “CONSTRUCTION OF RANCH CANNERY PUMP STATION AND FORCEMAIN” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Construction of Ranch Cannery Pump Station and Forcemain, has been completed by Rutherford and Smith Construction Inc., in accordance with the contract agreement dated August 25, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Construction of Ranch Cannery Pump Station and Forcemain be accepted from said contractor, Rutherford and Smith Construction Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $3,578,334.69 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 5th day of September, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION APPROVING A JOINT POWERS AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR THE PURPOSE OF ACQUIRING RIGHT-OF-WAY

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 purpose of acquiring right of way for the Pelandale/McHenry intersection improvements project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said joint powers 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 September, 2000, 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. 2000-463

A RESOLUTION FINDING THAT THE FOLLOWING
PROJECT IS WITHIN THE SCOPE OF THE PROJECT
COVERED BY A MASTER ENVIRONMENTAL IMPACT
REPORT (SCH 92052017) RELATING TO A JOINT POWERS
AGREEMENT WITH STANISLAUS COUNTY FOR THE
PURPOSE OF ACQUIRING RIGHT-OF-WAY PROPERTY
FOR THE PELANDALE AVENUE/MC HENRY AVENUE
INTERSECTION IMPROVEMENTS PROJECT.

WHEREAS, on August 15, 1995, the City Council of the City of Modesto
certified the Final Master Environmental Impact Report ("Master EIR") (SCH 92052017) for
the Modesto Urban Area General Plan, and

WHEREAS, the Engineering and Transportation Department, by Initial Study
No. 99-16, reviewed the proposed Pelandale Avenue/McHenry Avenue intersection
improvements project, and

WHEREAS, it was 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 may be required, and
that, therefore, the proposed project is within the scope of the project covered by the Master
EIR, and

WHEREAS, on September 5, 2000, the City Council considered authorizing the
City Manager to execute a Joint Powers Agreement with Stanislaus County for the purpose of
acquiring right-of-way for the Pelandale Avenue/McHenry Avenue Intersection Improvements
project, and considered adopting the findings of the Initial Study,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared by the Engineering and Transportation Department for the proposed 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 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. 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. There are no special features which are unique to the proposed project that require project specific mitigation measures. All the certified mitigation measures identified in the Master EIR will apply city-wide.

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 5th day of September, 2000, 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
City of Modesto
Initial Study

PELANDALE / MCHENRY
INTERSECTION IMPROVEMENTS

EA/ET: #99-16

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:

Pelandale / McHenry Intersection Improvements

B. Lead agency name and address:

City of Modesto, P.O. Box 642, Modesto, CA. 95353

C. Contact person, address and phone number:

Dean Phillips, Engineering and Transportation Department, (209) 577-5260

D. Project Location:

The intersection of Pelandale Avenue and McHenry Avenue (State Route 208)

E. Project sponsor:

City of Modesto, P.O. Box 642, Modesto, CA. 95353

F. General Plan Designation:

The General Plan Designation for the adjacent properties to the intersection is Planned Development - Highway Commercial. East and West of the intersection, the General Plan Designation changes to Urban Transition.
G. **Zoning:**

The Northeast, Northwest and Southwest quadrants of the intersection are currently within Stanislaus County and zoned PD 56, PD109, and A.2.10-Urban Transition. The Southeast quadrant is within City of Modesto jurisdiction and zoned Specific Plan Overlay (SP-O), with the majority of usage proposed as residential.

H. **Description of Proposed Project:**

This is an application to widen the existing intersection and install traffic signals within the limits previously described. Pelandale Avenue is planned to be constructed from Dale Road to McHenry Avenue (State Route 108). It is anticipated the traffic generated along the new roadway will necessitate a traffic signal at the Pelandale / McHenry / Claratina intersection. The installation of a traffic signal will safely transmit vehicular traffic through the intersection in addition to making right and left turning movements. Another portion of the project will be to widen Pelandale and Claratina to accommodate a designated left turn lane, and the installation of curb and gutter at the intersection returns.

I. **Surrounding land uses:**

The project is bounded on the North by commercial development, to the Southwest by a vacant residential house and to the Southeast by vacant land.

J. **Other public agencies whose approval is required:**

Stanislaus County and the State of California Department of Transportation.

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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 Pelandale / McHenry Intersection Improvements propose public improvements consistent with the General Plan designation for this site. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. 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, therefore, still valid.

B. **Degradation of Air Quality**

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

Because the proposed use is consistent with the General Plan in land use and intensity, the noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. The project will not create additional significant effects, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.

D. Loss of Productive Agricultural Land

This area is located in commercial portion of Modesto and Stanislaus County. The project is consistent with 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 require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are therefore, still valid.

F. Increased Demand for Sanitary Sewer Services

The proposed project 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 project is located within commercial and agricultural lands, however it 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. 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. 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

Because the project is consistent with the General Plan in land use and intensity, it will not present any new impacts to drainage, flooding and water quality that have not already been addressed 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. 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 project will not present any new impacts that have not already been addressed in the MEIR. 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 proposed intersection improvements will not have an effect upon the parks or open space needs in the area over that anticipated in the Master EIR. 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 intersection improvements will not create any 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

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for police services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are therefore still valid.

N. Increased Demand for Fire Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for fire services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are therefore still valid.
O. Generation of Solid Waste

This project 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

This proposed use 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

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

A. The proposed Pelandale / McHenry Intersection Improvements are within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Developed Area, including roadways in this area.

B. No additional significant environmental effects will occur as a result of the Pelandale / McHenry Intersection Improvements, 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 Pelandale / McHenry Intersection Improvements, that were not previously considered in the General Plan Master EIR.

D. There are no specific features unique to the Pelandale / McHenry Intersection Improvements 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:

Dean Phillips,
Associate Civil Engineer
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-464

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS FOR AN INDEPENDENT CONSULTANT TO PERFORM A FINANCIAL PROGRAM REVIEW AND RECONCILIATION OF HUD FUNDS RECEIVED BY THE CITY OF MODESTO FROM 1997 THROUGH 2000.

WHEREAS, due to the loss of staff and institutional knowledge combined with the complex nature of the Housing and Urban Development (HUD) funding, City staff has recommended that authorization be given to proceed with a Request for Proposals for an independent consultant to perform a Financial Program Review and Reconciliation of Housing and Urban Development (HUD) Funds received by the City of Modesto from 1997 through 2000, and

WHEREAS, this matter was presented to the Financial Policy Committee on August 24, 2000, as part of a larger discussion of the Community Development Block Grant (CDBG) program, and the Committee unanimously supported proceeding with this program review, and

WHEREAS, by an agenda report dated September 5, 2000, City staff recommended that authorization be given to proceed with the Request for Proposals, and

WHEREAS, at its meeting of September 5, 2000, 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 an independent consultant to perform the Financial Program Review and Reconciliation of Housing and Urban Development (HUD) Funds received by the City of Modesto from 1997 through 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2000, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-465

A RESOLUTION ACCEPTING THE BID OF PIONEER AMERICAS INC. FOR
FURNISHING LIQUID CHLORINE

WHEREAS, the bids received for Liquid Chlorine, were opened at 11:00 a.m. on August
22, 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 Pioneer Americas
Inc. for a total amount of $150,000 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
bid of Pioneer Americas Inc. 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 5th day of September, 2000, 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. 2000-466

A RESOLUTION IN SUPPORT OF PROPOSITION 35, "THE FAIR COMPETITION AND TAXPAYERS SAVINGS ACT" INITIATIVE.

WHEREAS, an initiative known as Proposition 35 and titled, "The Fair Competition And Taxpayers Savings Act" is scheduled to appear on the November, 2000, statewide ballot, and

WHEREAS, said initiative will allow state and local governments, special districts and school districts to contract with private companies for architectural and engineering services, which will include such services as architectural, landscape architectural, environmental, engineering, land surveying and construction management, and

WHEREAS, Proposition 35, sponsored by the Taxpayers for Fair Competition, is in direct response to a series of lawsuits filed and won on behalf of Caltrans engineers, by their professional organization, to restrict project design and engineering work from going outside their organization to private engineers and architects, and

WHEREAS, as a result of said lawsuits by Caltrans engineers, state law enacted recently prohibits Caltrans and other State agencies from contracting their design work out, and

WHEREAS, there is increasing concern statewide that without the ability to contract work out, delivery of transportation and other public work projects could suffer delays, and

WHEREAS, the “Purpose and Intent” of the proposed initiative is more fully
stated in Exhibit “A” attached hereto, and

WHEREAS, the Financial Policy Committee met and considered this initiative at its August 24, 2000, meeting, and recommended on a 3-0 vote that the City Council adopt a resolution of support for Proposition 35,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City hereby approves the adoption of a resolution in support of Proposition 35, “The Fair Competition and Taxpayer Savings Act”.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2000, 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
"It is the intent of the people of the State of California in enacting this measure:

(a) To remove existing restrictions on contracting for architectural and engineering services and to allow state, regional and local governments to use qualified private architectural and engineering firms to help deliver transportation, schools, water, seismic retrofit and other infrastructure projects safely, cost effectively and on time;

(b) To encourage the kind of public/private partnerships necessary to ensure that California taxpayers benefit from the use of private sector experts to deliver transportation, schools, water, seismic retrofit and other infrastructure projects;

(c) To promote fair competition so that both public and private sector architects and engineers work smarter, more efficiently and ultimately deliver better value to taxpayers;

(d) To speed the completion of a multi-billion dollar backlog of highway bridge, transit and other projects;

(e) To ensure that contracting for architectural and engineering services occurs through a fair, competitive selection process, free of undue political influence, to obtain the best quality and value for California taxpayers; and

(f) To ensure that private firms contracting for architectural and engineering services with governmental entities meet established design and construction standards and comply with standard accounting practices and permit financial and performance audits as necessary to ensure contract services are delivered within the agreed schedule and budget."

Staff contacted the League of California Cities to find out their position on the initiative. Their Board of Directors voted, on July 29, 2000, to support the initiative, stating "The League believes this measure will assist in expediting completion of the backlog of State transportation projects."

Attached are:

- A one-page explanation of the initiative.
- A complete copy of the initiative text.
- A list of more than 200 organizations that have already acted to support this initiative.

(The source for the attachments is the Taxpayers for Fair Competition)
1. Permits Contracting Out of Architectural and Engineering Services:
Allows state and local governments, special districts and school districts to contract with
private companies for architectural and engineering services. Defines such services as
architectural, landscape architectural, environmental, engineering, land surveying and
construction management.

2. Local Choice to Deliver Transportation Projects On-Time:
Gives local governments greater control over transportation improvements so that
highway, bridge and transit projects can be delivered on-time and within budget.

3. Taxpayer Safeguards:
- Prohibits government employees from awarding contracts if they have a
financial or business relationship with the companies involved.
- Requires compliance with all laws regarding political contributions, conflicts
of interest or unlawful activities.
- Subjects all architecture and engineering contracts to standard accounting
practices.
- Permits financial and performance audits as necessary to ensure contract
services are delivered within the agreed schedule and budget.

4. Strict Design and Construction standards:
Already established project seismic safety, project design and construction standards are
not changed by the initiative.

5. Only Applies to Architectural and Engineering Services:
This measure does not apply to any other contracts except for architecture and
engineering services. For example, it does not apply to peace officers, teachers or
correction officers.
FAIR COMPETITION AND TAXPAYER SAVINGS INITIATIVE

SECTION 1. TITLE. This measure shall be known and may be cited as the "Fair Competition and Taxpayer Savings Act."

SECTION 2. PURPOSE AND INTENT.

It is the intent of the people of the State of California in enacting this measure:

(a) To remove existing restrictions on contracting for architectural and engineering services and to allow state, regional and local governments to use qualified private architectural and engineering firms to help deliver transportation, schools, water, seismic retrofit and other infrastructure projects safely, cost effectively and on time;

(b) To encourage the kind of public/private partnerships necessary to ensure that California taxpayers benefit from the use of private sector experts to deliver transportation, schools, water, seismic retrofit and other infrastructure projects;

(c) To promote fair competition so that both public and private sector architects and engineers work smarter, more efficiently and ultimately deliver better value to taxpayers;

(d) To speed the completion of a multi-billion dollar backlog of highway, bridge, transit and other projects;

(e) To ensure that contracting for architectural and engineering services occurs through a fair, competitive selection process, free of undue political influence, to obtain the best quality and value for California taxpayers; and

(f) To ensure that private firms contracting for architectural and engineering services with governmental entities meet established design and construction standards and comply with standard accounting practices and permit financial and performance audits as necessary to ensure contract services are delivered within the agreed schedule and budget.

SECTION 3. Article XXII is hereby added to the California Constitution to read:

§ 1. The State of California and all other governmental entities, including, but not limited to, cities, counties, cities and counties, school districts and other special districts, local and regional agencies and joint power agencies, shall be allowed to contract with qualified private entities for architectural and engineering services for all public works of improvement. The choice and authority to contract shall extend to all
compliance with all laws regarding political contributions, conflicts of interest or unlawful activities.

§ 4529.13. Nothing contained in this act shall be construed to change project design standards, seismic safety standards or project construction standards established by state, regional or local governmental entities. Nor shall any provision of this act be construed to prohibit or restrict the authority of the Legislature to statutorily provide different procurement methods for design-build projects or design-build-and-operate projects.

§ 4529.14. Architectural and engineering services contracts procured by public agencies shall be subject to standard accounting practices and may require financial and performance audits as necessary to ensure contract services are delivered within the agreed schedule and budget.

§ 4529.15. This act only applies to architectural and engineering services defined in Government Code section 4529.10. Nothing contained in this act shall be construed to expand or restrict the authority of governmental entities to contract for fire, ambulance, police, sheriff, probation, corrections or other peace officer services. Nor shall anything in this act be construed to expand or restrict the authority of governmental entities to contract for education services including but not limited to, teaching services, services of classified school personnel and school administrators.

§ 4529.16. This act shall not be applied in a manner that will result in the loss of federal funding to any governmental entity.

§ 4529.17. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

§ 4529.18. If any act of the Legislature conflicts with the provisions of this act, this act shall prevail.

§ 4529.19. This act shall be liberally construed to accomplish its purposes.

§ 4529.20. This act seeks to comprehensively regulate the matters which are contained within its provisions. These are matters of statewide concern and when enacted are intended to apply to charter cities as well as all other governmental entities.
WHO SUPPORTS
THE FAIR COMPETITION AND TAXPAYER SAVINGS ACT?
(as of 5/1/02)

California Chamber of Commerce
California Taxpayers' Association
Coalition for Adequate School Housing
Operating Engineers, Local Union No. 3 (AFL -- CIO)
Operating Engineers, Local Union No. 12 (AFL -- CIO)
State Building and Construction Trades Council of California (AFL -- CIO)
California Special Districts Association
National Council for Public-Private Partnerships
American Institute of Architects, California Chapter
American Subcontractors Association, California Chapter
Associated General Contractors
California Association of Sheet Metal and Air Conditioning Contractors, National Association
California Building Industry Association
California Business Properties Association
California Business Roundtable
California Cement Promotion Council
California Chapter, American Planning Association
California Contract Cities Association
California Fence Contractors Association
Californians for Better Transportation
California Groundwater Association
California Manufacturers Association
California Minority and Women's Business Coalition
California Park & Recreation Society
LOCAL & REGIONAL BUSINESS ORGANIZATIONS (CONT’D)
Milpitas Chamber of Commerce
Modesto Chamber of Commerce
Mountain View Chamber of Commerce
Newport Harbor Area Chamber of Commerce
North Coast Builders Exchange
Northern California Engineering Contractors Association
Oceanside Chamber of Commerce
Orange Chamber of Commerce
Orange County Business Council
Orange County Transportation Coalition
Rancho Cucamonga Chamber of Commerce
Sacramento Metro Chamber of Commerce
Salinas Valley Chamber of Commerce
Santa Ana Chamber of Commerce
Greater San Diego Chamber of Commerce
San Francisco Chamber of Commerce
San Jose Silicon Valley Chamber of Commerce
San Leandro Chamber of Commerce
San Mateo Chamber of Commerce
San Rafael Chamber of Commerce
Simi Valley Chamber of Commerce
Greater Stockton Chamber of Commerce

LOCAL & REGIONAL BUSINESS ORGANIZATIONS (CONT’D)
Southern California Contractors Association
Greater Tulare Chamber of Commerce
Visalia Chamber of Commerce

CITIES & COUNTIES
City of Angels Camp
City of Arcadia
Arcata City Public Works Department
City of Arroyo Grande
City of Belmont
City of Belvedere
City of Camarillo
City of Campbell
City of Carpenteria
City of Ceres
City of Claremont
City of Clayton
City of Colfax
City of Concord
City of Corcoran
City of Cotati
City of Daly City
City of Del Mar
City of Dublin
City of Emeryville
City of Escalon
CITIES & COUNTIES (CONT'D)

City of Taft
City of Tehachapi
City of Temecula
Town of Tiburon
City of Tulare
City of Trinidad
City of Ukiah
City of Vallejo
City of Watsonville
City of Westminster
Town of Windsor
City of Winters
Amador County
Fresno County
Glenn County
Humboldt County
Kern County
Kings County
Lake County
Madera County
Mono County
Nevada County
Santa Cruz County
Siskiyou County
Sonoma County
Stanislaus County
Santa Barbara County Association of Governments

LOCAL GOVERNMENT AGENCIES

Apple Valley Heights County Water District
Contra Costa Transportation Authority
Elsinore Water District
Heritage Ranch Community Services District
Ironhouse Sanitary District
Lake County Flood Control & Water Conservation District
Lake County Sanitation District
Livermore/Amador Valley Transit District
Los Alisos Water District
Novato Sanitary District
San Bernardino Valley Water Conservation District
Santa Cruz County Regional Transportation Commission
South Tahoe Public Utilities District
Sunline Transit Agency
Vista Irrigation District
Westborough Water District

EDUCATION

Alum Rock School District
Barstow Unified School District
Central Unified School District
Clovis Unified School District
Downey Unified School District
Eastside Union School District
Encinitas Union School District
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-467

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET
TO APPROPRIATE FUNDS FROM THE GENERAL FUND RESERVE

WHEREAS, the Internet/Intranet Technology Action Plan ("Action Plan") has been
adopted by the City Council; and

WHEREAS, grant funding will assist with implementation of a variety of projects within
the Action Plan; however, additional internal funding is needed to maintain existing components
of the City's web site and to move the City from Level II to Level III of the Action Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
2000-01 Annual Budget is hereby amended as indicated below:

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<th>Amount</th>
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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 September, 2000, 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 votes:

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

ATTEST:   /s/ Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: /s/ Stan Feathers
STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-468

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO
SUBMIT THE CITY’S RESPONSE TO THE 1999-00
STANISLAUS COUNTY CIVIL GRAND JURY’S FINAL
REPORT REGARDING THE MODESTO SEWER AND
WATER RATES.

WHEREAS, on June 13, 2000, the Stanislaus County Civil Grand Jury released
Final Report - Part 15 regarding transfers from the City of Modesto’s Utility Funds to the
General Fund, and

WHEREAS, California Penal Code Sections 933(c) and 933.05 mandate that the
City respond to the findings and recommendations of the Grand Jury within 90 days of the report
being released, and

WHEREAS, a staff report dated August 29, 2000, from the City Attorney
recommended City responses to the Mayor and Councilmembers for their consideration, a copy
of said report is on file in the office of the City Clerk, and

WHEREAS, at its meeting held in the Chambers located at 1010 Tenth Street, on
September 5, 2000, the City Council considered the City Attorney’s report and City responses, as
recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorizes the City Attorney to convey the City’s response to the 1999-00
Stanislaus County Civil Grand Jury’s Final Report regarding Modesto sewer and water rates as
recommended by the City Attorney in his report dated August 29, 2000, including clarifications

9/7/00

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requested by the Council to responses 15, 21, 22, 24, 26 and 35. A copy of said response, which includes the clarifications as requested by the Council, is attached 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 5th day of September, 2000, by Councilmember 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, Frohman, Serpa, Smith, Mayor Sabatino

**NOES:** Councilmembers: Conrad

**ABSENT:** Councilmembers: None

**APPROVED AS TO FORM:**

By Michael D. Milich, City Attorney

ATTEST: Jean Zahr, City Clerk

9/7/00
The City of Modesto responds to the Grand Jury’s findings as follows:

**Finding No. 1:** Prior to July 1979, the CITY funded its water and sewer utilities from its General Fund.

**Response No. 1:** The City agrees with the finding.

**Finding No. 2:** In July 1979, the CITY established separate enterprise funds for the collection and accounting of Water Fees and Sewer Fees from property owners. The purpose of an enterprise fund is to isolate a specific activity within a budget so it may be funded, monitored, analyzed and tracked separately from other budget items.

**Response No. 2:** The City agrees with the finding.

**Finding No. 3:** In 1988, the rate at which water and sewer fees were collected was such that annual revenues collected from Modesto water and sewer ratepayers exceeded the operating costs of water and sewer operations, including the indirect costs, by approximately $250,000 per year. Funds in excess of the cost of operating the water and sewer operations were transferred to the General Fund, as authorized by CITY Council budget approval.

**Response No. 3:** The City agrees with the finding.

**Finding No. 4:** By 1997, the rate at which utility fees were collected was such that the annual revenues collected from Modesto water and sewer ratepayers exceeded the operating costs of water and sewer operations, including the indirect costs, by more than $3,000,000 per year. At that time, budget transfers to the General Fund were routinely included in the CITY Budget by the CITY Council, and appeared in the General Fund projections.

**Response No. 4:** The City agrees with the finding.
Finding No. 5: Between the 1990-91 CITY Budget and the 1996-7 CITY Budget, the Finance Department, with the knowledge and consent of the CITY Council, CITY Attorney and CITY Manager, justified the transfer of excess Water and Sewer Enterprise Funds to the General Fund as “Payments In Lieu Of Taxes,” or “PILOT fees” (also referred to as “in lieu charges.”)

Response No. 5: The City agrees with the finding.

Finding No. 6: PILOT fees are monies that, if the provision of water and sewer service had been contracted through a private company, would have been collected in the form of property taxes and franchise fees, and deposited in the General Fund. Numerous cities throughout California have collected PILOT fees from their City-owned utility operations.

Response No. 6: The City agrees with the finding.

Finding No. 7: Although the collection of PILOT fees financially benefits city government by increasing General Fund revenues, the practice inflates the cost of the city’s utility services above the actual cost of providing the service.

Response No. 7: The City agrees with the first part of the finding. The City disagrees with the second part of this finding to the extent that PILOTS provide cities with a rate of return on their investment in the utilities. The appellate law in California is that when a city operates a utility it is entitled to a “fair return” on its investment and therefore the rate of return is a proper component of the cost of providing the service. See Hansen v. City of San Buenaventura, 42 Cal.3d 1172 (1986). See also Brydon v. East Bay Municipal Utility District, 24 Cal.App.4th 178 (1994) (citing Hansen for the proposition that “municipal utilities are entitled to incorporate a reasonable rate of return on investment on rates charged customers
So that portion of the Grand Jury’s finding determining that the collection of PILOTS “inflates the cost of the City’s utility services above the actual cost” is not correct.

**Finding No. 8:** To fund the operation of its water system, the CITY collects fees from ratepayers in two ways. Approximately one-third of water service ratepayers, primarily businesses, are charged by volume of usage (up to an established maximum) as measured by water meters. The remainder of the ratepayers are primarily the CITY’s residential property owners who are charged a flat fee for services. The formula (rate) for the fee is adjusted periodically to ensure that the amount of revenue collected covers the cost of water and sewer operations.

**Response No. 8:** The City agrees with the finding.

**Finding No. 9:** Water and sewer utility fees paid by Modesto’s non-metered ratepayers are imposed on property owners as an incident of property ownership.

**Response No. 9:** The City disagrees with the finding. The applicability of Proposition 218 to Modesto’s sewer and water fees is uncertain.

As noted by the Grand Jury in its Finding No. 17, the California Attorney General has opined that water fees that are based on metered amounts are not “property related fees” for purposes of Proposition 218. The metered versus non-metered distinction is not made in Proposition 218. The Attorney General believes that each non-metered fee “. . . must be examined individually in light of the constitutional mandate.” No court has held either way on the precise point to this date, but arguments have been advanced that consumption of water and sewer services, even in the context of flat rates, does not render such services “property related” and thus subject to Proposition 218. Therefore, even though the City has assumed that its water and sewer fees are property related for the purpose of forestalling expensive
litigation of that issue, an appellate court opinion could at any time confirm that utility fees are not property related.

**Finding No. 10:** Ballot Proposition 218 was proposed and published in early 1996. It proposed new restrictions on the authority of governmental entities with respect to the collection and expenditure of "property-related fees."

**Response No. 10:** The City agrees with the finding.

**Finding No. 11:** During the six months prior to the passage of Proposition 218, the CITY, including the Modesto City Council, was made aware on multiple occasions of the potential negative impact on the CITY budget with respect to the practice of transferring funds from the Water and Sewer Enterprise Funds to the General Fund.

**Response No. 11:** We understand this finding to mean that the Grand Jury believes that the City was generally aware prior to the passage of Proposition 218 of its potential impact on the fund transfers. In the event our understanding is correct, the City agrees with this finding.

**Finding No. 12:** In November 1996, Proposition 218, called the "Right to Vote on Taxes Act," was passed by the voters of the State of California with 56.6% voting in favor.

**Response No. 12:** The City agrees with the finding.

**Finding No. 13:** The Stanislaus County Clerk Recorder reported that in November 1996, 55.4% of the City of Modesto electorate voted in favor of Proposition 218.

**Response No. 13:** The City agrees with the finding.

**Finding No. 14:** On July 1, 1997, the Governor approved the *Proposition 218 Omnibus Implementation Act* (SB No. 919; Stats. 1997, ch. 38) as an urgency statute that took effect immediately. This Act directed that Proposition 218 was to be followed by all local
governments that obtain revenue from tax assessments and property-related fees unless and until a court orders the jurisdiction to do otherwise.

**Response No. 14:** The City disagrees with this finding because it is unaware of any such statutory authority.

**Finding No. 15:** No court in the State of California has, to date, issued an order releasing the CITY, or any other local government, from the requirements of Proposition 218 (Articles 13C and 13D of the Constitution of the State of California).

**Response No. 15:** The City agrees with the literal accuracy of this finding. However, this finding lacks significance because there is no provision in the *Proposition 218 Omnibus Implementation Act* (SB No. 919; Stats. 1997, ch. 38) directing all local governments to follow Proposition 218 unless and until the court orders the jurisdiction to do otherwise. (See Finding No. 14.)

**Finding No. 16:** The text of Proposition 218, includes the following provision to aid in its interpretation and application:

"SECTION 5. LIBERAL CONSTRUCTION. The provisions of this act shall be liberally construed to effectuate its purposes of limiting local government revenue and enhancing taxpayer consent."

**Response No. 16:** Except for one typographical error, the City agrees with this finding.

**Finding No. 17:** The California Attorney General opined that "fees for water that are based upon metered amounts used are not 'imposed...as an incident of property ownership.' Consequently, such fees would not be governed by [Proposition 218']. Thus, in the opinion of the California Attorney General some water fees charged on the basis of usage and not as an
incident of property ownership, are exempt from the restrictions of Proposition 218. The Attorney General offered no such opinion regarding non-metered water fees.

Response No. 17: The City agrees with this finding.

Finding No. 18: ARTICLE 13C of the Constitution of the State of California states, in part:

"SECTION 1. Definitions. As used in this article:

(a) 'General tax' means any tax imposed for general governmental purposes.

(d) 'Special tax' means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.

"SECTION 2. Local Government Tax Limitation. Notwithstanding any other provision of this Constitution:

(a) All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall have no power to levy general taxes.

(b) No local government may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote...

(c) Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article...

(d) No local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote..."

Response No. 18: The City agrees that this finding is, in substance, correct.

Finding No. 19: ARTICLE 13D of the Constitution of the State of California states, in part:

"SECTION 2. Definitions. As used in this article:
(e) ‘Fee’ or ‘charge’ means any levy other than an ad valorem tax, a special tax, or an assessment, imposed by an agency upon a parcel or upon a person as an incident of property ownership, including a user fee or charge for a property related service.

(f) ‘Maintenance and operation expenses’ means the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care, and supervision necessary to properly operate and maintain a permanent public improvement.

(h) ‘Property-related service’ means a public service having a direct relationship to property ownership.”


(a) No tax, assessment, fee, or charge shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax imposed pursuant to Article XIII and Article XIIIa.

(2) Any special tax receiving a two-thirds vote pursuant to Section 4 of Article XIIIa.

(3) Assessments as provided by this article.

(4) Fees or charges for property-related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.”


(b) Requirements for Existing, New or Increased Fees and Charges.
A fee or charge shall not be extended, imposed, or increased by any agency unless it meets all of the following requirements:

(1) Revenues derived from the fee or charge shall not exceed the funds required to provide the property related service.

(2) Revenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed.

(3) The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel.”

Response No. 19: Except for the Grand Jury’s heading and typographical errors, the City agrees with this finding.
**Finding No. 20:** After July 1997, the CITY Council was made aware that the funding transfers may have violated Proposition 218 and that it was an unresolved legal question; nevertheless, the CITY Council continued its practice for two additional years.

**Response No. 20:** The City agrees with this finding.

**Finding No. 21:** In 1997, the CITY employed MBIA, a consulting firm for municipalities, to review the water and sewer enterprise PILOTs, and to make recommendations regarding “alternative structures or sources of revenue.” In their September 23, 1997 report to the CITY Finance Director, MBIA concluded:

a. Proposition 218 casts doubt on the validity of PILOT payments and therefore they should be discontinued.

b. From 1910 to 1978, the CITY’s general tax base made capital contributions to the water enterprise with a present cost value of $34,240,759.

c. From 1910 to 1978, the CITY’s general tax base made capital contributions to the sewer enterprise with a present cost value of $33,228,249.

d. The total value of capital contributions made by the general tax base to the water and sewer enterprises constitutes a debt that is owed by the enterprise funds to the General Fund.

**Response No. 21:** The City disagrees with the finding insofar as it states that the MBIA report of September 23, 1997, concluded that the total value of capital contributions made by the general tax base to the water and sewer enterprises constituted a debt. The word “debt” neither appears in the report, nor does the report suggest the existence of an actual debt. The Interim Finance Director’s report of September 23, 1997, specifically points out that the prior capital contributions will not be recorded as a debt in the City’s audited financial statements. A debt is a legally enforceable obligation owed by one to another. That couldn’t be the case where, as here, the City Council has authority over both the General Fund and the utility funds. The real question for purposes of Proposition 218 compliance is whether or not such a repayment is “required” as that term is used in Section 6 of Article XIIID of the
California Constitution where the City Manager and/or the City Council direct the repayment pursuant to their powers under the City's charter. This is another open question for the appellate courts to decide.

Finding No. 22: In the same report, MBIA recommended a repayment schedule in which:

a. From 1998 onward, annual payments of $2,487,554 are made from the water enterprise to the General Fund (these payments are referred to as “contributed capital transfers”).

b. From 1998 onward, annual payments of $2,413,996 are made from the sewer enterprise to the General Fund.

Response No. 22: The City disagrees with the finding insofar as it suggests that repayments were suggested by MBIA to be made in perpetuity. The perpetual repayment schedule was, in fact, made by the City’s then Interim Finance Director, Charles Long, in his memorandum dated September 23, 1997. The MBIA report amortized the repayments over 30 years, and a repayment schedule “based on fully repaying these capital investments” was attached to the memorandum.

Finding No. 23: The basis and methodology of the September 23, 1997, MBIA report to the CITY included the following:

a. The MBIA analysis and identification of the debt owed by the water enterprise to the General Fund for historical contributions, was based on an initial identification of $9,882,968 in “general fund capital contributions” to water services made between 1910 and 1978. This figure was raised to a value of $34,240,759 by applying the prevailing annual costs of borrowing to the $9.88 million principal amount, over the period 1979-1997.

b. The MBIA analysis and identification of the debt owed by the sewer enterprise to the General Fund for historical contributions, was based on an initial identification of $8,427,293 in “general fund capital contributions” to sewer services made between 1910 and 1978. This figure was raised to a value of $33,228,250 by applying the prevailing annual costs of borrowing to the $8.43 million principal amount, over the period 1979-1997.
c. The repayment schedule recommended to the CITY by MBIA included a total principle of $67,469,009 of debt owed (with a 6% annual interest rate applied) by the water and sewer enterprises to the General Fund. The recommended annual fund transfers for repayment of the debt amounted to $4,087,029 per year. This repayment rate fell short of covering the 6% increase in principal each year, resulting in an ever-increasing debt. The repayments (contributed capital transfers) would, therefore, continue ad infinitum.

Response No. 23: The City disagrees with this finding insofar as it assumes the existence of a “debt” owed by the water enterprise to the general fund. The City has the same objection with respect to the characterization of the repayment of the sewer enterprise historical contributions. Charles Long, Interim Director of Finance, stated in his memo of September 23, 1997, to then City Manager, Ed Tewes, with respect to the Grand Jury’s allegation that the subject moneys constitute a “debt:”

It should be noted that neither these payments nor the underlying obligations, will be recorded as contributed capital or as debt in the audited financial statements. Generally Accepted Accounting Principles (GAAP), requires that contributed capital be reported at historical “costs,” and also includes other revenue-like items such as capital grants and connection fees. The “contributed capital” discussed here is only that contributed by the General Fund or general tax base, and has been imputed to current dollars to reflect economic reality. Therefore, due to these differences, the ongoing payments will not be reported as a reduction of debt or of contributed capital in the financial statement. (Report, page 3, emphasis added)

Finally, the repayment schedule recommended to the City by MBIA did not recommend a “debt owed,” and did not recommend annual fund transfers for repayment of the debt amounting to $4,087,029.00 per year. Moreover, the MBIA repayment schedule did not “... [fall] short of covering the six percent increase in principal each year, resulting in an ever-increasing debt.” As the MBIA report states, the total repayments were amortized over a 30-year period resulting in a zero balance.
Finding No. 24: On the same day the CITY received the MBIA report, September 23, 1997, the CITY Interim Director of Finance issued his “Analysis and recommendations on charges from General Fund to Enterprise Funds.” This analysis echoed the conclusions and recommendations of the MBIA report as described in Findings 21 and 22 above. In his analysis, the Interim Director of Finance recommended to the City Manager and the City Attorney that the CITY Council institute the “repayment” schedule recommended by MBIA in the form of regular contributed capital transfers to the General Fund.

Response No. 24: The City disagrees with the finding in that it assumes that the City made a determination that the value of capital contributions set forth in the MBIA report and the Interim Finance Director’s report constituted a debt. Neither report suggests the existence of an actual debt. In addition, the City also disagrees with this finding where it states that the Interim Director of Finance, “... recommended to the City Manager and the City Attorney that the City Council institute the ‘repayment’ schedule recommended by MBIA ...” It was Mr. Long who offered a perpetual repayment schedule in the event that the utility funds were unable to meet debt service requirements.

Finding No. 25: In September 1997, the CITY Finance Director and CITY Manager determined that the PILOT fees “bore insufficient relationship to the costs imposed on the General Fund” and recommended to the CITY Council that the practice of collecting Pilot fees be discontinued. The CITY Council, through the adoption of the 1997-98 Budget, discontinued the PILOT fees.

Response No. 25: The City agrees with this finding.

Finding No. 26: In their approval of the 1997-98 CITY Budget, the City Council adopted the September 23, 1997 recommendations of MBIA and the CITY Interim Finance
Director. The CITY Council approved a new budget category, entitled “Repayment of Contributed Capital,” to be transferred from the Water and Sewer Enterprise Funds to the General Fund according to a payment schedule in which the debt would be perpetual.

**Response No. 26:** The City disagrees with the finding in that it assumes that the City made a determination that the value of capital contributions set forth in the MBIA report and the Interim Finance Director’s report constituted a debt. Neither report suggests the existence of an actual debt. The finding is also incorrect in that it implies the repayment would be perpetual. Mr. Long pointed out in his memo that the repayment would be perpetual only in the event the utility funds could not afford the fully amortized payments set forth in the MBIA memo. The City understands the remainder of this finding to mean that the City Council approved of the implementation of the repayment of contributed capital as recommended by the Interim Finance Director. If this understanding is correct, the City agrees with the remainder of the finding.

**Finding No. 27:** From 1979, when the water and sewer enterprise funds were established, until CITY receipt of the MBIA Report in 1997, no “debt” from the enterprise funds to the General Fund for contributed capital was ever recognized, identified, established or documented by the CITY.

**Response No. 27:** The City agrees that no “debt” was established. However, it should be noted that a liability for “contribution from municipality” was noted in city financial documents from 1979, when the enterprise funds were created, onward.

**Finding No. 28:** In November 1997, the CITY Manager was informed by one of the authors of Proposition 218 that the continued transfer of funds under the guise of “return of
investment” [repayment of contributed capital] was a violation of Proposition 218 and was “a blatant violation of taxpayers rights…”

**Response No. 28:** The City agrees with the finding.

**Finding No. 29:** In January 1998, the Stanislaus Taxpayers Association, a Modesto taxpayer, and the Howard Jarvis Taxpayer Association sued the CITY, challenging the legality of collecting and transferring excess water and sewer enterprise funds after July 1, 1997.

**Response No. 29:** The City agrees with the finding.

**Finding No. 30:** In December 1998, a motion to seek the approval of the electorate (through a local ballot measure) for transfers of funds from the water and sewer enterprise funds to the General Fund failed to receive the required unanimous vote of the CITY Council.

**Response No. 30:** The City agrees with the finding.

**Finding No. 31:** In May 1999, the lawsuit filed by the Stanislaus Taxpayers Association, et al., was settled out of court with the CITY Council agreeing to cease the contributed capital transfers no later than June 30, 2001.

**Response No. 31:** The City agrees with this finding.

**Finding No. 32:** In the settlement agreement between CITY Council and the Stanislaus Taxpayers Association, et al., there was no provision concerning the return of the funds that were transferred to the CITY General Fund (between July 1, 1997 and October 1, 1999), nor any discussion of how these funds might be returned to the CITY ratepayers.

**Response No. 32:** The City agrees with this finding.

**Finding No. 33:** In September 1999, the CITY Council voted to cease the contributed capital transfers effective October 1, 1999.

**Response No. 33:** The City agrees with this finding.
**Finding No. 34:** In September 1999, the CITY Attorney reaffirmed that “Proposition 218 created a number of open legal questions,” but stated, “In the meantime, of course, the city is required to make a good faith attempt to comply with it.” He further stated, “…we have assumed that our water rates are subject to Proposition 218.”

**Response No. 34:** The City agrees with this finding.

**Finding No. 35:** Since the October 1999, cessation of contributed capital transfers from the utility enterprise funds to the General Fund, the CITY has continued to recognize the existence of the contributed capital “debt,” and includes the calculated amount of debt as a basis of computing indirect overhead costs.

**Response No. 35:** The City disagrees with this finding because it is based on the existence of a “debt.” The City also disagrees with the finding in that it assumes that the City made a determination that the value of capital contributions set forth in the MBIA report and the Interim Finance Director’s report constituted a debt. Neither report suggests the existence of an actual debt. The City does continue to recognize the existence of the contributed capital for accounting purposes only. However, no interest accrues on this amount, nor is it a basis for computing indirect costs.

**Finding No. 36:** Since the October 1999, cessation of contributed capital transfers from the utility enterprise funds to the General Fund, the CITY has made a single 5% reduction in water rates for non-metered customers (in January 2000). To date, the CITY has not adjusted its sewer rates.

**Response No. 36:** The City agrees with this finding. (See Response to Finding No. 37).
Finding No. 37: The CITY continues to collect revenues in excess of the direct and indirect costs of operating these utilities.

Response No. 37: The City disagrees with this finding. Prior to the cessation of the transfer in September, 1999, the sewer fund was in need of a 14% rate increase. The elimination of the transfer reduced the need for a rate increase of 14% to 6%. The cessation of the transfer resulted in a $1.3 million savings to the water fund. In order to meet the demand for deferred maintenance in the water fund, the funding for water fund maintenance projects was increased by $500,000 in the current fiscal year. The balance of $800,000 was accounted for by a 5% water rate reduction in January.

RECOMMENDATIONS:

Recommendation No. 1: Immediately direct the Director of Finance to determine the total amount of funds that were transferred from the Water and Sewer Enterprise Funds to the General Fund between July 1, 1997 and October 1999.

Response to Recommendation No. 1: This recommendation has been implemented. The City’s Director of Finance has determined that the total amount of funds transferred from the Water and Sewer Enterprise Funds to the General Fund between July 1, 1997, and October, 1999, was $7.2 million.

Recommendation No. 2: Immediately cease considering interest on contributed capital as a cost, either direct or indirect, to the water and sewer enterprise operations.

Response to Recommendation No. 2: The City Council implemented this recommendation as of October, 1999.

Recommendation No. 3: Direct the City Engineer to recalculate the water and sewer utility fees to:
a. Facilitate a possible rebate to the ratepayers of the fund transfers as noted in Recommendation 1 above.
b. Calculate actual direct and indirect costs of the water and sewer enterprise operations excluding the “repayment of contributed capital.”

**Response to Recommendation No. 3:** With respect to subparagraph (a), this recommendation will not be implemented because on August 15, 2000, the City Council determined to repay the total amount of the transfers, $7.2 million, to the Water and Sewer Enterprise Funds by allocating up to $367,000.00 annually for the repair of streets that is necessary due to the installation and maintenance of water and sewer lines. In this manner, the General Fund would be reimbursing the enterprise funds because those are costs that would otherwise be paid by those funds in the ordinary course of business.

With respect to subparagraph (b), this recommendation has been implemented. See response to Recommendation No. 2.

**Recommendation No. 4:** Determine, through open public discourse and/or local ballot measure, if the funds that were transferred to the General Fund since July 1, 1997 should be:

a. Refunded to the Water and Sewer Enterprise Funds.
b. Refunded to the ratepayers.
c. Used to facilitate setting a water and sewer rate at lower than current operational costs.

**Response to Recommendation No. 4:** This recommendation has been implemented and the City Council has determined to refund the transfers to the Water and Sewer Enterprise Funds in the manner described in response to Recommendation No. 3.

**Recommendation No. 5:** Take steps to seek the approval of the electorate, if the CITY wishes to reinstate the practice(s) of:

a. Collecting funds in excess of the actual costs of water and sewer services.
b. Transferring funds collected for water and sewer services to the General Fund.
Response to Recommendation No. 5: We interpret this recommendation to mean that the City should seek the approval of the electorate if the City in the future desires to reinstate the practice, discontinued in October, 1999, of requiring the Sewer and Water Enterprise Funds to make repayments of contributed capital. Assuming such action is legally required at the time, this recommendation will be implemented.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-469

A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM 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 21354 (2% @ 55 Full and ModIne" formula) and Section 21573 (Third Level of 1959 Survivor Benefits) for local miscellaneous members.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby gives notice of intention to approve an amendment to the contract between the City of Modesto and the Board of Administration of the Public Employees’ Retirement System, a copy of said amendment is 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 5th day of September, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

A. Paragraphs 1 through 13 are hereby stricken from said contract as executed effective July 25, 1997, and hereby replaced by the following paragraphs numbered 1 through 13 inclusive:

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

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

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

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

6. The percentage of final compensation to be provided for local miscellaneous members for each year of credited prior and current service shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1956, the effective date of Social Security coverage, and prior to June 30, 1978, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
7. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).

8. Public Agency elected and elects to be subject to the following optional provisions:
   a. Section 21222.1 (Special 5% Increase-1970). Legislation repealed said Section effective January 1, 1980.
   b. Section 21222.2 (Special 5% Increase-1971). Legislation repealed said Section effective January 1, 1980.
   c. Section 21319 (Special 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 safety 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 (Special 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 (Special 4% Increase For Local Miscellaneous Members and Local Safety Members Who Retired or Died Prior to January 1, 1981).

l. Section 21317 (Special 15% Increase for Certain Local Safety Members Who Retired for Service Retirement).

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

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

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

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

a. 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.

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

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

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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

CITY COUNCIL
CITY OF MODESTO

BY
PRESIDING OFFICER

Witness Date

Attest

Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-470

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALPERS TO POOL 1959 SURVIVOR BENEFITS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and CalPERS to pool 1959 Survivor Benefits 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 day of September, 2000, 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. 2000-471

A RESOLUTION REJECTING BIDS FOR SCENIC BEND LIFT STATION - PUMPS, OPENED IN THE OFFICE OF THE CITY CLERK ON AUGUST 1, 2000

WHEREAS, the bids received for Scenic Bend Lift Station - Pumps were opened at 11:00 a.m. on August 1, 2000, and;

WHEREAS, a bid protest was filed by Water Technologies because their bid had not been considered, due to being delivered a day late to the City Clerk’s office.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Scenic Bend Lift Station - Pumps, opened in the office of the City Clerk on August 1, 2000, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2000, 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
A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND LEONARD REISZ FOR LEASE OF CITY-OWNED ORCHARD PROPERTY AT 4205 GOMES ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Leonard Reisz for lease of City-owned orchard property at 4305 Gomes Road be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said 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 12th day of September, 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
MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-473  

A RESOLUTION UPDATING MUNICIPAL OFF-STREET PARKING FACILITIES, PROVIDING FOR CONTROL THEREOF, INCREASING PARKING RATES, AND RESCINDING RESOLUTION NO. 94-535.

WHEREAS, Section 3-2.1601 of the Modesto Municipal Code provides that the City Council may from time to time establish and designate municipal off-street parking facilities in the City by resolution of the Council, and

WHEREAS, Section 3-2.1602 of the Modesto Municipal Code provides that the hours and days upon which the operation of off-street parking facilities shall be effective shall be established from time to time by resolution of the Council, and

WHEREAS, Section 3-2.1603 of the Modesto Municipal Code provides that the rates for use of off-street parking facilities shall be established from time to time by resolution of the Council, and

WHEREAS, by an agenda report dated August 21, 2000, City staff has recommended parking rate increases, and on September 12, 2000, the City Council considered this matter at a duly noticed public hearing,

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

SECTION 1. GARAGE PARKING FACILITIES.

(a) The following municipal off-street garage parking facilities are hereby established:
(1) Eleventh Street Garage (Lot -28) west side of 11th Street between I and J Streets; Ninth Street Garage (Lot - 43) west side of 9th Street between K and L Streets, and Tenth Street Garage (Lot- 44) west side of 11th Street between J and K Streets.

(b) Vehicular parking on said garage parking facilities shall be controlled and regulated by parking attendants as follows:

(1) From 8:00 a.m. to 6:00 p.m. Monday through Friday.

(c) The rate of seventy-five cents (75c) per hour or fraction thereof, unless validated in accordance with the provisions of Section 3-2.1604 of the Modesto Municipal Code, is hereby established for said garage parking facilities. The price for validation stamps to be used with the validation system on said garage parking facilities, as provided by Section 3-2.1604 of the Modesto Municipal Code, shall be $80 for a book of one hundred (100) stamps.

(d) The Operations and Maintenance Director may designate spaces in said garage parking facilities for the free parking of bicycles. When appropriate signs are erected, bicycles may be parked in such areas without charge.

(e) Monthly parking passes may be authorized by the Operations and Maintenance Director on said garage parking facilities when it does not encroach on the needs of commercial parking and/or other parking agreements. The monthly charges for such passes shall be Thirty-five and no/100ths Dollars ($35.00) for the three garages (Lots 28, 43, and 44).
(f) Additional hours of operation, including weekends, may be authorized by the Operations and Maintenance Director as appropriate to meet parking needs, comply with existing agreements, or allow collection of fees for special events.

SECTION 2. SURFACE PARKING LOTS.

(a) The municipal off-street parking facilities specified on Exhibit "A" attached hereto are hereby established as surface parking lots. Parking time limits, rates of fees for both ticketed and metered lots, and monthly fees for parking passes and reserved parking for said surface parking lots shall be as shown on Exhibit "A". Said Exhibit "A" is hereby incorporated by reference and made a part of this resolution.

(b) Monthly parking passes may be authorized by the Operations and Maintenance Director on any surface parking lot when it does not encroach on the needs of commercial parking. The monthly charges for such passes shall be Twenty and no/100ths Dollars ($20.00).

(c) Monthly reserved parking passes may be authorized by the Operations and Maintenance Director on specified lots. The monthly charges for such passes shall be Forty and no/100ths Dollars ($40.00) per space per month.

SECTION 3. FREE PARKING LOTS.

(a) The following municipal off-street parking facilities shall be free parking lots:

   (1) Lot-10 east side of 8th Street between I and K Streets.

   (2) Lot-13 north side of H Street between 15th and 16th Streets (Modesto Stanislaus Library).
(3) Lot-15 east side of 11th Street between F and G Streets (north of Fire Station #1).

(4) Lot-16 east side of 11th Street between F and G Streets (south of Fire Station #1).

SECTION 4. DISABLED PERSONS. Notwithstanding any other provision of this resolution, disabled persons, as defined in Section 22511.5 of the California Vehicle Code, displaying a distinguishing license plate or distinguishing placard issued pursuant to Section 22511.5 of the California Vehicle Code may park free in any of the municipal off-street parking facilities specified in this resolution, except in reserved parking spaces.

SECTION 5. JURY PARKING. Persons ordered to appear for jury duty may park exclusively in the following municipal off-street parking facility in compliance with the fees and regulations specified in this resolution:

(1) Lot-10 - exclusive all day.

SECTION 6. In addition to the above parking rate increases and updating the Municipal Off-Street Parking Facilities, the Council hereby directs that staff conduct a review in six months of the special events rate, and the Council further directs staff to annually review all parking rates with the City Council, and that the annual review shall include recommendations for rate adjustments to account for inflation.

SECTION 7. EFFECTIVE DATE. The effective date of this resolution shall be November 1, 2000.

SECTION 8. RESCIND. Resolution No. adopted September 6, 1994, is rescinded effective at midnight on October 31, 2000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
# Off-Street Parking Facilities

<table>
<thead>
<tr>
<th>Lot #</th>
<th>Location</th>
<th>Lot Owner</th>
<th>Time Limits</th>
<th>Hours of Operation (Mon-Fri)</th>
<th>Hourly/Daily Fee (or fraction thereof)</th>
<th>Fee for Monthly Pass</th>
<th>Fee for Monthly Reserved Pass</th>
<th>Other Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>9th between I and J</td>
<td>City of Modesto</td>
<td>3 hrs.</td>
<td>9:00 - 4:30 p.m.</td>
<td>$0.05/12 minutes</td>
<td>n/a</td>
<td>$40</td>
<td>9 spaces available for reserved parking</td>
</tr>
<tr>
<td>3</td>
<td>12th and I (S.E.)</td>
<td>City of Modesto</td>
<td>No Limit</td>
<td>9:00 - 6:00 p.m.</td>
<td>$0.25/hour</td>
<td>n/a</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>8th and K</td>
<td>City of Modesto</td>
<td>No Limit</td>
<td>9:00 - 6:00 p.m.</td>
<td>Free</td>
<td>n/a</td>
<td>n/a</td>
<td>Jury Duty Parking exclusive</td>
</tr>
<tr>
<td>11</td>
<td>10th and H (S.W.)</td>
<td>City of Modesto</td>
<td>5 hrs.</td>
<td>9:00 - 6:00 p.m.</td>
<td>$0.25/hour</td>
<td>n/a</td>
<td>$40</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>15th between H and I</td>
<td>City of Modesto</td>
<td>2 hrs.</td>
<td>8:00 - 5:00 p.m.</td>
<td>Free</td>
<td>n/a</td>
<td>n/a</td>
<td>Time limit applicable only where posted</td>
</tr>
<tr>
<td>15/16</td>
<td>11th next to Fire Station #1</td>
<td>City of Modesto</td>
<td>No Limit</td>
<td>9:00 - 6:00 p.m.</td>
<td>Free</td>
<td>n/a</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>20/23</td>
<td>10th between G and H</td>
<td>City of Modesto</td>
<td>No Limit</td>
<td>9:00 - 4:30 p.m.</td>
<td>$1.25/day</td>
<td>$20</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>9th and I (S.E.)</td>
<td>City of Modesto</td>
<td>No Limit</td>
<td>9:00 - 6:00 p.m.</td>
<td>$0.25/hour or $1.25/day/ticket</td>
<td>$20</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>11th Street Garage</td>
<td>City of Modesto</td>
<td>No Limit</td>
<td>8:00 - 6:00 p.m.</td>
<td>$0.75/hour</td>
<td>$35</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>I between 9th and 10th</td>
<td>Cleve Stockton</td>
<td>No Limit</td>
<td>9:00 - 6:00 p.m.</td>
<td>n/a</td>
<td>n/a</td>
<td>$40</td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>Centre Plaza Surface Lot</td>
<td>RDA</td>
<td>No Limit</td>
<td>9:00 - 6:00 p.m.</td>
<td>$3.00/day</td>
<td>n/a</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>9th Street Garage</td>
<td>RDA</td>
<td>No Limit</td>
<td>8:00 - 6:00 p.m.</td>
<td>$0.75/hour</td>
<td>$35</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>10th Street Place Garage</td>
<td>RDA</td>
<td>No Limit</td>
<td>8:00 - 6:00 p.m.</td>
<td>$0.75/hour</td>
<td>$35</td>
<td>n/a</td>
<td></td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-474

A RESOLUTION SETTING A PUBLIC HEARING TO BE HELD ON NOVEMBER 14, 2000, WITH THE INTENT TO CONSIDER THE ADOPTION OF PROPOSED POLICIES RELATING TO SEWER RATE EQUITY AND THE EQUITY ADJUSTMENT PROCESS, AND ALSO WITH THE INTENT TO REVISE THE EXISTING RESERVE POLICY, AND GIVING NOTICE AS PROVIDED BY LAW OF A PROPOSED EQUITY ADJUSTMENT AND PROPOSED SEWER RATE INCREASE OF 3% ACROSS-THE-BOARD.

WHEREAS, under Proposition 218, a fee or charge cannot be increased by any agency unless it meets certain requirements, and

WHEREAS, by an Agenda Report dated September 5, 2000, from the Engineering and Transportation Department, City staff recommended a sewer rate equity review, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, on September 12, 2000, 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 November 14, 2000, to consider the adoption of policies relating to sewer rate equity and the equity adjustment process, and also the intent to revise the existing reserve policy, and to consider a proposed equity adjustment and proposed 3% across-the-board sewer rate increase, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Tuesday, November 14, 2000, 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 public hearing
to consider the adoption of proposed policies relating to sewer rate equity and the equity adjustment process, and also to revise the existing reserve policy, and giving notice as provided by Proposition 218 of a proposed equity adjustment and the proposed 3% across-the-board sewer rate increase, as recommended by City staff in its Agenda Report dated September 5, 2000, a copy of which is on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2000, 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 (SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-475

A RESOLUTION AUTHORIZING THE CITY MANAGER AND
THE MAYOR TO INITIATE DISCUSSIONS WITH
STANISLAUS COUNTY FOR THE PURPOSE OF AMENDING
THE BRADLEY-BURNS SALES TAX AGREEMENT TO
DISCONTINUE THE CITY’S FIVE (5%) PERCENT
TRANSFER OF SALES AND USE TAX TO STANISLAUS
COUNTY AND AUTHORIZING THE MAYOR AND THE
CITY MANAGER TO INVITE THE MAYORS OF TURLOCK
AND OAKDALE TO PARTICIPATE IN THE DISCUSSIONS
WITH THE COUNTY FOR THE SAME PURPOSE ON
BEHALF OF THEIR RESPECTIVE CITIES.

WHEREAS, in 1955 the State Legislature passed the Bradley-Burns Uniform
Sales and Use Tax law providing statewide uniformity in sales and use tax levy and distribution, and

WHEREAS, under State law, one (1%) percent is the maximum sales tax that a
municipal government may impose, and

WHEREAS, cities may impose sales and use taxes only if the counties in which
they are located also impose a sales and use tax, and

WHEREAS, after the Bradley-Burns legislation became law, the County of
Stanislaus requested ten (10%) percent of the cities’ sales and use taxes, and cities granted five
(5%) to ten (10%) percent of the one (1%) percent sales and use tax, provided the funds were
used to rebuild roads and bridges destroyed in the flood of the winter of 1955-56, and

WHEREAS, in March 1957, an agreed sales and use tax split was negotiated at
seven and one-half (7 ½%) percent of the one (1%) percent allocated to the cities, and

WHEREAS, from April 1957 to June 1960, said sales and use tax sharing
agreement was operational, and

WHEREAS, since early in 1980, the cities and the County agreed to adjust the sales and use tax split so that cities receiving in excess of $1 million in sales and use tax would pay only two and one-half (2 1/2%) percent of the one (1%) percent, and cities receiving in excess of $5 million in sales and use tax would pay five (5%) percent of the one (1%) percent, and

WHEREAS, from June 1980 through July 1984, the one (1%) percent sales and use tax split with the County of Stanislaus was reduced each fiscal year from seven and one-half (7 1/2%) percent to five (5%) percent of the one (1%) percent levied by the City, and

WHEREAS, the City of Modesto's sales and use tax sharing agreement with the County of Stanislaus has been amended since July 1, 1984, and the City receives one (1%) of the sales and use tax collected within its legal boundaries and shares five (5%) percent of that total with Stanislaus County, and

WHEREAS, $900,000 in sales and use tax is transferred annually to Stanislaus County under said agreement, and

WHEREAS, the Council desires to amend the Bradley Burns Sales Tax Agreement to discontinue the five (5%) percent transfer of sales and use tax to Stanislaus County, and

WHEREAS, the City has significant financial needs for public improvements, and the justification for sharing no longer exists,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager and the Mayor are hereby authorized to initiate discussions with Stanislaus
County for the purpose of amending the Bradley-Burns Sales Tax Agreement in order to
discontinue the City's five (5%) percent transfer of sales and use tax to Stanislaus County and
further authorizing the City Manager and the Mayor to invite the mayors of Turlock and Oakdale
to participate in the discussions with the County for the same purpose on behalf of their
respective cities.

The foregoing resolution was introduced at a regular meeting of the Council of the
City of Modesto held on the 12th day of September, 2000, 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. 2000-476

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 USING HOME FUNDS.

WHEREAS, the Recreation and Neighborhoods Department, by an Agenda Report dated September 8, 2000, 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 August 25, 2000, and the Committee supported staff’s recommendation to proceed with solicitation of Requests for Proposals, and

WHEREAS, at its meeting of September 19, 2000, 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 19th day of September, 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

APPROVED AS TO FORM:

By__MICHAEL D. MILICH, City Attorney

(ATTEST:__)
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-477

A RESOLUTION APPROVING THE FINAL MAP OF MADISON POINTE SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, WESTERN PACIFIC HOUSING - WINDSOR POINTE, LLC, a Delaware Limited Liability Company, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 11.28 acres, known as MADISON POINTE ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto 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 MADISON POINTE 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
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 19th day of September, 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

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By ____________________________
ALISON A. BARRATT-GREEN
Senior Deputy City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-478

A RESOLUTION AUTHORIZING CERTAIN BENEFIT CHANGES FOR UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES AND CERTAIN BENEFIT CHANGES FOR DEPARTMENT HEADS AND COUNCIL APPOINTEES TO ALIGN WITH RECENT MCEA MOU PROVISIONS.

WHEREAS, the Council desires to authorize certain benefit changes for Unrepresented Management and Confidential Employees, and certain benefit changes for Department Heads and Council Appointees, as requested by an Agenda Report dated September 8, 2000, from the Personnel Department, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, said matter was considered by the City Council at its meeting of September 19, 2000,

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

SECTION 1. The Council hereby authorizes benefit changes for Unrepresented Confidential Employees consistent with those recently approved for the Modesto City Employees Association (MCEA) Represented Employees, as follows:

a. Effective October 1, 2000, Confidential Employees shall be allowed to accrue up to 120 hours of CTO before cash-out is required. Effective August 1, 2003, this accrual cap shall be raised to 160 hours.
b. Effective, January 1, 2001, Confidential Employees shall be provided bi­
lingual compensation (three hours compensatory time off per pay period)
provided competency is established.

SECTION 2. The Council hereby authorizes benefit changes for Unrepresented

*Management and Confidential Employees* consistent with those recently approved for the

Modesto City Employees Association (MCEA) Represented Employees, as follows:

a. Effective with the quarter ending September 25, 2000, those Management
and Confidential Employees in the Police Department eligible for a
uniform allowance shall receive uniform increases consistent with those
approved for Represented Employees (see Attachment A).

SECTION 3. The Council hereby authorizes benefit changes for Unrepresented

*Management and Confidential Employee including Department Heads and Council Appointees* consistent with those recently approved for the Modesto City Employees Association (MCEA) Represented Employees, as follows:

a. Effective upon adoption of this Resolution, *Management and Confidential Employees including Department Heads and Council Appointees*, shall be allowed to cash out up to 40 hours of “Grandfathered” holiday time annually in November.

b. Effective upon adoption of this Resolution, the Employees’ Bereavement Leave for Management and Confidential Employees including Department Heads and Council Appointees shall be changed from twenty-four (24) hours to three (3) working days regardless of schedule, and grandchild and legal-guardianship dependent shall be added to the definition of immediate family.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of September, 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

(SEAL)

APPROVED AS TO FORM

By **Michael D. Milich**, City Attorney

9/20/00
UNIFORM ALLOWANCE
FISCAL YEAR 2000-01

Unrepresented Police Department Employees:

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<thead>
<tr>
<th>TITLE</th>
<th>CURRENT ALLOWANCE</th>
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<tr>
<td>Police Records and Training Technician</td>
<td>$40.00/Mo.</td>
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<tr>
<td>Secretary (2)</td>
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<tr>
<td>Police Support Services Supervisor (4)</td>
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MODESTO CITY COUNCIL
RESOLUTION NO. 2000-479

A RESOLUTION ACCEPTING THE PROJECT TITLED “CLARIFIER CONTROL BOX REHABILITATION” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Clarifier Control Box Rehabilitation, has been completed by Conco-West Inc., in accordance with the contract agreement dated May 11, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Clarifier Control Box Rehabilitation be accepted from said contractor, Conco-West Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $101,600.00 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 26th day of September, 2000, 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
A RESOLUTION ACCEPTING THE PROJECT TITLED "BANGS AVENUE WATER AND SEWER MAINS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Bangs Avenue Water and Sewer Mains, has been completed by Mozingo Construction Company, in accordance with the contract agreement dated May 18, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Bangs Avenue Water and Sewer Mains be accepted from said contractor, Mozingo Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,701,194.58 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 26th day of September, 2000, 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. 2000-481

A RESOLUTION DECLARING USED FURNISHINGS AS SURPLUS AND AUTHORIZING THE DISPOSAL OF THE USED FURNISHINGS BY MODESTO JUNK COMPANY.

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

WHEREAS, the City possesses used furnishings which have been placed into surplus, and

WHEREAS, City staff contacted auctioneer Roger Ernst, with Ernst and Associates Auctioneers, to view the furnishings, and

WHEREAS, Mr. Ernst declared the used furnishings to be of no value and, therefore, determined that it would not be worthwhile to sell said used furnishings through an auction, and

WHEREAS, by an agenda report dated September 18, 2000, City staff reported to the Council that the used furnishings are of no value and recommended that the furnishings be disposed of by Modesto Junk Company, and

WHEREAS, a list of the used furnishings proposed to be disposed of are attached hereto as Attachment “A”,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the used furnishings are hereby declared to have become surplus property to the City’s needs, and the Council does hereby authorize the disposal of said used furnishings by Modesto Junk Company.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
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A RESOLUTION REJECTING BIDS FOR CONSTRUCTION MATERIALS TESTING SERVICES, OPENED IN THE OFFICE OF THE CITY CLERK ON JUNE 13, 2000, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, the bids received for Construction Materials Testing Services were opened at 11:00 on June 13, 2000, and;

WHEREAS, during the bid evaluation process, concerns expressed by two vendors in regards to the ambiguity of a portion of the requirements dealing with laboratory staffing, caused staff to recommend bids be rejected and re-evaluation of the specifications and re-solicitation for this service be conducted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Construction Materials Testing Services, opened in the office of the City Clerk on June 13, 2000, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for Construction Materials Testing Services will be held at 11:00 a.m. on October 10, 2000, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2000, 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
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SETTLEMENT AGREEMENT BETWEEN THE CITY OF MODESTO, RICK ARMSTRONG ENGINEERING & BUILDING CONTRACTOR AND BURTSON CONSTRUCTION FOR BUS YARD FUEL FACILITY REPLACEMENT PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the settlement agreement between the City of Modesto, Rick Armstrong Engineering & Building Contractor and Burtson Construction for Bus Yard Fuel Facility Replacement 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 26th day of September, 2000, 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]
JHAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-484

A RESOLUTION ACCEPTING AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT 24 FOR MODESTO CITY-COUNTY AIRPORT IMPROVEMENT PROJECTS AND AUTHORIZING THE CITY MANAGER TO EXECUTE GRANT DOCUMENTS ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, Modesto City-County Airport is certified for air carrier services 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, an application requesting $380,000 was submitted to the Federal Aviation Administration (FAA), in May 2000 to complete airport improvements, and

WHEREAS, the FAA has offered a $380,000 grant for the airport construction improvements including the final phase of reconstruction of taxiways A&B, resurfacing the general aviation service road, and Phase 1, to expand and reconstruct the air carrier and transient aircraft ramp next to the passenger terminal, and

WHEREAS, approximately $42,223 of airport revenues or Passenger Facility Charges will be required to match the Federal grant funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the acceptance of Airport Improvement Program (AIP) 24 grant funding in the amount of $380,000 from the Federal Aviation Administration (FAA), to complete airport improvements including the final phase of reconstruction of taxiways A&B, resurfacing the general aviation service road, and Phase 1, to expand and reconstruct the air carrier and transient
aircraft ramp next to the passenger terminal.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute acceptance documents on behalf of the City of Modesto for said grant funds in the amount of $380,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September 2000, 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. 2000-485  

A RESOLUTION ACCEPTING AN AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT 25 FOR COMPLETION OF AN AIRPORT MASTER PLAN AND ENVIRONMENTAL IMPACT REPORT FOR THE MODESTO CITY-COUNTY AIRPORT AND AUTHORIZING THE CITY MANAGER TO EXECUTE GRANT DOCUMENTS ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, Modesto City-County Airport is certified for air carrier services 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, an application requesting $270,000 was submitted to the Federal Aviation Administration (FAA), in May 2000 to complete an update to the Airport Master Plan and Environmental Impact Report (EIR), and

WHEREAS, the FAA has offered a $270,000 grant for the completion of an Airport Master Plan and an Environmental Impact Report (EIR), and

WHEREAS, approximately $30,000 of airport revenues or Passenger Facility Charges will be required to match the Federal grant funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the acceptance of Airport Improvement Program (AIP) 25 grant funding in the amount of $270,000 from the Federal Aviation Administration (FAA), for completion of an Airport Master Plan and Environmental Impact Report (EIR),
BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute acceptance documents on behalf of the City of Modesto for said grant funds in the amount of $270,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2000, 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, Sepra, 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. 2000-486

A RESOLUTION APPROVING THE FINAL MAP OF THE SERENO UNIT NO. 3 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, The Bluffs Senior Housing 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 17.34 acres, known as Sereno Unit No. 3 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 18th day of February, 1997, 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 Sereno Unit No. 3 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 Community Development Director has certified that all public improvements required by the City of Modesto have been completed in said tract, to the satisfaction of the Community Development Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed 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 26th day of September, 2000, 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, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman, 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. 2000-487

A RESOLUTION APPROVING AN ADDENDUM TO AN AGREEMENT BETWEEN THE
CITY OF MODESTO AND DR. PHILIP TROMPETTER FOR PROVISION OF
PSYCHOLOGICAL SERVICES TO COMMUNITY SERVICE OFFICERS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the addendum
to an agreement between the City of Modesto and Dr. Philip Trompetter for provision of
psychological services to Community Services Officers be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said addendum to the 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 26th day of September, 2000, 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. 2000-488

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 AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

Systems Analyst
Assistant City Clerk/Auditor
Deputy City Clerk
Housing Financial Specialist
Drafting and Graphics Technician
The revised specifications for the classification of Systems Analyst, as shown on the attached Exhibit “A”, Assistant City Clerk/Auditor, as shown on the attached Exhibit “B”, Deputy City Clerk, as shown on the attached Exhibit “C”, Housing Financial Specialist, as shown on the attached Exhibit “D”, and Drafting and Graphics Technician, as shown on the attached Exhibit “E”, 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. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

- Police Administrative Assistant
- Public Improvement Specialist
- Landscape Technician

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after September 26, 2000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2000, 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
DEFINITION

To perform technical work in the administration installation, testing and maintenance of mini- and micro-computer hardware and software, web based Internet and Intranet technologies or helpdesk and customer support management; to provide training and technical assistance for users; to diagnose and repair hardware problems, to assist in the selection of new systems and to perform related duties as required.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level management staff. May supervise technical support staff.

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

- Researches and evaluates advances in personal computer hardware and software including web based and helpdesk technologies.
- Participates in planning, policy development and budgeting for short- and long-range systems needs.
- Assists in review of all capital budget requests for personal computer equipment; insures connectivity of systems; coordinates between user departments, purchasing unit and vendors in hardware and software acquisition and staff training.
- Develops, selects and monitors City-wide training programs for personal computer hardware, software, web based technologies or helpdesk support systems.
- Serves as technical resource for developing office systems and solving wide area networking problems; assists in programming and systems analysis.
- Installs server/personal computer hardware and peripherals; cables and hooks up modems; installs boards and cards as necessary.
EXAMPLES OF DUTIES (continued)

Installs system, emulation and application software packages.

Responds to requests for assistance with hardware and software problems; diagnoses problems; repairs or arranges for the repair or replacement of faulty hardware, disks, drives, peripherals and software packages.

Trains users on the use of computer equipment and peripherals, and software packages including word processing, data base management, graphics, and spreadsheet programs; web based technologies, helpdesk systems and assists users in developing applications.

Maintains inventory records of existing and newly acquired computer hardware and software.

Assists with installation and maintenance of centralized computer systems, telecommunications, data communications equipment, or web oriented Intranet/Internet or helpdesk support systems.

Maintains records; prepares oral and written reports.

Serves as system administrator for the City's work processing mini-computer system and may serve as administrator for future local area network configurations.

Marginal functions:

Performs related duties as required.

QUALIFICATIONS

Knowledge of:

Principles and techniques of training.

Principles and techniques of budgeting.

Personal computer hardware and software.

Principles of office automation systems.
QUALIFICATIONS (Continued)

Knowledge of:

Principles of customer oriented languages.
Principles of customer relationship management.
Principles of web oriented languages.
Principles of Intranet/Internet based systems.
Personal computer hardware architecture.
Principles of multiple complex personal computer operating systems and network systems.
Principles and techniques of computer systems analysis and programming.

Ability to:

Develop and maintain effective working relationships.
Communicate effectively both verbally and in writing.
Work independently with minimal supervision.
Research and evaluate office automation hardware and software; web based technologies or helpdesk support systems.
Gather, analyze and organize information.
Develop and evaluate training programs.
Coordinate information and programs, write clear instructions, and train others.
Occasionally lift and carry up to 75 pounds.
Experience and Training Guidelines:

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

**Experience:**

Three years of experience in the analysis and design of office automation systems, including word processing and personal computing; web based Intranet/Internet technologies or helpdesk systems and support.

**Education:**

Equivalent to graduation from an accredited four-year college with a major in computer science, mathematics, accounting, public or business administration. Specialized training and certification may be substituted for part of the education requirement.

**License:**

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

**Other Requirement:**

Candidates must pass a P.O.S.T level background investigation for clearance to work on Police Department systems.

**WORKING CONDITIONS**

**Environmental Conditions:**

Office environment; exposure to computer screens.

**Physical Conditions:**

Essential and marginal functions may require physical condition necessary for sitting, bending, stooping, kneeling, crawling, and standing for prolonged periods of time; using a computer and related equipment; and lifting up to 75 pounds.
ASSISTANT CITY CLERK/AUDITOR

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 monitor the clerical operations within the City Clerk's/Auditor's office; to assist in the maintenance of official City records; and to provide technical staff assistance to the City Clerk/Auditor.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the City Clerk/Auditor.

May exercise technical supervision over department staff.

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

Essential functions:

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

Serve as Clerk to the City Council as required; attend City Council and other public meetings and record all official proceedings in the absence of the City Clerk; supervise the preparation of minutes and other documents; direct the publication, filing, indexing and safekeeping of all proceedings of the Council.

Oversee the preparation, organization, printing and distribution of the agenda for the City Council, Redevelopment Agency, Central California Mortgage Authority, and Industrial Development Agency meetings; distribution includes posting to the City's Web site.

Participate in the development of the City Clerk/Auditor's office work plan; assign work activities, projects and programs; monitor workflow; implement policies and procedures; review and evaluate work products, methods and procedures.

EXHIBIT "B"
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Assist the City Clerk in the conduct of elections and other legal requirements of the City Clerk's office; monitor Conflict of Interest and Campaign Statements as required by local and state law; and respond to questions on elections.

Assist in the coordination of office activities with those of other departments, outside agencies and organizations.

Participate and make recommendations in the development of the office budget.

Compose, prepare and process a variety of notices, documents, agreements, deeds, and resolutions; follow-up as necessary ensuring documents are endorsed, certified and notarized.

Assist in the auditing functions of the Finance Department including approving and signing checks for accounts payable and payroll, accept and process wage garnishments, claims and summons, review purchase orders, invoices, and records; maintain office's payroll records.

Accept formal bids and conduct bid openings.

Maintain database for Council and other agency actions; coordinate and prepare Council-adopted ordinances; schedule printing of municipal code supplements; and assure distribution to proper City departments and agencies.

QUALIFICATIONS:

Knowledge of:

Pertinent Federal, State, and local laws, codes and regulations.

Political reform requirements.

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

Principles of supervision, training, and performance evaluation.
QUALIFICATIONS (Continued):

Knowledge of:

Business English, spelling, grammar and punctuation.

Principles and methods of record keeping and report writing.

Modern office procedures, methods, and computer equipment.

Principles and practices of records management systems including various computer software databases and optical imaging systems.

Election laws and procedures including State law regarding Public Records Act, Brown Act, Political Reform Act, the Government Code, and Election Code.

Ability to:

Organize and provide material in compliance with laws, regulations and policies.

Identify and respond to public and City Council issues and concerns.

Supervise, train and evaluate assigned staff.

Compose correspondence and prepare and maintain a variety of reports.

Communicate clearly and concisely, both orally and in writing.

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

Analyze and interpret complex legal documents and administrative procedures and regulations.

Use a variety of computer software applications.

Demonstrate effective employee supervision in a complex and diverse organization.

Type at a speed necessary for successful job performance.
Experience and Training Guidelines:

Experience:

Three years of responsible experience performing a variety of technical administrative clerical tasks. Experience must include analyzing and interpreting complex legal documents, administrative procedures and/or regulations.

Training:

Equivalent to high school graduation supplemented by college level course work in business administration, public administration or a related field, or other related specialized training.

Certification as a Municipal Clerk (CMC) or Master Municipal Clerk (MMC) designation desirable.

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical conditions necessary for sitting, or standing for prolonged periods of time; operating a personnel computer and other office equipment.
DEFINITION

To perform a variety of complex and responsible clerical and administrative duties in the conduct of the activities of the City Clerk's Office; and to assist in the maintenance of official City records. In the absence of the Assistant City Clerk/Auditor, to assume all responsibilities as Acting Assistant City Clerk/Auditor.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the City Clerk.

May exercise technical supervision over clerical staff.

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

Essential functions:

Assistant the City Clerk/Auditor in performing the day-to-day functions of the City Clerk's office.

Respond to inquiries from the public regarding Council action and records; research information for public or City staff when necessary; create and edit a variety of documents and files.

Assist the City Clerk in the conduct of elections, respond to questions on elections. Assist the City Clerk with other legal requirements of the City Clerk's office; monitor Conflict of Interest and Campaign Finance Statements as required by local and state law.

Compose resolutions, prepare, edit, and distribute Council minutes, including posting to the City's Web site, and maintain database for future reference of Council actions.

Witness signatures on legal documents, certify public documents for public agencies and others; act as Notary Public for the City.

EXHIBIT "C"
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Continued

Prepare updates and revisions of Council Policy, Fees Guide and other documents published to the City's internal Web site.

Maintain the records management system.

Maintain calendar for the City Clerk/Auditor including making and confirming reservations, meetings and appointments.

Proofread reports, forms and other material for mathematical, grammatical and procedural adequacy.

Maintain the office library and files including resolutions, ordinances, minutes, agreements, card files and computer accessed files; and process claims and liens.

In the absence of the Assistant City Clerk, assume all responsibilities of that position.

Assist with the preparation and distribution of City Council agenda.

Compose correspondence, research information and prepare reports.

Marginal functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

English usage, spelling, grammar and punctuation.

Modern office procedures, methods, and computer equipment.

Research methods which include compiling and verifying information and follow-up summary or report writing.


Functions and organization of municipal government.
Knowledge of:

Principles and practices of records management systems, including various computer software databases and optical imaging systems.

State law regarding the Public Records Act, Brown Act, Political Reform Act, the Government Code and the Election Code.

Ability to:

Comprehend and follow complex oral and written instructions.

Function under minimal supervision, exercise common sense and sound judgment in making independent decision.

Effectively plan and complete assignments meeting deadlines.

Type at a speed necessary for successful job performance.

Analyze and interpret complex legal documents and administrative procedures and regulations.

Use a variety of computer software applications

Demonstrate effective employee relations in a complex and diverse organization.

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 responsible experience performing a variety of technical administrative clerical tasks.
EXPERIENCE AND TRAINING (Continued)

Training:

Equivalent to completion of high school graduation supplemented by college level coursework in business administration, public administration, or a related field or other specialized training related to the functions and activities of a City Clerk's Office.

Certification as a Municipal Clerk (CMC) is desirable.

WORKING CONDITIONS

Environmental Conditions:

Office environment; exposure to computer screens.

Physical Conditions:

Essential and marginal functions may require maintaining physical conditions necessary for sitting, walking, or standing for prolonged periods of time; operating a personal computer and other office equipment.
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 evaluate loan and grant applications and preliminary title reports for program participants; to verify income and prepare financial data summaries for review by the Rehabilitation Loan Pool Committee; and to monitor the disbursement of funds to projects.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Housing Program Supervisor.

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

Essential functions:

Prepare preliminary financial analyses of rehabilitation loan applicants; review applications to determine if applicant qualifies for a loan or grant; verify income, property ownership, and encumbrances against property.

Review title reports for possible defects; assist owner in clearing clouds on the title.

Work with borrower to clarify the process; assure the borrower has clear understanding of program guidelines, policies and procedures; prepare and have applicant complete required documents to secure loans to protect City's interest.

Order, review and analyze credit reports, lot books, title reports, and property appraisals.

Summarize applicant's financial data; present to Rehabilitation Loan Pool Committee for review and approval; package the loan files for bank approval.

Prepare notes, Deed of Trust and loan agreement; meet with loan applicant to execute loan documents, have documents executed by City and; forward original loan documents to City vault, and forward copies of loan documents to loan servicer.

EXHIBIT "D"
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Set up disbursement ledger; monitor all disbursements until project has been completed; review all check requests for completeness, accuracy and proper documentation; post checks in disbursement ledger.

Prepare spreadsheets summarizing the ethnic, income level, family size and other characteristics of loan or grant recipients.

Assist in the review, analysis of proposals and establishing of agreements for leveraging of loan funds with local financial institutions; assist in the selection of financial institutions for loan fund leveraging; assist in negotiating with financial institutions regarding services provided under loan leveraging agreement.

Assist program participants with temporary relocation and temporary storage of household goods, who are required to move during completion of rehabilitation of their property.

Marginal functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Lending, foreclosure, title, real estate, and appraisal terminology, practices and procedures.

Pertinent Federal, State, and local laws, codes and regulations.

Housing program loan and grant guidelines, and policies and procedures.

Mortgage financing and credit evaluation.

Federal, grant (particularly HUD) programs and reporting requirements.

Techniques of comparative analysis.

Counseling methods and techniques.
QUALIFICATIONS (Continued)

Knowledge of:

Basic accounting, business law, building construction, and housing rehabilitation terminology.

Ability to:

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

Gather and analyze data and come to accurate conclusions.

Review and interpret title reports and learn what needs to be done to clear title problems.

Compute and analyze credit reports.

Accurately post figures.

Gather and organize data.

Relate to minority, female heads of households, and low-income persons.

Relate to the culture and problems of minorities and low-income groups.

Communicate clearly and concisely, both orally and in writing.

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

Work as a team with other City staff.
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:

A minimum of two years of responsible loan processing, real estate financing, mortgage financing, credit evaluation, or related experience.

Training:

Equivalent to an Associate of Arts Degree from an accredited college in Business Administration, Accounting, or a related field. Additional specialized training in finance, and loan processing or a related field is desirable.

License or Certificate

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

WORKING CONDITIONS

Environmental Conditions:

Office environment; exposure to computer screens.

Physical Conditions:

Essential and marginal functions may require physical condition necessary for sitting for prolonged periods of time; using a personal computer and other office equipment.
DRAFTING AND GRAPHICS TECHNICIAN

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 prepare and maintain a variety of maps, diagrams, illustrations, signs, posters, charts, brochures and other printed materials or art work for City departments.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level management and supervisory staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Depending on assigned department, essential and other important responsibilities and duties may include, but are not limited to the following:

Essential Functions

Conduct field surveys to update and verify data.

Design and prepare/draw posters, illustrations, charts, brochures, displays and other art work, including multi-colored graphics, as requested.

Prepare preliminary and final sketches of fire hydrant locations and street layout; draw, finish and update maps.

Prepare and ensure distribution to appropriate personnel a variety of documents including running card maps, index book updates, dispatch cards, and page card maps.

Sort, index and file master plans, preliminary and original working drawings.

Update a variety of information files and drawings, as necessary.

Prepare visual slide presentations.

Perform basic mathematical calculations.

Respond to questions from the public; refer calls to appropriate staff; take and deliver messages, mail, equipment, property and supplies as necessary.
Examples of Duties – (Continued)

Assemble a variety of resource documents including booklets, training manuals, reports and other office materials.

Perform other duties as assigned.

In addition to the above when assigned to the Transit Division:

Maintenance of transit division website and database maintenance.

Design and prepare system-wide route map, informational brochures, signs, coupons, tickets, transfers and various printed marketing materials.

Prepare graphics for City Council presentations using appropriate software and format.

Maintenance of bus stop and bus stop amenities.

Coordinate the printing of all printed materials used in the promotion and operation of transit services.

Coordinate the purchase of supplies used in daily operations.

Prepare reports for Federal, State, regional and city agencies.

Prepare surveys, collect and enter data.

Perform other related transit division duties as assigned.

QUALIFICATIONS:

Knowledge of:

Principles and procedures of record and file maintenance.

Basic mathematics.

Principles and procedures of record and file maintenance.
QUALIFICATIONS - (Continued):

Knowledge of:

Modern office procedures, methods and drafting equipment including Microsoft Office.

Personal computers and related software including advertising, desktop publishing, spreadsheet, word processing (when assigned to Transit).

Graphic presentation methods and materials.

English usage, spelling, grammar and punctuation.

Symbols, methods, practices and techniques used in drafting and mapping.

Ability to:

Design a variety of maps, illustrations, charts, graphic presentations, and other materials.

Learn and apply related computer applications including website maintenance.

Perform routine clerical work.

Prepare various written documents including letters and reports.

Understand and carry out oral and written directions.

Communicate clearly and concisely, both orally and in writing.

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

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

Experience:

One year of increasingly responsible drafting and/or graphic work using computer assisted techniques. Related computer experience highly desirable.

Training:

Equivalent to completion of the twelfth grade supplemented by specialized drafting and graphics training.

WORKING CONDITIONS

Environmental Conditions:

Office and field environment; may travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical conditions necessary for sitting, walking, or standing for prolonged periods of time; operating a personnel computer and other office equipment; and the ability to distinguish color.
MODESTO CITY COUNCIL
RESOLUTION NO.  2000-489

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2000-272 TO REVISE THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO AMEND THE SALARY RANGE FOR ASSISTANT CITY ATTORNEY, AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO DELETE THE NON-SWORN CLASSIFICATIONS OF POLICE ADMINISTRATIVE ASSISTANT, PUBLIC IMPROVEMENT SPECIALIST, AND LANDSCAPE TECHNICIAN FROM THE CLASS RANGE TABLE.

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 September 26, 2000", 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 Assistant City Attorney from Range 453 to Range 455.

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 September 26, 2000”, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit “A” deletes the classifications of Police Administrative Assistant (Range 119), Public Improvement Specialist (Range 128), and Landscape Technician (Range 127) from the class range table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after September 26, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September 2000, 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

8/10/00
CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective September 26, 2000

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</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>
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<td>410</td>
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<td>411</td>
<td></td>
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<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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</thead>
<tbody>
<tr>
<td>421</td>
<td>Office Supervisor</td>
</tr>
<tr>
<td>422</td>
<td>Custodian Supervisor</td>
</tr>
<tr>
<td>423</td>
<td>Assistant Planner</td>
</tr>
<tr>
<td>424</td>
<td>Assistant City Clerk/Auditor</td>
</tr>
<tr>
<td>425</td>
<td>Administrative Analyst I</td>
</tr>
<tr>
<td>426</td>
<td>Stores Manager</td>
</tr>
<tr>
<td>427</td>
<td>Legal Services Administrator</td>
</tr>
<tr>
<td>428</td>
<td>Senior Buyer</td>
</tr>
<tr>
<td>429</td>
<td>Associate Planner</td>
</tr>
<tr>
<td>430</td>
<td>Junior Civil Engineer</td>
</tr>
<tr>
<td></td>
<td>Junior Traffic Engineer</td>
</tr>
<tr>
<td></td>
<td>Neighborhood Preservation Supervisor</td>
</tr>
<tr>
<td></td>
<td>Social Services Program Supervisor</td>
</tr>
<tr>
<td></td>
<td>Events Supervisor I</td>
</tr>
</tbody>
</table>

092600
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>431</td>
<td>Administrative Analyst II</td>
</tr>
<tr>
<td></td>
<td>Personnel Analyst</td>
</tr>
<tr>
<td></td>
<td>Assistant Risk Manager</td>
</tr>
<tr>
<td></td>
<td>Recycling Program Coordinator</td>
</tr>
<tr>
<td></td>
<td>Senior Budget Analyst</td>
</tr>
<tr>
<td></td>
<td>Senior Community Development Program Specialist</td>
</tr>
<tr>
<td></td>
<td>Systems Analyst</td>
</tr>
<tr>
<td></td>
<td>Equal Opportunity Officer</td>
</tr>
<tr>
<td>432</td>
<td>Plant Maintenance Supervisor</td>
</tr>
<tr>
<td></td>
<td>Recreation Supervisor II</td>
</tr>
<tr>
<td></td>
<td>Senior Accountant</td>
</tr>
<tr>
<td></td>
<td>Youth Program Supervisor</td>
</tr>
<tr>
<td></td>
<td>Industrial Waste Supervisor</td>
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<tr>
<td></td>
<td>Water Quality Control Operations Supervisor</td>
</tr>
<tr>
<td></td>
<td>Secondary Treatment Facilities Supervisor</td>
</tr>
<tr>
<td></td>
<td>Operations and Maintenance Supervisor</td>
</tr>
<tr>
<td>433</td>
<td>Organizational Development Specialist</td>
</tr>
<tr>
<td>434</td>
<td>Senior Programmer Analyst</td>
</tr>
<tr>
<td></td>
<td>Electrical Supervisor</td>
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<tr>
<td></td>
<td>Senior Housing Rehabilitation Specialist</td>
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<tr>
<td></td>
<td>Operations Supervisor</td>
</tr>
<tr>
<td></td>
<td>Arborist</td>
</tr>
<tr>
<td></td>
<td>Land Surveyor</td>
</tr>
<tr>
<td></td>
<td>Assistant Civil Engineer</td>
</tr>
<tr>
<td></td>
<td>Assistant Traffic Engineer</td>
</tr>
<tr>
<td></td>
<td>Geographic Information Systems Coordinator</td>
</tr>
<tr>
<td></td>
<td>Events Supervisor II</td>
</tr>
<tr>
<td>RANGE</td>
<td>TITLE</td>
</tr>
<tr>
<td>-------</td>
<td>-------</td>
</tr>
</tbody>
</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 |
| 439   | Administrative Services Officer |
| 440   | Purchasing Officer  
       | 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>
<tbody>
<tr>
<td>441</td>
<td>(Continued) Water Superintendent Building Maintenance Superintendent Police Records Manager Fire Marshal Golf Services Manager Deputy City Attorney II Parks Planning and Development Manager</td>
</tr>
<tr>
<td>442</td>
<td>Supervising Building Inspector Supervising Construction Inspector Manager of Budget and Financial Analysis Information Services Manager Customer Services Division Manager</td>
</tr>
<tr>
<td>443</td>
<td>Deputy Chief Building Official Senior Deputy City Attorney I</td>
</tr>
<tr>
<td>444</td>
<td>General Services Manager Principal Planner</td>
</tr>
<tr>
<td>445</td>
<td>Accounting Division Manager Housing and Neighborhoods Division Manager</td>
</tr>
<tr>
<td>446</td>
<td>Water Quality Control Superintendent</td>
</tr>
<tr>
<td>447</td>
<td>Chief Building Official Assistant to City Manager Strategic Planning Division Manager Senior Civil Engineer Traffic Engineer</td>
</tr>
<tr>
<td>RANGE</td>
<td>TITLE</td>
</tr>
<tr>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>448</td>
<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 |
CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective September 26, 2000

<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  
       | Equipment Service Worker II |

EXHIBIT "A"
<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 |
| 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  
<pre><code>   | Assistant Buyer |
</code></pre>
<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  
         Fire Plan Checker  
         Plan Review Engineer |
MODESTO CITY COUNCIL
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 departments of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 26, 2000, 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. 98-592 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 26th day of September, 2000, 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
CONFLICT OF INTEREST CODE
OF THE
OFFICE OF THE CITY MANAGER
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Office of the City Manager.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant to the City Manager</td>
<td>2</td>
</tr>
<tr>
<td>City Manager</td>
<td>1</td>
</tr>
<tr>
<td>Consultant</td>
<td>3</td>
</tr>
<tr>
<td>Deputy City Manager</td>
<td>2</td>
</tr>
<tr>
<td>Management Analyst</td>
<td>2</td>
</tr>
<tr>
<td>Public Information Technician</td>
<td>2</td>
</tr>
</tbody>
</table>
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: The City Manager is required, pursuant to Government Code Section 87200, to disclose investments, interests in real property and income. No other or additional disclosure requirements are imposed by this Conflict of Interest Code.

Group 2: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.
MODESTO CITY COUNCIL  
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 September 26, 2000, 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. 96-615 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 26th day of September, 2000, 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
CONFLICT OF INTEREST CODE

OF THE

COMMUNITY DEVELOPMENT DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Community Development Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
## Designated Positions

<table>
<thead>
<tr>
<th>Position</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Analyst I, II</td>
<td>1</td>
</tr>
<tr>
<td>Assistant Planner</td>
<td>1</td>
</tr>
<tr>
<td>Associate Civil Engineer</td>
<td>1</td>
</tr>
<tr>
<td>Associate Planner</td>
<td>1</td>
</tr>
<tr>
<td>Building Inspector I, II</td>
<td>1</td>
</tr>
<tr>
<td>Business Analyst</td>
<td>1</td>
</tr>
<tr>
<td>Chief Building Official</td>
<td>1</td>
</tr>
<tr>
<td>Community Development Director</td>
<td>1</td>
</tr>
<tr>
<td>Consultant</td>
<td>2</td>
</tr>
<tr>
<td>Deputy Chief Building Official</td>
<td>1</td>
</tr>
<tr>
<td>Junior/Assistant Civil Engineer</td>
<td>1</td>
</tr>
<tr>
<td>Plan Review Engineer</td>
<td>1</td>
</tr>
<tr>
<td>Planning Assistant</td>
<td>1</td>
</tr>
<tr>
<td>Planning Division Manager</td>
<td>1</td>
</tr>
<tr>
<td>Planning Technician II</td>
<td>1</td>
</tr>
<tr>
<td>Principal Planner</td>
<td>1</td>
</tr>
<tr>
<td>Property Agent</td>
<td>1</td>
</tr>
<tr>
<td>Senior Building Inspector</td>
<td>1</td>
</tr>
<tr>
<td>Senior Business Analyst</td>
<td>1</td>
</tr>
<tr>
<td>Senior Civil Engineer</td>
<td>1</td>
</tr>
<tr>
<td>Strategic Planning Manager</td>
<td>1</td>
</tr>
<tr>
<td>Supervising Building Inspector</td>
<td>1</td>
</tr>
</tbody>
</table>
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the Modesto Urban Area General Plan.

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

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

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

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

WHEREAS, the Council, at its meeting of September 26, 2000, considered the adoption of amended conflict of interest codes for various City departments, including the Engineering and 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 and Transportation Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 98-600 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 26th day of September, 2000, 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
CONFLICT OF INTEREST CODE
OF THE
ENGINEERING & TRANSPORTATION DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Engineering & Transportation Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
### ENGINEERING & TRANSPORTATION DEPARTMENT

#### CONFLICT OF INTEREST CODE

**EXHIBIT "A"**

<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Analyst</td>
<td>1</td>
</tr>
<tr>
<td>Airport Manager</td>
<td>1</td>
</tr>
<tr>
<td>Associate Civil Engineer</td>
<td>1</td>
</tr>
<tr>
<td>Associate Traffic Engineer</td>
<td>1</td>
</tr>
<tr>
<td>Civil Engineering Assistant</td>
<td>1</td>
</tr>
<tr>
<td>Construction Inspector</td>
<td>1</td>
</tr>
<tr>
<td>Consultant</td>
<td>2</td>
</tr>
<tr>
<td>Deputy Engineering &amp; Transportation Director (2)</td>
<td>1</td>
</tr>
<tr>
<td>Electrical Supervisor</td>
<td>1</td>
</tr>
<tr>
<td>Engineering &amp; Transportation Director</td>
<td>1</td>
</tr>
<tr>
<td>Integrated Waste Specialist</td>
<td>1</td>
</tr>
<tr>
<td>Junior/Assistant Civil Engineer</td>
<td>1</td>
</tr>
<tr>
<td>Junior/Assistant Traffic Engineer</td>
<td>1</td>
</tr>
<tr>
<td>Land Surveyor</td>
<td>1</td>
</tr>
<tr>
<td>Recycling Coordinator</td>
<td>1</td>
</tr>
<tr>
<td>Senior Civil Engineer</td>
<td>1</td>
</tr>
<tr>
<td>Senior Civil Engineering Assistant</td>
<td>1</td>
</tr>
<tr>
<td>Senior Construction Inspector</td>
<td>1</td>
</tr>
<tr>
<td>Solid Waste Program Manager</td>
<td>1</td>
</tr>
<tr>
<td>Supervising Construction Inspector</td>
<td>1</td>
</tr>
<tr>
<td>Traffic Engineer</td>
<td>1</td>
</tr>
<tr>
<td>Transit Manager</td>
<td>1</td>
</tr>
<tr>
<td>Transportation Planner</td>
<td>1</td>
</tr>
</tbody>
</table>
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the Modesto Urban Area General Plan.)

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.
MODESTO CITY COUNCIL
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 September 26, 2000, 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. 98-594 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 26th day of September, 2000, 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
CONFLICT OF INTEREST CODE

OF THE

FIRE DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Fire Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
### Designated Positions and Disclosure Category

<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Analyst</td>
<td>1</td>
</tr>
<tr>
<td>Apparatus Committee Members</td>
<td>2</td>
</tr>
<tr>
<td>Buyer</td>
<td>1</td>
</tr>
<tr>
<td>Consultant</td>
<td>3</td>
</tr>
<tr>
<td>Fire Chief</td>
<td>1</td>
</tr>
<tr>
<td>Fire Division Chief</td>
<td>1</td>
</tr>
<tr>
<td>Fire Battalion Chief</td>
<td>1</td>
</tr>
<tr>
<td>Fire Marshall</td>
<td>1</td>
</tr>
<tr>
<td>Plan Checker</td>
<td>2</td>
</tr>
<tr>
<td>Senior Fire Mechanic</td>
<td>2</td>
</tr>
</tbody>
</table>
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction which manufacture or sell fire-related equipment or parts.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.
MODESTO CITY COUNCIL
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 September 26, 2000, considered the adoption amended of conflict of interest codes for various City departments, including the Operations and 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 and Maintenance Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 98-601 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 26th day of September, 2000, 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
CONFLICT OF INTEREST CODE
OF THE
OPERATIONS & MAINTENANCE DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Operations & Maintenance Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
## Designated Positions Disclosure Category

<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Services Officer</td>
<td>1</td>
</tr>
<tr>
<td>Arborist</td>
<td>2</td>
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<tr>
<td>Associate Traffic Engineer</td>
<td>1</td>
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<tr>
<td>Building Maintenance Superintendent</td>
<td>1</td>
</tr>
<tr>
<td>Consultant</td>
<td>3</td>
</tr>
<tr>
<td>Custodian Supervisor</td>
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</tr>
<tr>
<td>Electrical Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Fleet Manager</td>
<td>1</td>
</tr>
<tr>
<td>Hazardous Materials Specialist</td>
<td>2</td>
</tr>
<tr>
<td>Industrial Waste Inspector</td>
<td>2</td>
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<tr>
<td>Industrial Waste Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Operations &amp; Maintenance Director</td>
<td>1</td>
</tr>
<tr>
<td>Operations &amp; Maintenance Supervisor</td>
<td>1</td>
</tr>
<tr>
<td>Parks Operations Superintendent</td>
<td>1</td>
</tr>
<tr>
<td>Plant Maintenance Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Secondary Treatment Facilities Supervisor</td>
<td>1</td>
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<tr>
<td>Streets Maintenance Superintendent</td>
<td>1</td>
</tr>
<tr>
<td>Urban Forestry Superintendent</td>
<td>1</td>
</tr>
<tr>
<td>Wastewater Collection Superintendent</td>
<td>1</td>
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<tr>
<td>Water Quality Control Operations Supervisor</td>
<td>1</td>
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<tr>
<td>Water Quality Control Superintendent</td>
<td>1</td>
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<tr>
<td>Water Superintendent</td>
<td>1</td>
</tr>
</tbody>
</table>
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction which manufacture, sell or supply equipment, including but not limited to horticulture, construction, craft, office and safety supplies and/or equipment.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-495


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

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

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

WHEREAS, the Council, at its meeting of September 26, 2000, considered the adoption of amended conflict of interest codes for various City departments, including the Personnel Department,

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

BE IT FURTHER RESOLVED that Resolution No. 98-595 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 _26th___ day of _September___, 2000, 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___
MICHAEL D. MILICH, City Attorney
CONFLICT OF INTEREST CODE
OF THE
PERSONNEL DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Personnel Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
**PERSONNEL DEPARTMENT**

**CONFLICT OF INTEREST CODE**

**EXHIBIT "A"**

<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Personnel Director</td>
<td>1</td>
</tr>
<tr>
<td>Assistant Risk Manager</td>
<td>1</td>
</tr>
<tr>
<td>Consultant</td>
<td>3</td>
</tr>
<tr>
<td>Personnel Director</td>
<td>1</td>
</tr>
<tr>
<td>Risk Manager</td>
<td>1</td>
</tr>
<tr>
<td>Workers Compensation Claims Examiner</td>
<td>2</td>
</tr>
</tbody>
</table>

Last edited September 26, 2000
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

**Group 1:** Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**Group 2:** Designated employees in this group shall report all business positions, all investments, income, loans or gifts - Schedules A, C, D, E and F - from all individuals or businesses involved in healthcare or vocational rehabilitation, which are located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

**Group 3:** A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-496

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. 98-596.

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

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

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

WHEREAS, the Council, at its meeting of September 26, 2000, 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. 98-596 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 26th day of September, 2000, 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
CONFLICT OF INTEREST CODE
OF THE
POLICE DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Police Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
## Designated Positions

<table>
<thead>
<tr>
<th>Position</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Analyst</td>
<td>2</td>
</tr>
<tr>
<td>Chief of Police</td>
<td>1</td>
</tr>
<tr>
<td>Consultant</td>
<td>3</td>
</tr>
<tr>
<td>Police Captain (3)</td>
<td>1</td>
</tr>
<tr>
<td>Police Lieutenant (11)</td>
<td>2</td>
</tr>
</tbody>
</table>
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction selling, manufacturing, or distributing equipment and supplies for office, personnel or vehicles.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.
RESCINDED

MODESTO CITY COUNCIL
RESOLUTION NO. 2000-497

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING AN AMENDED CONFLICT OF
INTEREST CODE FOR THE RECREATION AND
NEIGHBORHOODS DEPARTMENT OF THE CITY OF
MODESTO (FORMERLY THE COMMUNITY SERVICES
AND NEIGHBORHOOD CONNECTIONS DEPARTMENT)
AND RESCINDING RESOLUTION NO. 98-599.

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

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

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

WHEREAS, the Council, at its meeting of September 26, 2000, considered the
adoption of amended conflict of interest codes for various City departments, including the
Recreation and Neighborhoods Department (formerly the Community Services and
Neighborhood Connections 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 and
Neighborhoods Department (formerly the Community Services and Neighborhood Connections
Department) of the City of Modesto as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 98-599 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 26th day of September, 2000, 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__
MICHAEL D. MILICH, City Attorney
CONFLICT OF INTEREST CODE
OF THE
RECREATION & NEIGHBORHOODS DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories shall constitute the conflict of interest code of the Recreation & Neighborhoods Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor, which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.
<table>
<thead>
<tr>
<th>Designated Position</th>
<th>Disclosure Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Analyst II</td>
<td>2</td>
</tr>
<tr>
<td>Associate Planner</td>
<td>2</td>
</tr>
<tr>
<td>Code Enforcement Officer I, II</td>
<td>2</td>
</tr>
<tr>
<td>Community Development Program Specialist II</td>
<td>2</td>
</tr>
<tr>
<td>Consultant</td>
<td>3</td>
</tr>
<tr>
<td>Cultural Services Manager</td>
<td>2</td>
</tr>
<tr>
<td>Deputy Director – Cultural &amp; Enterprise Services</td>
<td>1</td>
</tr>
<tr>
<td>Deputy Director – Recreation &amp; Neighborhoods</td>
<td>1</td>
</tr>
<tr>
<td>Events Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Housing Financial Specialist</td>
<td>2</td>
</tr>
<tr>
<td>Housing Program Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Housing Rehabilitation Specialist II</td>
<td>2</td>
</tr>
<tr>
<td>Neighborhood Preservation Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Operations Supervisor</td>
<td>2</td>
</tr>
<tr>
<td>Parks Planning &amp; Development Manager</td>
<td>1</td>
</tr>
<tr>
<td>Project Coordinator</td>
<td>2</td>
</tr>
<tr>
<td>Public Information Technician</td>
<td>2</td>
</tr>
<tr>
<td>Recreation &amp; Neighborhoods Director</td>
<td>1</td>
</tr>
<tr>
<td>Recreation Superintendent</td>
<td>1</td>
</tr>
<tr>
<td>Recreation Supervisor II</td>
<td>2</td>
</tr>
<tr>
<td>Senior Building Inspector</td>
<td>2</td>
</tr>
<tr>
<td>Senior Community Development Program Specialist</td>
<td>2</td>
</tr>
<tr>
<td>Senior Housing Rehabilitation Specialist</td>
<td>2</td>
</tr>
<tr>
<td>Social Services Program Supervisor</td>
<td>2</td>
</tr>
</tbody>
</table>
Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C, D, E and F - from business entities located in or doing business within the jurisdiction which manufacture, sell or supply equipment, including but not limited to horticulture, construction, craft, office and safety supplies and/or equipment.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department that hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest, which the consultant is required to file with the City Clerk on beginning and ending the job.
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MCHENRY MUSEUM SOCIETY FOR STAFF AT MUSEUM STORE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and McHenry Museum Society for staff at Museum store 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 26th day of September, 2000, 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
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CANDI COPE FOR CONCESSION SERVICES AT MODESTO SKATE PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Candi Cope for concession services at Modesto Skate Park 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 26th day of September, 2000, 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
A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET
ESTIMATING REVENUE AND APPROPRIATING FUNDS

WHEREAS, the City applied and was granted funds for the 1999/2001 Local Law
Enforcement Block Grant Program; and

WHEREAS, the funds will be utilized to procure equipment and technology to enhance
law enforcement; and

WHEREAS, a match for the Federal grant program is $36,175 and will be made from the
Supplemental Law Enforcement Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
2000-01 Annual Budget is hereby amended as indicated below:

Expenses:
#0400-800-8000-8003  $(36,175)
#0400-190-1980-5900  $361,750

Revenue:
#0400-190-1980-3506  $325,575

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 26th day of September, 2000, 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

JEAN ZAHN, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By:  

STAN FEATHERS, Budget Officer
A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET
APPROPRIATING $36,175 FROM THE SUPPLEMENTAL LAW ENFORCEMENT
SERVICES FUND AS MATCH TO THE $325,575 FEDERAL GRANT

WHEREAS, the Police Department made application to the U.S. Department of Justice
for the 1999-2001 Local Law Enforcement Block Grant Program; which includes program areas
of procuring equipment and technology to enhance law enforcement; and

WHEREAS, a required match of the Federal grant program is $36,175; which will be
made from the Supplemental Law Enforcement Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
2000-01 Annual Budget is hereby amended as indicated below:

Expense:
From: #0400-800-8000-8003 $(36,175)
#0400-190-1980-5900 $361,750

Revenue:
To: #0400-190-1980-3506 $325,575

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 26th day of September, 2000, 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-502

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(542).
(DONALD L. SANDERS)

WHEREAS, a verified application for an amendment to Section 8-4-9 of the Zoning Map was filed by Donald L. Sanders on February 16, 2000, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(542), to allow neighborhood commercial development, including a convenience market/gas station, property located on the southeast and southwest corners of Hatch Road and Dallas Street, described as follows:

R-1 to P-D(542)

All that certain real property situate in the County of Stanislaus, State of California, described as follows:

Description No. 1:

Lot 3 of the Rio Grande Colony, according to the map thereof, filed in the office of the County Recorder of Stanislaus County, California, on July 5, 1912, in volume 6 at Maps, at Page 47.

Excepting therefrom all that portion lying North of the Southerly line of Hatch Road and West of the Easterly line of Dallas Street as conveyed to City Of Modesto by deed dated February 2, 1968, and recorded March 14, 1968, as instrument No. 8053.

Together with all that portion of abandoned road described as follows:

All that real property in the State of California, County of Stanislaus, City of Modesto, Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the North quarter corner of said Section 8; thence along the North line of Section 8, South 88° 53' 00" East, 715.42 feet, to the iron pipe
marking the intersection of the former center line of 40.00 foot Hatch Road and said Section Line; thence along said centerline, South 46° 46' 52" West, 79.93 feet, to a point on the Southern line of the new Hatch Road right of way, said point being on a non-tangent curve from which a radial line bears South 04° 57' 15" East; thence Westerly along said Southern line on a curve concave to the South, having a radius of 955.00 feet, a central angle of 01° 58' 53" and an arc length of 33.03 feet, to its intersection with the former Northwestern line of said Hatch Road, said point being on a non-tangent curve from which a radial line bears South 06° 56' 08" East; thence along said Northwestern line, South 46° 46' 52" West, 95.72 feet, to a point on the existing City Limits as established by the Modesto Industrial Park Addition, and the true POINT OF BEGINNING of this description; thence continuing along said Northwestern line, South 46° 46' 52" West, 166.12 feet, to a point on the Eastern line of 80.00 foot Dallas Street, said point being on a non-tangent curve from which a radial line bears South 80° 56' 25" West; thence Southerly along said Eastern line on a curve concave to the West, having a radius of 540.00 feet, a central angle of 5° 18' 11" and an arc length of 49.98 feet to a point on the former Southeastern line of Hatch Road, said line also being the Northwestern line of the Turlock Irrigation District Lateral Number 1, and said point being on a non-tangent curve from which a radial line bears South 86° 14' 36" West; thence along said Southeastern line and Lateral Number 1, North 46° 46' 52" East, 196.05 feet, to a point on the existing City Limits; thence along said existing City Limits, North 43° 13' 08 West, 40.00 feet to the POINT OF BEGINNING.

Description No. 2:

Lots 4 and 5 and the East 0.057 chains of Lot 8 of Rio Grande Colony, as per map filed July 5, 1912, in Volume 6 of Maps, at Page 47, Stanislaus County records.

Excepting therefrom all the portion of said Lots 4 and 5 lying North of the Southerly line of Hatch Road and East of the Westerly line of Dallas as conveyed to the City of Modesto by deed dated February 2, 1968, and recorded March 14, 1968, as per instrument No. 8052.

Also excepting from said East 0.057 chains of said Lot 8 all that portion thereof lying North of the Southwest extension of the Southerly line of Hatch Road as said road was conveyed to the City of Modesto by deed March 14, 1968 in Volume 2211 of official records, at Page 227, as instrument No. 8053.
Also: all of Dallas Street, the Southeasterly half of Hatch Road, and the Northwesterly half of T. I. D. Lateral No. 1, all being immediately adjacent to the above described properties.

and

WHEREAS, after a public hearing held on August 7, 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. 2000-41, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The requested zone change is required by public convenience or necessity. The proposal will provide needed neighborhood convenience commercial goods and services in the underserved Bret Harte Neighborhood and the Fairview Neighborhood to the west.

2. The requested change will result in an orderly planning use of land resources. The subject lots in relationship with the adjoining land and street patterns are not likely candidates for other land uses than that proposed and the development with its design and conditions bear a proper relationship with its surroundings.

3. The requested zone change is in accordance with the community's objectives as set forth in the Neighborhood Plan Prototype Policies. Section 2. F. calls for adjustments to the Plan Prototype when accommodating existing development in the area. The lesser sizes of the subject properties are a direct result from the existing development pattern in the immediate areas.

4. Adequate environmental mitigation has been provided through implementation of appropriate mitigation measures established by the MEIR. Traffic signalization at this intersection is scheduled in the Capital Improvements Program (CIP) for construction this summer, and considerable utility expenditures have been made in the immediate area both in and out of the incorporated area.

and
WHEREAS, said matter was set for a public hearing of the City Council to be held on September 26, 2000, 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 Donald L. Sanders 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. 2000-41 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3188-C.S. on the 26th day of September, 2000, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(542).

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(542), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plans, Musante Engineering" as amended in red, stamped approved by the City Council on September 26, 2000.

2. Prior to 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. The plans shall incorporate climbing plants for both walls and fences.

3. Fences and walls shall be constructed prior to occupancy and shall be as follows:
a. Six-foot-high chain-link fence along the Turlock Irrigation District’s right-of-way to within 15 feet of Hatch Road and Dallas Street right-of-way as shown on the approved plans.

b. Eight-foot-high solid decorative masonry wall set back ten feet from and parallel to Dallas Court as shown on the approved plans.

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, 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. The driveway onto Hatch Road shall be designed for right turns only.

6. 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.

7. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problems in the area. The City portion of a cul-de-sac on Dallas Court shall be included in the improvements.

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 Director.

10. 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. Building/canopy sprinklers shall be employed as required by the Fire Chief.
11. Prior to issuance of a building permit, the developer shall dedicate ten-foot public utility easements and such other public utility easements as required by the Director of Engineering and Transportation or the Director of Recreation and Neighborhoods.

12. Any business may be open to the public only between the hours of 7:00 a.m. and 10:00 p.m. seven days a week, unless a use permit for each business seeking additional hours is obtained from the Board of Zoning Adjustment.

13. No signs shall be permitted above eight feet in height on the south face of the buildings.

14. All signs shall comply with the sign requirements of the C-3 Zone.

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(542):

The entire construction program be accomplished in one phase, construction to begin on or before September 15, 2002, and completion to be not later than September 15, 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(542), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2000, 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

APPROVED AS TO DESCRIPTION:

By Community Development Department Planning Division
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-503

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 8-4-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(542), PROPERTY LOCATED ON THE SOUTHEAST AND SOUTHWEST CORNERS OF HATCH ROAD AND DALLAS STREET. (DONALD L. SANDERS)

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, Donald L. Sanders has proposed that the zoning designation for the property located on the southeast and southwest corners of Hatch Road and Dallas Street, be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(542), in the City of Modesto ("the project"), to allow neighborhood retail commercial development, including a convenience market/gas station, 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 2000-34 reviewed the proposed amendment to the Zoning Map and rezone to P-D(542) 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(542) 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 26th day of September, 2000, 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
EXHIBIT "A"

Initial Study

EA/CDD 2000-34
City of Modesto
Initial Study

Rezoning R-1 to P-D, Sanders

EA/CDD 2000-34
April 12, 2000

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, Sanders

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

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

A. Project Location:
The south side of Hatch Road at Dallas Street.

E. Project Sponsor:
Don Sanders, 2424 Pine Ridge Dr., Modesto, CA 95351

F. General Plan Designation:
Residential (R)

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 two small retail centers containing a gas station, video store and restaurants on two parcels located on the southwest and southeast corners of Hatch Road and Dallas Street.
I. Surrounding land uses:
The project is surrounded to the north, east and west by existing single-family homes, and to the south by ranchettes.

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 commercial, this rezone is nevertheless consistent with the General Plan in land use and intensity, because the General Plan anticipated small retail commercial 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 Hatch 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 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 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 to 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 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 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 the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

J. Increased Demand for Storm Drainage

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

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

L. Increased Demand for Schools

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 Materials

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 service stations 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. 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 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:

Steve Mitchell,
Associate Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-504

A RESOLUTION APPROVING A DEVELOPMENT PLAN
FOR PLANNED DEVELOPMENT ZONE, P-D(543). (ROSS BRILES)

WHEREAS, a verified application for an amendment to Section 14-3-9 of the
Zoning Map was filed by Ross Briles on July 5, 2000, to reclassify from Low Density
Residential Zone, R-1, to Planned Development Zone, P-D(543), to allow for a health club
facility, property located on the south side of Floyd Avenue east of Oakdale Road at 2254
Floyd Avenue, described as follows:

R-1 to P-D(543)

All that certain real property situate in the Northwest Quarter of Section 14,
Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California as follows:

Parcel 2 as shown on map, filed for record in Book 8 of parcel Maps at Page
36, Stanislaus County Records;

Including also that portion of Floyd Avenue South of the centerline of original
40-foot Floyd Avenue, all being adjacent to the above-described property.

and

WHEREAS, after a public hearing held on August 28, 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. 2000-42, that rezoning of the property as
requested is required by public necessity, convenience, and general welfare for the following
reasons:
1. That the conditions of approval of the planned development zone will tend to ensure compatibility of this commercial health club facility with surrounding residential and commercial land uses.

2. That the requested planned development zone is within an area designated by the General Plan for Mixed Use (MU) and that this development is in conformance with uses included within this designation.

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 26, 2000, 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 Ross Briles 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. 2000-42 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3189-C.S. on the 26th day of September, 2000, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(543).

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(543), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Site Plan for In Shape Health Club" as amended in red, stamped approved by the City Council on September 26, 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 south property line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. An 8-foot-high decorative masonry wall shall be constructed prior to occupancy along the entire south property.

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

5. 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 west and east, substantially as shown in red on the plot plan.

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

7. Trash cans shall be screened from view from any public street.

8. Any activity in the outdoor lap pool area may be conducted only between the hours of 7 a.m. and 10 p.m.

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 Public Works and Transportation Director.

10. All signs shall comply with the sign requirements of the C-3 Zone.

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. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(543):

The entire construction program be accomplished in one phase, construction to begin on or before September 15, 2002, and completion to be not later than September 15, 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(543), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September 2000, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

APPROVED AS TO DESCRIPTION:

By Community Development Department Planning Division
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-505

A RESOLUTION FINDING THAT THE FOLLOWING
PROJECT IS WITHIN THE SCOPE OF THE PROJECT
COVERED BY A MASTER ENVIRONMENTAL IMPACT
REPORT (SCH NO. 92052017): AMENDING SECTION 14-3-9
OF THE ZONING MAP TO REZONE FROM LOW DENSITY
RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT
ZONE, P-D(543), PROPERTY LOCATED ON THE SOUTH
SIDE OF FLOYD AVENUE EAST OF OAKDALE ROAD AT
2254 FLOYD AVENUE. (ROSS BRILES)

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, Ross Briles has proposed that the zoning designation for the
property located on the south side of Floyd Avenue east of Oakdale Road at 2254 Floyd
Avenue, be amended to rezone from Low Density Residential Zone, R-1, to Planned
Development Zone, P-D(543), in the City of Modesto ("the project"), to allow for a health
club facility, 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 2000-48 reviewed the proposed amendment to the Zoning Map and rezone to P-D(543) 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(543) 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 26th day of September, 2000, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT “A”

Initial Study

EA/CDD 2000-48
The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of a proposed rezone from R-1 to P-D, property located on the south side of Floyd Avenue west of Oakdale 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.
an out-of-doors lap pool and accessory parking lot area. This property is bordered by commercial development to the west and east, single-family houses to the south, and undeveloped residential properties to the north. The applicant's property was previously developed, while in the County, as a miniature golf facility. That legal nonconforming use was discontinued and the applicant has since relocated the operation out of the City. The applicant's plot plan indicates that the property is now proposed to be redeveloped with a new 24,000 square foot, 20 foot high, health club building together with a lap pool as previously noted. The pool will be located in an area to the south and rear of the club building. In order to create this secure pool area, the building is proposed to set back 45-feet from the south property line of the development which abuts the single-family neighborhood to the south. Gated fences will extend between the ends of the club building and a proposed eight-foot-high solid masonry wall along the south property line. An 83 space parking area for this facility will be provided between the building front and Floyd Avenue. The plot plan indicates that this parking area will be connected with the existing commercial parking lots to the east and west. Development of this parking area will also include removal one driveway on the Floyd Avenue frontage.

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 commercial health club facility 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 commercial 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 commercial health club facility 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 commercial health club facility is adjacent to and surrounded by urban development. The adjacent
developed neighborhood contains a mixture of residential and 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 P-D zone and resulting commercial health club facility 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 R-1 for residential uses. However, the property has been long developed commercially under a legal nonconforming status. The proposed P-D zone and resulting commercial 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 commercial health club facility 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 resulting commercial health club facility 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 commercial health club facility 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 commercial health club facility 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 commercial health club facility 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 commercial health club facility 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 commercial health club facility 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 commercial health club facility will not impact the Modesto School system, as the low intensity commercial use will not increase enrollment in the public schools beyond that which is projected for this commercial 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 commercial health club facility 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 commercial health club facility will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 7 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 commercial health club facility 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 commercial health club facility 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 commercial health club facility 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 commercial health club facility 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 health hub facility 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: [Signature]

6
MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-506

A RESOLUTION DENYING AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN WHICH PROPOSED TO REDESIGNATE A PORTION OF CLAUS ROAD BETWEEN CLARIBEL AVENUE AND BRIGGSMORE AVENUE FROM A CLASS A EXPRESSWAY TO A CLASS B EXPRESSWAY.

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, and 2000-303, 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, pursuant to the provisions of Government Code Section 65402, the Planning Commission is charged with the responsibility of recommending to the City Council amendments to the Modesto Urban Area General Plan regarding the physical development of land, and

9/29/00
WHEREAS, Marchbrook Building Company filed an application to amend the Modesto Urban Area General Plan to redesignate the section of Claus Road between Claribel Avenue and Briggsmore Avenue from a Class A expressway to a Class B expressway, and to delete planned urban interchanges on Claus Road at Claribel Avenue, Sylvan Avenue and Floyd Avenue, and

WHEREAS, on August 7, 2000, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, relating to a proposed amendment to the Modesto Urban General Plan to redesignate the section of Claus Road between Claribel Avenue and Briggsmore Avenue from a Class A expressway to a Class B expressway, and to delete planned urban interchanges on Claus Road at Claribel Avenue, Sylvan Avenue and Floyd Avenue, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 2000-40, recommending to the City Council an amendment to the Modesto Urban Area General Plan to redesignate a portion of Claus Road between Claribel Avenue and Briggsmore Avenue from a Class A expressway to a Class B expressway, and to delete planned urban interchanges on Claus Road at Claribel Avenue, Sylvan Avenue and Floyd Avenue, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 26, 2000, 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 amendment to the General Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that after careful consideration the Council finds and determines that the proposed amendment to the Modesto Urban General Plan to redesignate that section of Claus Road between Claribel Avenue and Brigsmore Avenue from a Class A expressway to a Class B expressway, and to delete planned urban interchanges on Claus Road at Claribel Avenue, Sylvan Avenue and Floyd Avenue, should not be approved, therefore, the Council hereby denies the proposed amendment to the Modesto Urban Area General Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2000, 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

(SEAL)

ATTEST: Jiban Zahri, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

9/29/00
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-507

A RESOLUTION APPROVING THAT PORTION OF
AMENDMENT NO. 15 TO THE VILLAGE ONE SPECIFIC
PLAN WHICH PROPOSES TO REDUCE THE NOISE
SETBACK ALONG CLAUS ROAD. (MARCHBROOK
BUILDING COMPANY)

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

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

WHEREAS, Government Code Section 65453 permits the amendment of
Specific Plans as often as deemed necessary by the legislative body, and the Council has
previously adopted fourteen (14) such amendments to the Village One Specific Plan by
Resolutions adopted by the Council from time to time, and

WHEREAS, Marchbrook Development Company filed an application to amend
the Village One Specific Plan to eliminate the planned realignment of the future Claus Road
expressway, redesignate 14 acres from Business Park to Village Residential, and reduce the
noise setback along Claus Road, and

WHEREAS, a duly noticed public hearing was held by the Planning
Commission of the City of Modesto on August 7, 2000, in the Tenth Street Place Chambers
located at 1010 10th Street, Modesto, at which hearing evidence both oral and documentary was received and considered regarding the proposed Specific Plan Amendment No. 15, and

WHEREAS, after considering public comments, the Planning Commission introduced two motions, one to continue the matter to a future date and one to recommend denial of the Specific Plan amendment, however, both motions failed for lack of four votes, therefore, the recommendation to the City Council is deemed to be for denial of an amendment to the Village One Specific Plan to eliminate the planned realignment of the future Claus Road expressway, redesignate 14 acres from Business Park to Village Residential, and reduce the noise setback along Claus Road, and

WHEREAS, said matter was set for a public hearing of the City Council of the City of Modesto to be held on September 26, 2000, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, and

WHEREAS, by a report to the Council dated September 1, 2000, from the Community Development Department, a copy of which report is on file in the City Clerk’s Office, City staff recommended to the Council denial of that portion of Village One Specific Plan Amendment No. 15 which would eliminate the planned realignment of the future Claus Road expressway and redesignate 14 acres from Business Park to Village Residential, and recommended approval of that portion of said Specific Plan Amendment that would reduce the noise setback along Claus Road, and

WHEREAS, a duly noticed public hearing to consider said recommendations of the Planning Commission and City staff was held by the City Council at said date and time above mentioned,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines as follows:

SECTION 1. That this Amendment No. 15 to the Village One Specific Plan is consistent with the Modesto Urban Area General Plan.

SECTION 2. That the Council hereby approves that portion only of Amendment No. 15 to the Village One Specific Plan, which proposes to reduce the noise setback along Claus Road, as set forth in Exhibit “A” attached hereto 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 26th day of September, 2000, 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

(SEAL)

APPROVED AS TO FORM:

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

VILLAGE ONE SPECIFIC PLAN

AMENDMENT NO. 15
FIGURE II-3
Claus Road Expressway Illustrative Cross Section
Facilities Master Plan will provide details
12. All Precise Plans shall contain the following statement:

"Construction noise is regulated by the City's Noise Ordinance, Section 4.9-103. Construction noise is generally permitted during the hours of 7:00 a.m. to 9:00 p.m. To avoid complaints from nearby residents, and possible citations, the full text of the ordinance should be reviewed by builders prior to construction. City construction projects will be monitored by Construction Inspection Division for conformance with the City's Noise Ordinance."

13. A qualified biologist shall conduct a breeding season survey of active and historical Swainson's Hawk territories to determine the exact location of nests and the extent of use the site receives by foraging Swainson's Hawks. This survey shall be conducted in concert with the Environmental Impact Report for the Modesto General Plan Rewrite.

In conducting this survey, the most recent documentation from the State Department of Fish and Game shall be employed, including the "Draft Swainson's Hawk Guidelines" dated 1994.

If an active Swainson's Hawk nest is located within an approximate 10-mile radius, then a foraging habitat compensation ratio of one-half acre preserved in close proximity of the nest, for every one acre of foraging habitat lost will be required. This can be accomplished by, but not limited to, the acquisition and preservation in perpetuity, of suitable grassland foraging habitat, and through the use of conservation easements on suitable "grassland-like" agricultural lands.

14. Precise Plans for development within the project area shall contain the following statement:

During construction activities, Building Inspection Division shall verify that contractors observe the requirements of City of Modesto Standard Specification 1.8, Dust Control, and when necessary, Regulation VIII of the San Joaquin Valley Unified Air Pollution Control District to control the generation of PM 10 from construction related dust and emissions.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-508

A RESOLUTION FINDING THAT THE FOLLOWING
PROJECT IS WITHIN THE SCOPE OF THE PROJECT
COVERED BY A MASTER ENVIRONMENTAL IMPACT
REPORT (SCH NO. 92052017): VILLAGE ONE SPECIFIC
PLAN AMENDMENT NO. 15 TO REDUCE THE NOISE
SETBACK ALONG CLAUS ROAD (MARCHBROOK
BUILDING COMPANY).

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

WHEREAS, City staff has proposed to the City Council Village One Specific
Plan Amendment No. 15 to reduce the noise setback along Claus Road, 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. CDD 2000-47 reviewed the proposed amendment 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 Village One Specific Plan Amendment No. 15, 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 Village One Specific Plan Amendment No. 15 is within the scope of the General Plan Master EIR (SCH No. 92052017).

2. 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.

3. 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.

4. There are no specific features unique to this proposed Village One Specific Plan Amendment No. 15 that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply Citywide, including this project, as appropriate.

5. The Initial Study, No. EA/CDD 2000-47, provides substantial evidence to support findings Nos. 1 through 4 above.

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 26th day of September, 2000, by Councilmember ___, who moved its adoption, which motion being duly seconded by Councilmember ___, was 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 ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________________
MICHAEL D. MILICH, City Attorney
General Plan Amendment No. 12 and
Village One Specific Plan Amendment No. 15

EA/CDD 2000-47
June 30, 2000

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. 12 and Village One Specific Plan Amendment No. 15

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:
Claus Road between Claribel Avenue and Briggsmore Avenue

E. Project Sponsor:
Marchbrook Building Co., 3255 W. March Ln., Stockton, CA 95219

F. General Plan Designation:
Class A expressway

G. Current Zoning:
Not applicable

H. Description of Proposed Project:
This is an amendment to the General Plan to redesignate the section of Claus Road from Claribel Avenue to Briggsmore Avenue from a Class A expressway to a Class B expressway, and to eliminate three urban interchanges at Claus Road/Claribel Avenue, Claus Road/Sylvan Avenue, and Claus Road/Floyd Avenue.

Also included is an amendment to the Village One Specific Plan to realign the future
Claus Road expressway back to its current alignment, to redesignate approximately 25 acres from Business Park to Village Residential, and to allow a reduced noise setback for development along Claus Road with construction of a 7-foot-high masonry wall.

I. Surrounding land uses:
Claus Road is bounded on both sides by vacant agricultural land, ranchettes, churches, and industrial operations.

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 deletion of three planned urban interchanges along Claus Road and their replacement with at-grade intersections is a substantive change in the circulation system of this area of the City. Because of this, an analysis of the impacts of this change was done by K.D. Anderson Transportation Engineers. This analysis concluded that the deletion of these urban interchanges would not result in Levels of Service (LOS) lower than LOS D at any of the proposed intersections. The City's Traffic Engineer has reviewed this analysis, and agrees with its conclusions.

The General Plan Master EIR has adopted a significance threshold for traffic impacts of LOS D; that is, any change that would result in a LOS lower than D is considered a significant impact. Conversely, any change that does not result in Levels of Service lower than LOS D is not considered to have a significant impact. Since the proposed amendments will not result in any Levels of Service lower than D, the proposed amendments will create no additional significant traffic impacts beyond those analyzed in the MEIR. 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 of the MEIR.

B. Degradation of Air Quality

The air quality impacts for these amendments are directly related to the traffic impacts, as the amendments affect only automotive traffic. Since the amendments 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

As the amendments will result in the deletion of planned above-ground traffic overcrossings at the interchanges, there should be a reduction of noise impacts to adjacent land uses at these locations, relative to the impacts analyzed by the MEIR. As for the proposed reduction in noise setback, a noise analysis prepared by Brown-Buntin
Associates concludes that the reduced setback will not increase noise in the adjacent uses higher than the 60 dB that is the threshold of significance adopted in the MEIR. 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 amendments 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 25 acres from Business Park to Village Residential 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 land use amendment 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 amendments 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 amendments is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the amendments 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 amendments 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. 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. Therefore, 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 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, and 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 amendments 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 amendments 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. 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 amendments 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 amendments will not result in any increase in the generation of hazardous materials, because residential development will not generate as much hazardous materials as business park development. 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**

These amendments 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 amendments 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 amendments 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 amendments 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 amendments that were not previously considered in the General Plan Master EIR.

D. There are not specific features unique to these amendments 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]

Steve Mitchell, Associate Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-509

A RESOLUTION ACCEPTING THE PROJECT TITLED “RUNWAY 10R-28L RESURFACING, RUNWAY 10R-28L LIGHT AND SIGNAL RELOCATION, RUNWAY 10L-28R RUNUP APRON CONSTRUCTION, SECURITY LIGHTING REHABILITATION, ROTATING BEACON REHABILITATION AND PAPI INSTALLATION” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Runway 10R-28L Resurfacing, Runway 10R-28L Light And Signal Relocation, Runway 10L-28R Runup Apron Construction, Security Lighting Rehabilitation, Rotating Beacon Rehabilitation and PAPI Installation, has been completed by Teichert Construction, in accordance with the contract agreement dated August 17, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Runway 10R-28L Resurfacing, Runway 10R-28L Light And Signal Relocation, Runway 10L-28R Runup Apron Construction, Security Lighting Rehabilitation, Rotating Beacon Rehabilitation And PAPI Installation be accepted from said contractor, Teichert Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $777,525.07 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 3rd day of October, 2000, by Councilmember Conrad, 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 ACCEPTING THE PROJECT TITLED “CARVER/SCOTT LIFT STATION REHABILITATION” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Carver/Scott Lift Station Rehabilitation, has been completed by Howk Systems, in accordance with the contract agreement dated October 26, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Carver/Scott Lift Station Rehabilitation be accepted from said contractor, Howk Systems Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $201,500.00 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 3rd day of October, 2000, by Councilmember Conrad, 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. 2000-511


BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mathney Family Trust, the George R. Wills and Beverly A. Wills 1992 Trust, and Frank W. Roberts Jr. for acquisition of their property located at the intersection of McHenry and Downey 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 October, 2000, by Councilmember Conrad, 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. 2000-512

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DENNY'S INC., A CALIFORNIA CORPORATION, FOR PROPERTY NEEDED TO COMPLETE A RIGHT TURN LANE AT THE DOWNEY/MCHENRY INTERSECTION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Denny’s Inc., a California Corporation for property needed to complete a right turn lane at the Downey/McHenry intersection 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 October, 2000, by Councilmember Conrad, 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. 2000-513

A RESOLUTION ACCEPTING RIGHTS OF ENTRY IN THE PROPERTY LOCATED AT THE INTERSECTION OF MC HENRY AND DOWNEY AVENUES FOR A RIGHT TURN LANE PROJECT.

WHEREAS, the acquisition of a portion of the property from the Mathney Family Trust, George R. Wills and Beverly A. Wills, 1992 Trust, and Frank W. Roberts, Jr., located at the intersection of McHenry and Downey Avenues is needed for the McHenry/Downey Right Turn Lane project, and

WHEREAS, acceptance of the Rights of Entry by the City is necessary to proceed with construction of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Rights of Entry in the property located at the intersection of McHenry and Downey Avenues for a right turn project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2000, by Councilmember Conrad, 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. 2000-514

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ACCEPTANCE FORMS FOR DEEDS INVOLVED IN THE ACQUISITION FOR PROPERTY FOR THE MCHENRY/DOWNEY RIGHT TURN LANE PROJECT

WHEREAS, the Council of the City of Modesto has approved a right turn lane on Downey Avenue at McHenry Avenue, and;
WHEREAS, acquisition of property interests is needed for the completion of said 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 the Deeds involved in said acquisition.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2000, by Councilmember Conrad, 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. 2000-515

A RESOLUTION DETERMINING THAT THE ACTION OF THE ACQUISITION OF PROPERTY LOCATED FOR A RIGHT TURN LANE PROJECT AT THE INTERSECTION OF McHENRY AND DOWNEY AVENUES IS EXEMPT FROM CEQA REVIEW.

WHEREAS, the acquisition of a portion of the property from the Mathney Family Trust, George R. Wills, Beverly A. Wills, 1992 Trust, and Frank W. Roberts, Jr., located at the intersection of McHenry and Downey Avenues is needed for the McHenry/Downey Right Turn Lane project, and

WHEREAS, City staff determined that said project is exempt from environmental review pursuant to CEQA Guidelines Class III, Section 15303, Statement of Exemption attached hereto, and

WHEREAS, the CEQA review process has been completed and the matter was considered by the City Council at its meeting held on October 3, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby finds and determines that the McHenry/Downey Right Turn Lane project is exempt from environmental review pursuant to CEQA Guidelines Class III, Section 15303 and approves the Statement of Exemption attached hereto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2000, by Councilmember Conrad, 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
STATEMENT OF EXEMPTION

To: ☐ Office of Planning and Research From: City of Modesto
1400 Tenth St., Room 121 P.O. Box 642
Sacramento, CA 95814 Modesto, CA 95353

☒ County Clerk E.A. No: EA/ET 2000-42
County of Stanislaus

Project Title: Provide Right-Turn Lane on McHenry and Downey Intersection

Project Location – Specific:
At the intersection of Downey Avenue and McHenry Avenue

Project Location – City: Modesto Project Location – County: Stanislaus

Description of Nature, Purpose, and Beneficiaries of Project:

Name of Public Agency Approving Project:
City of Modesto

Name of Person or Agency Carrying Out Project:
City of Modesto

Exempt Status: (check one)
[ ] Ministerial (Sec. 21080(b)(1); 15268);
[ ] Declared Emergency (Sec. 21080(b)(3); 15269(a));
[ ] Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[ ] Categorical Class III, Section 15303
[ ] Other

Reasons Why Project is Exempt:

Contact Person: Firoz Vohra
Area Code/Telephone: (209) 577-5430

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

Date Received for Filing: September 19, 2000

Signature: ___________________________ Title: Traffic Engineer
A RESOLUTION ACCEPTING IMPROVEMENTS IN ROSE LANE NO. 5 SUBDIVISION, EXCEPT FOR THE STORM DRAIN BASIN, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Florsheim Properties, a California Corporation, subdividers of Rose Lane No. 5 subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of $631,314 and $315,657 respectively to guarantee improvements in Rose Lane No. 5 subdivision name and;

WHEREAS, the Community Development Director, in a memorandum to Council, indicates that all work required by the subdivision agreement, except the storm drain basin, 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, except the storm drain basin, as complete and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory period.

WHEREAS, the City Clerk is holding a faithful performance bond in the amount of $583,200, and a labor and materials bond in the amount of $291,600 in connection with Rose Lane Unit No. 4 subdivision to secure the storm drain basin improvements.

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

1. The improvements in Rose Lane No. 5 Subdivision, except the storm drain basin, are hereby accepted.

2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $631,314 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 $315,657 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 3rd day of October, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Frohman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad & Friedman

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-517

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION UNDER THE FEDERAL LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM FOR FEDERAL FUNDS FOR PURCHASE OF MOBILE DATA TERMINALS FOR POLICE VEHICLES.

WHEREAS, the Federal Government has released another round of funds under the noncompetitive Local Law Enforcement Block Grant Program, and

WHEREAS, the Modesto Police Department desires to submit an application to complete the purchase of mobile data terminals for all patrol vehicles, and

WHEREAS, it is proposed that the grant project will total $299,416; the Federal Grant Program would provide a ninety (90%) percent grant in the amount of $269,474, with a ten (10%) percent local match requirement of $29,942 in local funds; said local match in funds to be provided by the Supplemental Law Enforcement Services Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto or his authorized designee is hereby authorized to execute and submit an application and grant-related documents to the Federal Government for the Local Law Enforcement Block Grant Program for a ninety (90%) percent grant in the amount of $269,474, to complete the purchase of mobile data terminals for all patrol vehicles, which requires $29,942 in local funds, a ten (10%) percent match of the total project cost of $299,416.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2000, by Councilmember Conrad, 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. 2000-518  

A RESOLUTION ORDERING THE NORTH 99/WOODLAND  
REORGANIZATION TO THE CITY OF MODESTO.  
(UNINHABITED)  

WHEREAS, on December 8, 1998, the City Council adopted Resolution No. 98-648, a Resolution of Application to the Stanislaus County Local Agency Formation Commission (LAFCO), initiating the North 99/Woodland Reorganization to the City of Modesto, which is contiguous to the Modesto City limits, and  

WHEREAS, on April 13, 1999, the City Council adopted Resolution No. 98-649 approving an Initial Study prepared pursuant to Section 21157.1 of the Public Resources Code (CEQA), including findings that the proposed reorganization conforms with the General Plan Master Environmental Impact Report (EIR), and  

WHEREAS, because the annexation area was not covered by the Master City/County Property Tax Sharing Agreement, a separate property tax sharing agreement was required, therefore, a Property Tax Sharing Agreement for the area has been entered into between the City of Modesto, on May 2, 2000, and the County of Stanislaus, on May 9, 2000, and  

WHEREAS, on August 23, 2000, LAFCO conducted a public hearing on the proposed North 99/Woodland Reorganization to the City of Modesto, and by Resolution No. 2000-15, dated August 23, 2000, approved the proposed reorganization to the City of Modesto.
(CITY) upon the condition that it be processed as an uninhabited reorganization and that the 
reorganization be processed as a reorganization consisting of the annexation of the subject 
territory to the City of Modesto and Modesto Municipal Sewer District No. 1, and the 
detachment of the territory from the Woodland Avenue Fire Protection District, and 

WHEREAS, LAFCO designated said reorganization the North 99/Woodland Reorganization to the City of Modesto, and 

WHEREAS, LAFCO designated, pursuant to Section 56852 of the California 
Government Code, the City of Modesto as the Conducting Authority and directed the City to 
initiate reorganization proceedings in accordance with Section 57000 et seq. of the 
Government Code, and 

WHEREAS, LAFCO found that the City of Modesto shall be responsible for 
monitoring and reporting to ensure CEQA compliance, and 

WHEREAS, said proposed Reorganization is located in a Redevelopment Area 
of the City’s General Plan along the north and south sides of Woodland Avenue between 
Highway 99 and north Ninth Street, consisting of 64.77 acres of land, a description of the 
boundaries of the territory is set forth in Exhibit “A”, attached hereto and by this reference 
incorporated herein, and 

WHEREAS, the subject territory is within the current Sphere of Influence of the 
City of Modesto as adopted on December 19, 1994, and 

WHEREAS, there are no Williamson Act contracts located within the territory,
WHEREAS, information satisfactory to LAFCO was presented that a majority of the owners of land within the affected territory had given their consent to the proposal, and

WHEREAS, pursuant to Section 56852 of the Government Code, LAFCO designated the City of Modesto as the conducting authority and directed the City to initiate proceedings in accordance with Government Code Section 57000, et seq., and

WHEREAS, said proposal was duly noticed for a public hearing by the Council of the City of Modesto and was held at 5:15 p.m. on October 3, 2000, in the Council Chambers located at 1010 Tenth Street, Modesto, California, for hearing protests against said reorganization, and the City Clerk gave notice to all persons legally entitled thereto, and

WHEREAS, this Council finds and determines that no written protests were filed by property owners of land within the annexation territory, and

WHEREAS, this action is being taken pursuant to Section 57000 et seq. of the Government Code of the State of California, and

WHEREAS, the reasons for this annexation are as follows:

(a) The proposed annexation is consistent with the Urban Area General Plan and can be served by City services.

(b) The proposed annexation will result in planned, orderly and efficient development of the area, and provision of services, and

WHEREAS, the regular County assessment roll is utilized by the City of Modesto, and
WHEREAS, any affected territory will be taxed for existing general bonded indebtedness of any agency whose boundaries are changed, and

WHEREAS, the North 99/Woodland Reorganization consists solely of land designated for Industrial uses on the City’s General Plan, therefore, a Measure “M” Citizens Advisory Vote is not required,

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

1. That all requirements of the Cortese/Knox Local Government Reorganization Act of 1985, and as revised in 1989, have been complied with.

2. That the area or territory designated as the North 99 Woodland Reorganization to the City of Modesto, consisting of 64.77 acres of land, is described on Exhibit “A” attached hereto and made a part hereof by reference as though set forth in full herein.

3. That said territory is hereby ordered to be annexed to the City of Modesto and to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer District.

4. Said territory is hereby ordered detached from the Woodland Avenue Fire Protection District.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution stating the date of its passage and to obtain such further documentation as is
required by law. The City Clerk is further directed to transmit the aforesaid documents to the
Executive Officer of the Stanislaus County Local Agency formation Commission together with
payment of applicable fees required by Section 54902.5 of the California Government.

BE IT FURTHER RESOLVED that pursuant to Section 5702 of the California
Government Code, this Reorganization shall be effective on the date of execution of the
certificate of completion by the Executive Officer of the Stanislaus County Local Agency
Formation Commission.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 3rd day of October, 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
JEAN ZAHR, City Clerk
(SEAL)

APPROVED AS TO FORM:
By Michael D. Milich, City Attorney

10/11/00
NORTH 99/WOODLAND
REORGANIZATION TO THE CITY OF MODESTO

All that certain real property being the a portion of Section 19 and Section 3, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

Beginning at the intersection of the Northeasterly right of way line of the Southern Pacific Railroad and the Southerly projection of the Centerline of Carver Road, said point being an angle point in the City limits line as described in the Northwest Addition (44) as filed for record on December 10, 1951 at instrument number 28460, Stanislaus County Records; thence along the existing City Limits line the following twenty-five (25) courses:

1. thence South 43°29'30" East, along the Northeasterly right of way line of said Southern Pacific Railroad and the Basis of bearings herein described, a distance of 1553.25 feet, more or less to the beginning point of the Woodland-Barium Annexation as described in the document filed for record on February 28, 1979 at instrument number 54252, Stanislaus County Records;

2. thence North 89°49'30" West, along the centerline of Woodland Avenue and the North line of said Woodland-Barium Annexation, a distance of 812.91 feet;

3. thence South 00°33'30" East, along the west line of said Woodland-Barium Annexation, a distance of 375.54 feet;

4. thence South 89°57'30" East, along the south line of said Woodland-Barium Annexation, a distance of 939.83 feet;

5. thence North 00°42'30" West, along the city limits line as described in said Woodland-Barium annexation, a distance of 62.47 feet;

6. thence North 46°30'30" East, along the city limits line as described in said Woodland-Barium annexation, a distance of 120.00 feet to a point on said Northeasterl Right of way line of the Southern Pacific Railroad and also being a point on the city limits line as described in said Northwest Addition (44);

EXHIBIT "A"

[Signature]

[Date]
7. thence South 43°29'30" East, along said Northeasterly Right of way and city limits line as described in said Northwest Addition (44), a distance of 318.56 feet, more or less to the northerly most angle point in the City limits line as described in the Kansas Avenue Addition as described in the document filed for record on July 24, 1978 at instrument number 4617, Stanislaus County Records;

thence along the City limits line as described in said Kansas Avenue Addition the following eighteen (18) courses

8. thence South 47°18'10" West 100.00 feet

9. thence South 00°11'40" East 7.02 feet to a point of curvature, non-tangent to the preceding course, concave westerly, having a radius of 562.22 feet, of which radius bears South 64°03'23" West;

10. thence southerly, along the arc of said curve, through a central angle of 47°37'57", an arc distance of 467.40 feet;

11. thence South 21°41'20" West 135.05 feet to a point of curvature, concave easterly, having a radius of 583.14 feet, of which radius bears South 68°18'40" East;

12. thence southerly, along the arc of said curve, through a central angle of 21°53'00", an arc distance of 222.72 feet;

13. thence South 00°11'40" East 484.27 feet;

14. thence South 07°58'20" West 98.55 feet;

15. thence South 00°11'40" East 20.04 feet;

16. thence North 89°48'20" East 14.07 feet;

17. thence South 00°11'40" East 231.60 feet;

18. thence North 49°22'30" West 142.01 feet;

19. thence North 37°24'39" West 35.78 feet;

20. thence North 00°11'40" West 69.47 feet;

21. thence North 89°47'15" West 89.26 feet to a point of curvature, non-tangent to the preceding course, concave northeasterly, having a radius of 1972.00 feet, of which radius bears North 43°17'09" East;

22. thence Northwesterly, along the arc of said curve, through a central angle of 3°35'21", an arc distance of 123.53 feet;

Approved as to description
23. thence North 43°07'30" West 1084.67 feet;

24. thence North 13°46'00" West 81.72 feet to a point on the northeasterly line of Graphics Road (formerly Barium Road);

25. thence South 89°39'17" West 30.00 feet to a point on the centerline of said Graphics Road;

26. thence South 89°39'17" West, leaving said city limits line, a distance of 45.16 feet to a point on the Northeasterly right of way line of State Highway 99;

27. thence North 42°44'29" West, along said Northeasterly line, a distance of 491.38 feet to the southwest corner of that certain 3.046 acre tract of land as shown on the survey filed for record on May 30, 1978 in Book 14 of Surveys, at page 95, Stanislaus County Records;

28. thence South 89°36'16" East, along the south line of said 3.046 acre tract of land, a distance of 16.21 feet to the southeast corner of said tract of land;

29. thence North 00°23'31" West, along the East line of said 3.046 acre tract of land, a distance of 628.88 feet to a point on the South right of way line of Woodland Avenue (30.00 foot half-width);

30. thence North 89°49'30" West, along the South right of way line of said Woodland Avenue, a distance of 267.58 feet, more or less, to a point on the southerly projection of the Easterly line of Lot 3 of the Woodland Avenue Park as shown on the map filed for record on July 15, 1908 in Volume 3 of Maps, at page 46, Stanislaus County Records;

31. thence North 00°19'38" West, along the southerly projection and the east line of said Lot 3, a distance of 1215.78 feet, more or less, to a point on the southeasterly line of Parcel 3 as shown on the Parcel Map filed for record on June 20, 1967 in Book 3 of Parcel Maps, at page 98, Stanislaus County Records;

32. thence North 36°38'29" East, along the Southeasterly line of said Parcel 3, a distance of 132.70 feet to a point on the Southwesterly right of way line of said Southern Pacific Railroad;

33. thence South 43°29'30" East, along said Southwesterly right of way line, a distance of 328.91 feet, more or less to a point which bears South 46°30'30" West 100.00 feet from the Point of Beginning;

34. thence North 46°30'30" East 100.00 feet to the Point of Beginning and Containing 64.77 acres, more or less.

END DESCRIPTION

Approved as to description
ON ........................................
BY ........................................

[Stamp: Certified Land Surveyor]

No. 6335
Ex. 9-30-2000
BASIS OF BEARINGS
A BEARING OF SOUTH 43°29'30" EAST FOR THE NORTHEASTERLY RIGHT OF WAY LINE OF THE SOUTHERN PACIFIC RAILROAD AS DESCRIBED IN THE WOODLAND BARUM ANNEXATION AT INSTRUMENT NUMBER 79-54252 STANISLAUS COUNTY RECORDS.
DISTRIBUTION LIST
FOR
RESOLUTION ORDERING REORGANIZATION

2 - Clerk
1 - Attorney
1 - Initiating Department - CDD - Steve Nish
1 - LAFCO/ certified

Others from City Clerk's Distribution list.
A RESOLUTION AUTHORIZING CALL FOR BIDS FOR A HIGH-PRESSURE COMPRESSED AIR BREATHING SYSTEMS WITH STORAGE TANKS AND AUTHORIZING TRADE-IN OF BAUER VT35 AIR COMPRESSOR

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 a high-pressure air breathing system with storage tanks and authorizing the trade-in of the Bauer VT35 air compressor, to be opened in the office of the City Clerk, 1010 Tenth Street, in the City of Modesto, on October 24, 2000 at 11:00a.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 10th day of October, 2000, 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. 2000-519

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DOKKEN ENGINEERING FOR PROFESSIONAL DESIGN SERVICES FOR ROADWAY APPROACHES TO THE CARPENTER ROAD BRIDGE OVER TUOLUMNE RIVER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dokken Engineering for professional design services for roadway approaches to the Carpenter Road Bridge over Tuolumne River 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 10th day of October, 2000, 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. 2000-520

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

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

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

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

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

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

Recreation Coordinator

The specifications for the classification of Recreation Coordinator (Range 118), 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 October 10, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
RECREATION COORDINATOR

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 major recreational programs such as adult and youth recreation activities, social services, sports and aquatics, special events, camps and classes.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from a Recreation Supervisor II.

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

Essential Functions:

Plan, organize, supervise and evaluate recreation programs.

Assist with hiring of part-time personnel necessary for programs, special events, camps and classes.

Conduct orientation meetings for part time staff; assign and train part-time staff; and work with part time employees to correct deficiencies.

Schedule specific program hours and schedule and assign staff to provide program coverage, including contacting off-duty employees to make necessary adjustments in schedules.

Maintain and submit reports and records.

Monitor the certification of instructor-lifeguards in the aquatics programs; monitor first aid certification of recreation leaders in the park program.
Ability to, Continued:

Identify and analyze potential problems, situations and needs; accurately and quickly carry out solutions.

Perform medium manual labor, meaning lifting and carrying up to fifty (50) pounds of weight.

Establish and maintain cooperative relationships with those contacted during work.

Coordinate, organize and implement recreation and leisure activities and special events.

Operate programs within allocated budget.

Monitor programs to ensure compliance with related regulations, policies and procedures.

Experience and Training Guidelines

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

Experience:

Three (3) years of increasingly responsible experience in development, administration or facilitation of a related program (such as aquatics, sports, senior activities, special population, after school activities, physical education).

Training:

Equivalent to an Associates of Arts degree with an emphasis in recreation, physical education or a related field.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-521

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO ADD RECREATION COORDINATOR (RANGE 118).

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

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," attached to Resolution No. 95-26, is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table General Non-Sworn Classes Effective October 10, 2000", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Recreation Coordinator (Range 118) to the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 10, 2000.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 10th day of October, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CITY OF MODESTO  
CLASS RANGE TABLE  
GENERAL NON-SWORN CLASSES  
Effective, October 10, 2000

<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  
       | Equipment Service Worker II |

EXHIBIT "A"
<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  
<p>|       | Industrial Waste Inspector II  |</p>
<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   | Building Inspector II  
       | Construction Inspector  
       | Housing Rehabilitation Specialist II  
       | Hazardous Material Program Coordinator  
       | Project Coordinator |
| 130   | Sr. Civil Engineering Assistant |
| 132   | |
| 133   | |
| 134   | Senior Building Inspector  
       | Senior Construction Inspector  
       | Fire Plan Checker  
       | Plan Review Engineer |
MODESTO CITY COUNCIL
RESOLUTION NO.2000-522

A RESOLUTION AUTHORIZING ADDING DISABLED BOWLING TO THE CITY’S RECREATION PROGRAMS.

WHEREAS, City staff has received a request from the Roadrunners Bowling League for the City to add the league to its adaptive recreation program, and

WHEREAS, the league has been meeting for the past ten years every Thursday at 4:00 p.m. at McHenry Bowl, and

WHEREAS, during this time the adaptive bowling league has been coordinated and supervised by a volunteer, and

WHEREAS, the volunteer coordinator has now resigned from this weekly commitment, and

WHEREAS, the league has a long and successful history, and it meets the needs of persons with disabilities by enabling them to participate in valuable and challenging recreation, and

WHEREAS, the Human Services Committee met on September 25, 2000, and supported staff’s recommendations to add this activity to the City’s adaptive recreation program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes adding the Disabled Bowling Program to the City’s recreation program activities.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October 2000, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-523

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO APPROPRIATE FUNDS TO THE DISABLED BOWLING PROGRAM

WHEREAS, staff received a request from the Roadrunners Bowling League for the City to add this league to its adaptive recreation program; and

WHEREAS, the estimated expenditure for this program would be $10,000; with $7,500 coming from the General Fund Reserve and $2,500 coming from increased revenue (25% cost of recovery).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

From:
#0100-800-8000-8003 $(7,500)
To:
#0100-370-3712-0140 $ 6,383
#0100-370-3712-0189 $ 574
#0100-370-3712-0235 $ 2,303
#0100-370-3712-0315 $ 740
Revenue:
#0100-370-3712-4074 $ 2,500

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2000, 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-524

A RESOLUTION REVISIONING PARKS AND RECREATION
ACTIVITY FEES AND REVENUE TO INCLUDE ADAPTIVE
BOWLING AT THE RATE OF TWENTY-FIVE (25%) PERCENT OF THE COST OF THE SERVICE.

WHEREAS, by Resolution No. 2000-522, the City Council authorized adding
the Disabled Bowling program to the City’s recreation program activities, and

WHEREAS, the budget required to conduct said adaptive bowling league is
$10,000, and

WHEREAS, the 16-week bowling league would be conducted three times a year
with a 24-bowler maximum per league, and

WHEREAS, the program would include an Adaptive Recreation Coordinator
and Recreation Leaders, bowling fees, equipment replacement and repair, end-of-league pizza
party, and awards for all participants, and

WHEREAS, the cost for each participant per league is $154.00, and

WHEREAS, the majority of the participants have a limited or fixed income and
have the ability to pay twenty-five (25%) of the cost of service ($38.50 per session or $116
per year), and

WHEREAS, the Human Services Committee met on September 25, 2000, and
supported staff’s recommendations to make the necessary budget adjustments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that it hereby authorizes revising the Parks and Recreation activity fees and revenue
to include adaptive bowling at a rate of twenty-five (25%) percent of the cost of the service per each participant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October 2000, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-525

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET INCREASING THE DEPARTMENT’S ABS TARGET

WHEREAS, staff received a request from the Roadrunners Bowling League for the City to add this league to its adaptive recreation program; and

WHEREAS, the estimated expenditure for this program would be $10,000; with $7,500 coming from the General Fund Reserve and $2,500 coming from increased revenue (25% cost of recovery); and

WHEREAS, the department’s ABS target for FY01 and subsequent years needs to be increased by $7,500.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

From:
#0100-800-8000-8003 
$(7,500)

To:
#0100-370-3712-0140 
$ 6,383
#0100-370-3712-0189 
$ 574
#0100-370-3712-0235 
$ 2,303
#0100-370-3712-0315 
$ 740
Revenue:
#0100-370-3712-4074 
$ 2,500

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2000, 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-526

A RESOLUTION APPROVING THE RENAMING OF THE
CITY PARK CURRENTLY REFERRED TO AS “FLOYD II
PARK”, LOCATED AT 2025 WOLCOTT WAY AND ELLISON
DRIVE, TO “BREWER’S ROSE PARK”.

WHEREAS, with increased citizen input in the development of parks in their
neighborhoods, citizens have a greater interest in naming their parks, and

WHEREAS, pursuant to City Council Policy No. 6.005, names of parks not
adjacent to schools are to be selected by the City Council from names submitted by the Culture
Commission according to certain procedures, and

WHEREAS, at a hearing on July 24, 2000, the City of Modesto’s Culture
Commission reviewed and selected no more than three names for the renaming of the site,
currently referred to as “Floyd II Park”, located at 2025 Wolcott Way and Ellison Drive, and

WHEREAS, on September 25, 2000, the Human Services Committee met and
carefully reviewed the three proposed park names, and

WHEREAS, renaming the City park located at 2025 Wolcott Way and Ellison
Drive to Brewer’s Rose Park was recommended by the Human Services Committee, and

WHEREAS, Clyde Oris Brewer farmed in Stanislaus County for 50 years and
founded Brewer Trucking; in 1950, Clyde and Peggy Brewer bought their last farming ranch on
Rose Avenue; the 20 acre ranch produced some of Stanislaus County’s best grapes and peaches;
and today, the original Brewer Ranch encompasses the site of the new park, and
WHEREAS, Clyde Brewer had grown roses on the ranch as a hobby, hence, the addition of “Rose” to the name, thus, the Human Services Committee recommended that the park be named Brewer’s Rose Park,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves renaming the City park currently referred to as “Floyd II Park, located at 2025 Wolcott Way and Ellison Drive, to “Brewer’s Rose Park”.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-527

A RESOLUTION ACCEPTING THE BID OF MITCHELL’S MODESTO HARLEY DAVIDSON FOR FURNISHING SEVEN HARLEY DAVIDSON POLICE MOTORCYCLES AND APPROVE TRADE-IN OF SEVEN USED MOTORCYCLES

WHEREAS, in March 1997 bids were obtained for policy motorcycles, and;
WHEREAS, it was determined that Mitchell’s Modesto Harley Davidson was the lowest responsive and responsible bidder, and;
WHEREAS, as part of said bid package Mitchell’s Modesto Harley Davidson agreed to buy back the 1997 Harley Davidson motorcycles after a period of 24-36 months, and;
WHEREAS, in November 1999, Mitchell’s Modesto Harley Davidson again presented the lowest responsive and responsible bid for seven 2000 Harley Davidson motorcycles, and;
WHEREAS, Mitchell’s Harley Davidson has agreed to provide 2000 year model police motorcycles with an agreement to buy them back at full base value after two years.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mitchell’s Modesto Harley Davidson 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 10th day of October, 2000, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-528

A RESOLUTION DESIGNATING THE PROPERTY AT 124 SYCAMORE AVENUE AS A MODESTO LANDMARK PRESERVATION SITE. (OWNER: DOROTHY AND ARTHUR SCULLY)

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. 99-9, that the property at 124 Sycamore Avenue 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, after a public hearing held on October 10, 2000, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, the Council found and determined that the property at 124 Sycamore Avenue 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 124 Sycamore Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the property at 124 Sycamore Avenue has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reason:

**Architectural significance** - Possessing distinctive characteristics of a style, place, period, method or materials of construction, builder or architect.

This stately house combines colonial and classical elements with side-facing gable roof which features boxed cornices with brackets. Eaves extend part way around the end of the gables. The front corners of the house are trimmed with fluted pilasters. The slightly recessed front entrance is capped by a triangular pediment which is supported by paired round columns. The entry door is framed by a leaded glass fan light and multi-pane side lights. The exterior of the house is sheathed in shiplap siding, painted white. The carport on the south side echoes the style of the house and is topped with a balcony.

**Historical significance** - Associated with activities, processes, events, trends or persons of importance to the community, state or nation.

This house was constructed in 1925. The original owner of this home was Warren S. Tillson, son of the founder of the Modesto Lumber Company established in 1878. Warren Tillson became the president of this company and remained active in the business until his death in 1948.

The Tillson family was involved in agriculture as well as commerce. The Tillson dairy, west of Modesto, was noted for its purebred Guernsey cattle.
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 10th day of October, 2000, 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

NOES: Councilmembers: Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
EXHIBIT “A”
This stately house successfully combines colonial and classical elements. The side-facing gable roof features boxed cornices with brackets. Eaves extend part way around the end of the gable. The front corners of the house are trimmed with fluted pilasters. The slightly recessed front entrance is capped by a triangular pediment which is supported by paired round columns. The entry door is framed by a leaded glass fan light and multipane side lights. The exterior of the house is sheathed in shiplap siding, painted white. The carport on the south side echoes the style of the house and is topped with a balcony.
<table>
<thead>
<tr>
<th><strong>Historic Name:</strong></th>
<th>Tillson House</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Common Name:</strong></td>
<td>Tillson House</td>
</tr>
<tr>
<td><strong>Original Use:</strong></td>
<td>Single-Family Residence</td>
</tr>
<tr>
<td><strong>Present Use:</strong></td>
<td>Single-Family Residence</td>
</tr>
<tr>
<td><strong>Architectural Style:</strong></td>
<td>Colonial Revival</td>
</tr>
<tr>
<td><strong>Construction History:</strong></td>
<td>(Construction date, alterations, and date of alterations)</td>
</tr>
</tbody>
</table>

**Moved?** No  Yes  Unknown  Date:  Original Location:  

**Related Features:** Detached garage at rear of property

**Architect unknown**  **Builder unknown**

**Significance:** Theme  Area:  

Period of Significance:  Property Type: Residential  Applicable Criteria:  

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

The original owner of this home was Warren S. Tillson, son of the founder of the Modesto Lumber Company established in 1878. Warren Tillson became the president of this company and remained active in the business until his death in 1948.

The Tillson family was involved in agriculture as well as commerce. The Tillson dairy, west of Modesto, was noted for its purebred Guernsey cattle.

**Additional Resource Attributes:** (List attributes and codes)  

**References:** Melgard/Boer Study April 1984

**Evaluator:** William A. Stewart

**Date of Evaluation:**  

(This space reserved for official comments)

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") is carrying out the Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Redevelopment Project"), and

WHEREAS, the Agency has received a proposed Disposition and Development Agreement (the "DDA") from Valley Tower, LLC, a California limited liability company whose members are John B. Hinchey, an individual, and Roger K. Rempfer (the "Developer"), providing for the acquisition and sale of certain property located within the Redevelopment Project Area (the "Site"), and development of the Site with a multi-story commercial office structure, consisting of subterranean parking, ground floor retail uses, above-ground parking, and a five-story commercial office building located above the above-ground parking, together with appurtenant landscaping improvements and additional on-street parking spaces (the "Office Project"), and

WHEREAS, the Site is currently owned by the City of Modesto (the "City"), and is currently improved with a public parking lot, which will be acquired by the Agency and subsequently sold to the Developer for development and operation of the Office Project, and

WHEREAS, the DDA further provides that the Developer and City will enter into a Parking Agreement whereby, following completion of the Parking Garage to be constructed as a part of the Office Project, the Developer will maintain, manage and operate the Parking Garage as a private parking garage, a portion of the parking spaces within the Parking Garage shall be designated as public parking spaces and available to members of the public (the "Designated Public Parking Spaces"), and the remainder of the parking spaces shall be available for public parking uses as more fully described in the DDA, and

WHEREAS, the DDA provides for, among other things, (a) the acquisition of the Site by the Agency from the City; (b) the subsequent sale of the Site to the Developer pursuant to the DDA; (c) the development of the Office Project as more particularly described in the DDA; and (d) the use and operation of the Parking Garage for public parking uses pursuant to
the Parking Agreement provided for in the DDA, and

WHEREAS, the DDA further provides that, as consideration for conveyance of the Site from the Agency to the Developer, the Developer will construct the Parking Garage and provide public parking spaces within the Parking Garage pursuant to the Parking Agreement, and

WHEREAS, the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.) provides in Section 33431 that any sale or lease of Agency property may be made only after a public hearing of the Agency after publication of notice as provided by law, and

WHEREAS, the Community Redevelopment Law provides in Section 33433 that before any property acquired, in whole or in part, with tax increment monies, is sold or leased for development pursuant to a redevelopment plan, such sale or lease shall first be approved by the legislative body after a public hearing, that notice of the time and place of the hearing shall be published in a newspaper of general circulation in the community for at least two (2) successive weeks prior to the hearing, and that the Agency shall make available for public inspection a copy of the proposed sale or lease and a report containing specified information and the financial aspects of the proposal, and

WHEREAS, pursuant to Section 33445 of the Community Redevelopment Law, the Agency is authorized, with the consent of the City Council, to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure or other improvement which is publicly owned either within or without the Project Area upon a determination by the City Council that such building, facility, structure or other improvement is of benefit to the Project Area or the immediate area in which the Project is located and that no other reasonable means of financing such building, facility, structure or other improvement are available to the community, and

WHEREAS, notice of a joint public hearing by the City Council and the Agency were published in the local newspaper on September 26, 2000 and October 2, 2000; and

WHEREAS, the Agency prepared a report pursuant to Section 33433 of the Health and Safety Code, containing a copy of the DDA and a summary describing the cost of the DDA to the Agency, the value of the property interest to be conveyed, the consideration to be paid by the Developer, and other information required by said Section 33433, and said report was made available to the public for inspection, and

WHEREAS, the City Council and the Agency held a joint public hearing on October 10, 2000, at Tenth Street Place, 1010 Tenth Street, Modesto, California, to consider and act
on the disposition and development of the Site pursuant to the DDA;

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

Section 1. The City Council hereby finds and determines that the sale of the Site to the Developer, and development of the Office Project on the Site pursuant to the DDA will assist in the elimination of blight within the redevelopment project area and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490. This finding is based upon the fact that the Site is being sold and conveyed to the Developer for purposes of development on the Site of the Office Project pursuant to the DDA and in accordance with and in implementation of the Redevelopment Plan. This finding is further based upon the additional facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433.

Section 2. The City Council hereby finds and determines that the consideration for the Site provided for under the DDA is not less than the fair reuse value of the Site at the use and with the covenants and conditions and development costs authorized by the DDA. This finding is based upon the fact that, as consideration for the Site, the Developer will construct the Parking Garage and provide public parking spaces within the Parking Garage pursuant to the Parking Agreement to be entered into between the Developer and the City, as provided for under the DDA. This finding is further based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433.

Section 3. The City Council hereby finds and determines that the payment by the Agency of costs for the acquisition of the Site and the Agency's contribution toward the construction of the Parking Garage, and the public parking uses to be provided within the Parking Garage pursuant to the Parking Agreement, are necessary to effectuate the purposes of the Redevelopment Plan. The City Council further finds and determines that the construction of the Parking Garage and provision of the Designated Public Parking Spaces, and other public use of the Parking Garage, are of primary benefit to the Project Area and the immediate neighborhood in which the project is located, that no other reasonable means of financing the Agency's contribution toward the Parking Garage are available to the community, and that the payment of funds for the acquisition of land and the Agency's contribution toward the Parking Garage will assist in the elimination of one or more blighting conditions inside the Redevelopment Project Area and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490. The foregoing findings and determinations are based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433.
Section 4. The City Council hereby approves the DDA in substantially the form on file with the City Clerk. The City Council further authorizes (a) the sale of the Site from the City to the Agency for a purchase price not to exceed $550,000, and (b) the subsequent sale and conveyance of the Site by the Agency to the Developer pursuant to the terms and conditions set forth in the DDA.

Section 5. The Agency is hereby authorized to execute the DDA on behalf of the Agency, subject to any minor conforming, technical or clarifying changes approved by the Agency Counsel and to take such further actions and execute such documents as are necessary to carry out the DDA on behalf of the Agency, including without limitation (a) cooperate with the City and prepare and execute any documents or agreements determined to be necessary to effectuate the acquisition of the Site from the City as authorized under this Resolution; (b) take all actions and execute such documents as are necessary to effectuate the sale and conveyance of the Site to the Developer, and (c) all other actions and documents necessary for the acquisition, sale, and development of the Site, and the improvements to be developed thereon, in accordance with the DDA.

Section 6. The City Manager and City Clerk are hereby authorized and directed to cooperate with the Agency and prepare and execute any documents or agreements determined to be necessary to effectuate the sale of the Site to the Agency as authorized under this Resolution. The City Manager is further authorized and directed to cooperate with the Agency in the negotiation and preparation of the Parking Agreement provided for under the DDA, which Parking Agreement will be presented to the City Council at a future date for final approval.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2000, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Acting Mayor Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: Fisher, Mayor Sabatino

APPROVED AS TO FORM;

By

MICHAEL D. MILICH, City Attorney

ATTEST: Jean Zahr

JEAN ZAHN, City clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-530

A RESOLUTION FINDING THAT THE PROPOSED VALLEY TOWER MULTI-STORY OFFICE PROJECT AND PARKING GARAGE, TO BE LOCATED AT THE SOUTHWEST CORNER OF 10TH AND H STREETS IN THE CITY OF MODESTO, IS CONSISTENT WITH THE REDEVELOPMENT PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90021233). (HINCHEY-BRAY DEVELOPMENT)

WHEREAS, the City Council of the City of Modesto adopted Ordinance No. 2203-C.S. on July 12, 1983, as amended by Ordinance Nos. 2269-C.S. and 2793-C.S. approving and adopting the Redevelopment Plan for the Modesto Redevelopment Project, and

WHEREAS, the mitigation measures as identified in Council Resolution No. 91-673 and Agency Resolution No. 27-91, adopted on November 5, 1991, making findings as to the Final Environmental Impact Report on the Amended Plan to the Redevelopment Plan are incorporated into the proposed redevelopment of the added areas, and the Modesto City Council adopted the Redevelopment Plan Program Environmental Impact Report ("EIR") (State Clearing House No. 90021233) as being complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Program 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 EIR and whether the subsequent project was described in the EIR as being within the scope of the project, and,
WHEREAS, on September 27, 2000, the City Community Development Department by an Initial Study dated September 27, 2000, reviewed the proposed Valley Tower Office Project (the “project”) to determine if said project might have a significant effect on the environment other than those identified in the Program EIR, and

WHEREAS, on October 10, 2000, the City Council considered approving and authorizing a Disposition and Development Agreement with Hinchey/Bray Development (Valley Tower, LLC) for the development of a multi-story office building and parking garage (the “project”), concurrently with this resolution,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the Disposition and Development Agreement with Hinchey/Bray Development (Valley Tower, LLC) for the development of a multi-story office building and parking garage 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. The project will have no new effects which were not examined in the Redevelopment Plan Program EIR and no new mitigation measures would be required.

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

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

4. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Redevelopment Plan Program EIR was certified as complete, has become available.
5. As per Sections 15168 and 15162 of the CEQA Guidelines, this activity is within the scope of the projects covered by the Redevelopment Plan Program EIR and no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

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. That 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 provides substantial evidence to support findings 1 through 7 above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community and 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 10th day of October, 2000, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Friedman, Frohman, Serpa, Smith

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: Fisher, Mayor Sabatino

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
1. Project title:

2. Hinchey-Bray Disposition and Development Agreement (Valley Towers Office Project)
   Proposed Changes:

2. Lead Agency name and address: City of Modesto, 1010 10th Street, Modesto, CA 95354
   Proposed Changes:

3. Contact person and phone number: Linda Boston, 571-5179
   Proposed Changes:

4. Project location: Southwest corner of 10th and H Streets
   Proposed Changes:
4. Project location, Continued

Proposed Changes: ____________________________ 

5. Project sponsor’s name and address:  
   JBH Real Estate & Development, 3001 Coffee Rd., Suite 4,  
   Modesto, CA  95355  

Proposed Changes: ____________________________ 

6. General plan designation:  Redevelopment Project Area, designation Commercial, Residential, Public 

Proposed Changes: ____________________________ 

7. Zoning:  Commercial, Residential, Public 

Proposed Changes: ____________________________
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

Sale of 31,000 s.f. city-owned lot to the Agency, and subsequently to the Developer, in exchange for 110 replacement parking spaces licensed to the City for a period of at least 55 years. Construction of a 9-story commercial office building, including 10,000 of retail space, and a 410 space parking garage.

Proposed Changes: ____________________________

9. Surrounding land uses and setting; briefly describe the project’s surrounding:

The project is surrounded by one and two story downtown retail uses, a multi-story commercial office building and various publicly owned buildings and parking lots.

Proposed Changes: ____________________________
10. Other public agencies whose approval is required (e.g., permits financing approval, or participation agreement.)

None.

10. Other public agencies whose approval is required, Continued.

Proposed Changes: ______________________________

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

[ X ] Aesthetics          [ ] Agriculture Resources       [ ] Air Quality
[ ] Biological Resources [ X ] Cultural Resources        [ ] Geology/Soils
[ X ] Hazards & Hazardous Materials [ ] Hydrology/Water Quality [ ] Land Use/Planning
[ ] Mineral Resources     [ X ] Noise                     [ ] Population/Housing
[ X ] Public Services     [ ] Recreation                  [ X ] Transportation/Traffic
[ X ] Utilities/Service Systems [ ] Mandatory Findings of Significance

Proposed Changes: ____________________________________________________________

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:
[ ] I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

[ ] I find that although the proposed project could have a significant effect on the environment, there will be not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

[ ] I find that the proposed project MAY have a significant effect on the environment, an ENVIRONMENT IMPACT REPORT is required.

[ ] I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. AN ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

[ X ] I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is requested.

Signature: Philip A. Testa
Date: 9/27/00
Printed Name: Philip A. Testa
For: ________________________________

Proposed Changes: ____________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________
EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operation impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be crossed-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration, Section 15063(c)(3)(d). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environment effects in whatever format is selected.

9) The explanation of each issue should identify:
   a) The significance criteria or threshold, if any, used to evaluate each question; and
   b) The mitigation measure identified, if any, to reduce the impact to less than significance.

Proposed Changes: ____________________________________________
__________________________
__________________________

SAMPLE QUESTION

ISSUES AS COMPARED TO THE ADOPTED REDEVELOPMENT PLAN PROGRAM EIR

(SCH # 90021233)

I. AESTHETICS—would the project:

   a) Have a substantial adverse effect on a scenic vista? [ ] [ ] [ ] [ x ]

   b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? [ ] [ ] [ x ]

   c) Substantially degrade the existing visual character or quality of the site and its surroundings? [ ] [ ] [ x ]

   d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? [ ] [ ] [ x ]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.2-1. The new building and garage will compliment the existing multi-story office building located immediately adjacent to the project site.
II. AGRICULTURE RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

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<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact</th>
<th>With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td>[ ]</td>
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<tr>
<td>b) Conflict with existing zoning for agricultural use, or a</td>
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Williamson Act contract?

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

The project is located in the downtown urban core area of the City, away from agricultural areas.

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<th>Proposed Changes:</th>
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<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>III. AIR QUALITY</td>
<td>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</td>
<td></td>
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<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>[ ] [ ] [ ] [X]</td>
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<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
<td>[ ] [ ] [ ] [X]</td>
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<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
<td>[ ] [ ] [ ] [X]</td>
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</table>
d) Expose sensitive receptors to substantial pollutant concentrations? [ ] [ ] [ ] [ ] [ x ]

e) Create objectionable odors affecting a substantial number of people? [ ] [ ] [ ] [ ] [ x ]

**No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.4-1.**

Proposed Changes: __________________________________________
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<th>Issues</th>
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<th>Less Than Significant With Mitigation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tr>
<td>IV. BIOLOGICAL RESOURCES – Would the project:</td>
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<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ x ]</td>
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<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
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<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
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Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filing, hydrological interruption, or other means?

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

d  

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

e  

f) Conflict with the provisions of an adopted Habitat Conversation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

f  

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.6-1. The project is located within the urban core area of the City and is considerably distant from any sensitive natural habitats.

Proposed Changes: ____________________________________________

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________

Potentially Significant Impact  Less Than Significant Impact  Less Than Significant Impact  No Impact

V. CULTURAL RESOURCES – Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

a  

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

b  

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

c  

11
d) Disturb any human remains, including those interred outside of formal cemeteries?  

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.10-1. The project site is not located near any known paleontological resources, geological features, nor cultural resources. The project will provide parking for the proposed Modesto Performing Arts Center.

Proposed Changes: ____________________________________________________________  

_________________________________________  

_________________________________________  

_________________________________________  

_________________________________________  

_________________________________________  

VI. GEOLOGY AND SOILS – Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.  

[ ] [ ] [ ] [ x ]

ii) Strong seismic ground shaking?  

[ ] [ ] [ ] [ x ]

iii) Seismic-related ground failure, including liquefaction?  

[ ] [ ] [ ] [ x ]

iv) Landslides?  

[ ] [ ] [ ] [ x ]

VI. GEOLOGY AND SOILS, Continued:

<table>
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<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td>[ ]</td>
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<tr>
<td>c) Be located on a geologic unit or soil that is unstable, or</td>
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that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d) Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.7-1.

Proposed Changes:

VII. HAZARDS AND HAZARDOUS MATERIALS -

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

VII. HAZARDS AND HAZARDOUS MATERIALS, Continued:
c) Emit hazardous emissions or handle hazardous with acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? [ ] [ ] [ ] [x ]

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? [ ] [ ] [ ] [ x ]

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? [ ] [ ] [ ] [ x ]

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? [ ] [ ] [ ] [ x ]

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? [ ] [ ] [ ] [ x ]

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? [ ] [ ] [ ] [ x ]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.8-5. The project will comply with state and federal agencies with regard to contaminated soils. Hazardous materials soils testing will take place on site as a precondition to construction of the project.

Proposed Changes: ________________________________________________________________
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<th>Less Than Significant Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
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<tr>
<td>VIII. HYDROLOGY AND WATER QUALITY – Would the project:</td>
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<tr>
<td>a) Violate any water quality standards or waste discharge</td>
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<tr>
<td>requirements.</td>
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<td>b) Substantially deplete groundwater supplies or interfere</td>
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<td>substantially with groundwater recharge such that there would be</td>
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<td>a net deficit in aquifer volume or a lowering of the local</td>
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<td>groundwater table level (e.g., the production rate of pre-existing</td>
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<td>nearby wells would drop to a level which would not support</td>
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<td>existing land uses or planned uses for which permits have been</td>
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<td>granted)?</td>
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<tr>
<td>c) Substantially alter the existing drainage pattern of the site</td>
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<td>or area, including through the alteration of the course of a</td>
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<td>stream or river, in a manner which would result in</td>
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<td>substantial erosion or siltation on – or off-site?</td>
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<tr>
<td>d) Substantially alter the existing drainage pattern of the site</td>
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<td>or area, including through the alteration of the course of a stream</td>
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<tr>
<td>or river, or substantially increase the rate or amount of surface</td>
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<tr>
<td>runoff in a manner which would result in flooding on – or off-site?</td>
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<tr>
<td>e) Create or contribute runoff water which would exceed the</td>
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<td>[ X ]</td>
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<tr>
<td>capacity of existing or planned stormwater drainage systems or</td>
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<tr>
<td>provide substantial additional sources of polluted runoff?</td>
<td></td>
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<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>a federal Flood Hazard Boundary or Flood Insurance Rate Map or other</td>
<td></td>
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<tr>
<td>flood hazard delineation map?</td>
<td></td>
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<tr>
<td>h) Place within a 100-year flood hazard area structures which</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>would impede or redirect flood flows?</td>
<td></td>
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<tr>
<td>i) Expose people or structures to a significant risk of loss,</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>injury or death involving flooding, including flooding as a result</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>of the failure of a levee or dam?</td>
<td></td>
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</tbody>
</table>

VIII. HYDROLOGY AND WATER QUALITY. Continued:
j) Inundation by seiche, tsunami, or mudflow?

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.8-1.

Proposed Changes: __________________________________________

________________________________________

________________________________________

________________________________________

________________________________________

IX. LAND USE AND PLANNING – Would the project:

a)Physically divide an established community? [ ] [ ] [ ] [ x ]

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? [ ] [ ] [ ] [ x ]

c) Conflict with any applicable habitat conservation plan or natural community conservation plan? [ ] [ ] [ ] [ x ]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see section 3.1-1. The project is consistent with the land uses set forth in the approved Redevelopment Area Master Plan.

Proposed Changes: __________________________________________

________________________________________

________________________________________

________________________________________

________________________________________
X. **MINERAL RESOURCES** – Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

\[ \square \quad \square \quad \square \quad [ \times ] \]

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use pan?

\[ \square \quad \square \quad [ \times ] \]

No impacts beyond those identified in the Redevelopment Plan Program EIR. There are no known mineral resources on or near the project site.

Proposed Changes: ______________________________________

_____________________________________________________

_____________________________________________________

_____________________________________________________

XI. **NOISE** – Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

\[ \square \quad [ \times ] \quad \square \quad \square \]

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

\[ \square \quad [ \times ] \quad \square \quad \square \]

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

\[ \square \quad [ \times ] \quad \square \quad \square \]

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels

\[ \square \quad [ \times ] \quad \square \quad \square \]
existing without the project?

XI. NOISE, Continued:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ x ]</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ x ]</td>
</tr>
</tbody>
</table>

No impacts beyond those identified in the Redevelopment Plan Program EIR, see sections 3.5-1. The project is a commercial office building, retail uses, and a parking garage.

Proposed Changes: ____________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

XII. POPULATION AND HOUSING — Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | [ ]                           | [ ]                                              | [ ]                           | [ x ]     |

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | [ ]                           | [ ]                                              | [ ]                           | [ x ]     |

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | [ ]                           | [ ]                                              | [ ]                           | [ x]      |

No impacts beyond those identified in the Redevelopment Plan Program EIR. The project will substantially induce residential growth.

Proposed Changes: ____________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________
XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- Fire Protection? [ ] [ ] [ ] [ x ]
- Police protection [ ] [ ] [ ] [ x ]
- Schools [ ] [ ] [ ] [ x ]
- Parks [ ] [ ] [ ] [ x ]
- Other public facilities? [ ] [ ] [ ] [ x ]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see sections 3.9-5 to 8.

Proposed Changes: ____________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

XIV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational [ ] [ ] [ ] [ x ]
facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?

No impacts beyond those identified in the Redevelopment Plan Program EIR

XIV. RECREATION, Continued:

Proposed Changes: ___________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>XV. TRANSPORTATION/TRAFFIC - Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ x ]</td>
</tr>
<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ x ]</td>
</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ x ]</td>
</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ x ]</td>
</tr>
<tr>
<td>e) Result in inadequate emergency access?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ x ]</td>
</tr>
</tbody>
</table>
f) Result in inadequate parking capacity? [ ] [ ] [ ] [x]
g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? [ ] [ ] [ ] [x]

No traffic impacts beyond those identified in the Redevelopment Plan Program EIR, see sections 3.3-1.

XV. TRANSPORTATION/TRAFFIC, Continued:

Proposed Changes: ______________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[x]</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effect?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[x]</td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effect?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[x]</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[x]</td>
</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[x]</td>
</tr>
</tbody>
</table>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

[ ] [ ] [ ] x

No utility and service system impacts beyond those identified in the Redevelopment Plan Program EIR, see sections 3.9-1.

XVI. UTILITIES AND SERVICE SYSTEMS, Continued

Proposed Changes: ____________________________

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

[ ] [ ] [ ] [ x ]

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effect of other current projects, and the effects of probable future projects).

[ ] [ ] [ ] [ x ]

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

[ ] [ ] [ ] [ x ]

Proposed Changes: ____________________________
E.A. RESOLUTION

2  Clerk
1  Attorney
1  CDD - Construction Administration
1  CDD - Attention: Phil Testa
1  CDD - Brian Smith
1  CDD - Linda Boston
A RESOLUTION ACCEPTING THE PROJECT TITLED "MAZE BOULEVARD SIDEWALK" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Maze Boulevard Sidewalk, has been completed by 7/11 Material Inc., in accordance with the contract agreement dated September 28, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Maze Boulevard Sidewalk be accepted from said contractor, 7/11 Material Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $30,692.95 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 17th day of October, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-532

A RESOLUTION ACCEPTING THE PROJECT TITLED “ANNUAL SUNKEN SIDEWALK AT ROCKWELLS 99/00” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Annual Sunken Sidewalk at Rockwells 99/00, has been completed by 7/11 Material Inc., in accordance with the contract agreement dated October 12, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Annual Sunken Sidewalk at Rockwells 99/00 be accepted from said contractor, 7/11 Material Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $100,771.23 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 17th day of October, 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 AUTHORIZING THE PURCHASE OF MOBILE DATA COMPUTERS FROM LITTON INDUSTRIES UP TO A TOTAL OF $700,000 OVER THE NEXT TWO YEARS

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the purchase of mobile data computers for a not to exceed price of $700,000 over the next two years is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 2000, 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: Jihan Zahr, City Clerk
A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO FUND THE PURCHASE OF MOBILE DATA COMPUTERS

WHEREAS, the replacement of the mobile data computers is a part of the migration from the antiquated Wang records management system to the new H.T.E. records management system;

WHEREAS, funding for the purchases is provided by grant revenue connected with the 1998 COPS MORE and 1999 and 2000 Local Law Enforcement Block Grants.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

Expense:
To: #0400-190-1980-5900 $700,000

Revenue:
To: #0400-190-1980-3502 $200,000
#0400-190-1980-3506 $500,000

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 October, 2000, 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WASTE MANAGEMENT DBA MODESTO DISPOSAL FOR PRUNED REFUSE RECEIVING AND TRANSFER SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Waste Management dba Modesto Disposal for pruned refuse receiving and transfer 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 17th day of October, 2000, 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: [Signature]

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-536

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GILTON RESOURCE RECOVERY FOR PRUNED REFUSE RECEIVING AND TRANSFER SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gilton Resource Recovery for pruned refuse receiving and transfer 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 17th day of October, 2000, 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: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-537

A RESOLUTION OF INTENTION OF THE MODESTO CITY COUNCIL TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 2000-2, AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE PROPOSED DISTRICT (COFFEE-CLARATINA)

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

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

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

WHEREAS, there have been submitted to the Council proposed local goals and policies concerning the use of the Act,
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that:

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

SECTION 2. A community facilities district is proposed to be established under the terms of the Act. The name proposed for the community facilities district is "Community Facilities District No. 2000-2" and is referred to in this resolution as the District.
SECTION 3.

(1) The boundaries of the District are shown on a map entitled "Proposed Boundaries of CFD District No. 2000-2, City of Modesto, County of Stanislaus, State of California", a copy of which is attached hereto as Exhibit "B". Pursuant to Sections 3110 and 3111 of the California Streets and Highways Code, the City Clerk shall certify on the original and one copy of the map evidencing the date and adoption of this resolution, file the original in the City Clerk's office, and within fifteen (15) days after the adoption of this resolution and not later than fifteen (15) days prior to the date of the public hearing referred to in Section 7, file a copy of the map with the County Recorder of the County of Stanislaus.

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

SECTION 4.

(1) The Services proposed to be financed by the District are more particularly 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 proposed Services are governmental services which a local public agency is authorized by law to provide to the extent that they are in addition to those provided in the territory of the District, before the District was created.
SECTION 5. The Council determines that the public interest will not be served by allowing property owners to enter into a contract in accordance with subdivision (c) of Section 53329.5 of the Act.

SECTION 6.

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

(2) As permitted by Section 53325.3 of the Act, the special tax as apportioned to each parcel pursuant to Exhibit “C” is based on the cost of making authorized Services available to each parcel in the District and not on the ownership of real property.
SECTION 7. A public hearing on the establishment of the District and the proposed rate, method of apportionment, and manner of collection of the special tax shall be held at 5:15 p.m., or as soon thereafter as practicable, on Tuesday, November 28, 2000, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than thirty (30) or more than sixty (60) days following the adoption hereof.

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

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

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

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

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

SECTION 9. At the time and place set forth in this resolution for the public hearing, any interested persons, including taxpayers, property owners and registered
voters residing within the boundaries of the proposed District, may appear and be heard, and the testimony of all interested persons for or against the establishment of the District, the extent of the District, the furnishing of the Services, or the proposed rate, method of apportionment and manner of collection of the special tax will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 10. The City Clerk is directed to publish a notice (hereinafter the "Notice") of the hearing described in Section 7, in the form required by the Act, not later than seven (7) days prior thereto, in a newspaper of general circulation published in the area of the district, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code.

SECTION 11. The City Clerk may also send a copy of the Notice of the hearing not later than fifteen (15) days prior thereto, by first-class United Stated mail, postage prepaid, to each registered voter and to each landowner within the proposed District. The content of the mailed Notice shall be as nearly as practicable identical to the content of the published Notice.
SECTION 12.

(1) If fifty (50%) percent or more of the registered voters, or six (6) registered voters, whichever is more, residing within the territory proposed to be included in the District, or the owners of one-half (1/2) or more of the area of the land in the territory proposed to be included in the District and not exempt from the special tax, file written protests against the establishment of the District, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to create the District, or to levy the specified special tax, shall be taken for a period of one (1) year from the date of the decision of the Council.

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

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

SECTION 13.

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

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

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

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

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

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

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

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

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

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 2000, by Councilmember ________, who moved its adoption, which motion being duly seconded by Councilmember ________, 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

By ____________
MICHAEL D. MILICH, City Attorney

10/11/00
EXHIBIT "A"

Services To Be Financed by District

- Maintenance of median, bikeway, round-about and miscellaneous planting areas
- Maintenance and repair of a storm drain basin
- Maintenance and repair of a dual-use flood control/recreation facility
EXHIBIT "B"

Proposed Boundaries for
Community Facilities District No. 2000-2
(Coffee-Claratina)
COFFEE-CLARATINA CFD NO. 2000-2

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

APN: 082-10-02

APN: 05-50-01

APN: 002-08-15

APN: 082-08-19

APN: 082-08-22

APN: 082-08-21

APN: 082-08-16

10.81 ACRES

HOUSE E. W. 837

HOUSE S. W. 4853.14

SCALE = 200'

GRAPHIC SCALE

1 inch = 200 ft.

LINE TABLE

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COFFEE-CLARATINA CFD NO. 2000-2

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

PARCEL "A"
APN: 082-10-06
16.28 ACRES
24 - PM - 18

PARCEL "B"
APN: 082-10-06
17.96 ACRES
37 - PM - 43

PARCEL "A"
APN: 082-08-15
10.00 ACRES
49 - PM - 00

GRAPHIC SCALE

LEGAL SCALE

 Signature of City Clerk

Signature of County Recorder

BASIS OF BEARINGS:
The Survey of this Map was made from Surveyor's Notes by R.A. Mathews, Surveyor, and was
revised and plotted by the Surveyor of the City of Modesto, under the direction of R.A. Mathews,
Surveyor, and filed with the County Clerk of Stanislaus County. The Scale is not true to the Scale of the Map.

(Notes and signatures on the map)
EXHIBIT “C”

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

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

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

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

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

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

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

“City” means the City of Modesto.

“City Council” means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2000-2.
“Developed Property” means, in any Fiscal Year, all Taxable Property for which a final building permit inspection was conducted or a certificate of occupancy issued prior to June 1 of the preceding Fiscal Year.

“District Administrator” means the individual(s) designated by the City Council to administer the CFD in accordance with the authority and powers granted by the City Council to said individual(s).

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

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

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

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

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

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

“Undeveloped Property” means, in any Fiscal Year, all Taxable Property that is not Developed Property.
B. **CATEGORIZATION OF PARCELS**

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

C. **MAXIMUM ANNUAL SPECIAL TAX**

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

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

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

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

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

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

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

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

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

**Step 2.** Divide the net developable acres within the annexation area by the sum determined in Step 1 to determine the annexing property’s share of the total net developable acreage within the CFD;

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

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

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

G. ENFORCEMENT

If any delinquent Annual Special Taxes are billed off the County tax roll, such Annual Special Taxes shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent special taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and 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.
A RESOLUTION ACCEPTING IMPROVEMENTS IN ROSE LANE NO. 6 SUBDIVISION, AND ACCEPTING THE STORM DRAIN BASIN, LOCATED IN THE NORTH BEYER PARK SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, Florsheim Brothers, a California General Partnership by Florsheim Properties, a California Corporation, subdividers of Rose Lane No. 6 subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of $320,300 and $160,150 respectively to guarantee improvements in Rose Lane No. 6 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 Rose Lane No. 6 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $320,300 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 $160,150 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 17th day of October, 2000, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-539

A RESOLUTION ACCEPTING A REPORT ENTITLED “LEGISLATIVE PROCESS REVIEW” PREPARED BY MANAGEMENT PARTNERS, INC., AND DIRECTING STAFF.

WHEREAS, by Resolution 2000-306, adopted by the Council on June 13, 2000, the City Council approved an agreement with Management Partners, Inc., for consultant services relating to a review of the City’s legislative process, and

WHEREAS, Management Partners, Inc., conducted a review of City legislative practices and policies and performed a comparison with best practices in other comparable cities, and

WHEREAS, Management Partners, Inc., prepared a report entitled “Legislative Process Review”, which articulates the findings of their review and makes recommendation for system enhancement, and

WHEREAS, said report was submitted to the City Council for review,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the “Legislative Process Report” prepared by Management Partners, Inc.

BE IT FURTHER RESOLVED by the Council that it hereby directs the City Manager to require departments to prepare and submit any staff recommended Council Resolutions and Ordinances as attachments to staff reports effective January 1, 2001.

BE IT FURTHER RESOLVED by the Council that it hereby refers the “Legislative Process Report” and its accompanying recommendations to the City Manager and
hereby directs the City Manager to schedule a Council Workshop for the purpose of considering and acting on each of the recommendations contained in said report.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 2000, 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
ACCEPTING REPORT
& DIRECTING STAFF

2 Clerk
1 Attorney
1 Each Department Head
A RESOLUTION APPOINTING CHARLES CHITURAS, BRAD PITTS, AND CAROLINE MITTON TO THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT COMMITTEE, EACH WITH AN EXPIRATION DATE OF JANUARY 1, 2005

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. Charles Chituras, Brad Pitts, and Caroline Mitton are hereby appointed to the Citizens Housing & Community Development Committee, each 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 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 17th day of October, 2000, 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
MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-541

A RESOLUTION APPOINTING STEVEN BARBIERI, M. DAVID LOPEZ, ALAN STRAUSS, AND LEE STURGILL TO THE COMMUNITY QUALITIES FORUM, EACH WITH AN EXPIRATION DATE OF JANUARY 1, 2005

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. Steven Barbieri, M. David Lopez, Alan Strauss, and Lee Sturgill are hereby appointed to the Community Qualities Forum, each 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 17th day of October, 2000, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-542

A RESOLUTION APPOINTING KENT FAULKNER TO THE CULTURE COMMISSION, WITH AN EXPIRATION DATE OF JANUARY 1, 2004

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 Faulkner is hereby appointed to the Culture Commission, with a term expiration of January 1, 2004.

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 17th day of October, 2000, 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]

JHAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-543

A RESOLUTION ACCEPTING THE BID OF J.W. EBERT CORP. FOR THE
OUTFALL REHABILITATION – PHASE 1 PROJECT FOR $763,000

WHEREAS, the bids received for the outfall rehabilitation – Phase 1 project
opened at 11:00 a.m. on October 3, 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 J. W. Ebert Corp. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the bid of $763,600 from J. W. Ebert Corp. 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 October, 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
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-544

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE RIGHT-OF
ENTRY AGREEMENTS WITH OWNERS OF THREE PARCELS TO PROVIDE
ACCESS WHERE THE SEWER OUTFALL LINE EXTENDS UNDER THEIR
PROPERTIES

BE IT RESOLVED by the Council of the City of Modesto that the Right of Entry
agreements between the City of Modesto and Marjorie Hughes, Glen N. Chaney, Sr. and
Grace A. Souza, be, and they are hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreements by the City
Manager or his authorized designee 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 October, 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
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-545

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING PREFABRICATED RESTROOMS

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 bids for furnishing prefabricated restrooms, to be opened in the office of the City Clerk, 1010 10th Street, in the City of Modesto, on November 14, 2000, 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 24th day of October, 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
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-546

A RESOLUTION DECLARING A 1977 OSHKOSH MODEL M-1500 CRASH/RESCUE TRUCK AS SURPLUS PROPERTY, AND AUTHORIZING THE SALE OF SAID TRUCK.

WHEREAS, the 1977 Oshkosh Model M-1500 crash/rescue truck which the City possesses has been placed in reserve status as parts are extremely difficult to obtain and maintenance is quite costly, and

WHEREAS, the 1977 Oshkosh Model M-1500 crash/rescue truck no longer meets the index rating required by the Federal Aviation Administration, and

WHEREAS, the City of Modesto has purchased a new crash/rescue truck, and

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

WHEREAS, by an Agenda Report dated October 13, 2000, City staff has recommended declaring surplus said 1977 Oshkosh Model M-1500 crash/rescue truck, and has recommended that said truck be sold,

WHEREAS, City staff has recommended that said property could best be sold on a sealed bid basis, however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates, and

WHEREAS, the Council considered staff's recommendation on October 24, 2000, at its City Council meeting,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The 1977 Oshkosh Model M-1500 crash/rescue truck is hereby declared to be surplus to the City's needs.

SECTION 2. The City Manager or his authorized representative is hereby authorized and directed to sell on a sealed bid basis to the highest bidder said surplus truck.

SECTION 3. The City Manager is hereby authorized to select a representative for the purpose of conducting the sale described herein.

SECTION 4. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered between the City and Roger Ernst and Associates on October 4, 1988, and which was approved by Council Resolution No. 88-757. Said agreement provides that auctioneer services shall be furnished by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale.

SECTION 5. The City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale, and that the list of the items to be offered for sale can be inspected in the Office of the City Clerk.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-547

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF THREE USED BUSES FROM TRANSIT SALES INTERNATIONAL FOR THE TOTAL COST OF $106,301.25

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for three used buses from Transit Sales International are hereby waived.

BE IT FURTHER RESOLVED that the purchase of three used buses from Transit Sales International for $106,301.25 and the execution of a 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 24th day of October, 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
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-548

A RESOLUTION APPROVING THE FINAL MAP OF CHATEAU MAISON SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, WESTERN PACIFIC HOUSING - WINDSOR POINTE, LLC, a Delaware limited liability company, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 11.75 acres, known as CHATEAU MAISON ("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 March, 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 CHATEAU MAISON 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 24th day of October, 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
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. 2000-549

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT AND RELATED DOCUMENTS WITH DESARROLLO-LATINO-AMERICANO, A NOT FOR PROFIT AGENCY, TO TRANSFER FOUR LOTS PURCHASED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO THE DESARROLLO-LATINO-AMERICANO

BE IT RESOLVED by the Council of the City of Modesto that the agreement and between the City of Modesto and Desarrollo-Latino-Americano to transfer four lots purchased with Community Development Block Grant funds, be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement and other related documents by the City Manager or his authorized designee 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 October, 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
JEAN ZAHR, City Clerk
A RESOLUTION APPROVING A LEASE AGREEMENT WITH TARA FAIRBAIRN FOR LEASE OF THE CARETAKER’S RESIDENCE, A CITY-OWNED PROPERTY AT 801 N. MC CLURE ROAD, LOCATED ADJACENT TO THE MC CLURE HOUSE

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Tara Fairbairn for the lease of the caretaker’s residence, at 801 North McClure Road, located adjacent to the McClure House, be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee 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 October, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-551

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF KENNETH D. SHIREMAN FROM THE COMMUNITY QUALITIES FORUM, EFFECTIVE OCTOBER 24, 2000

WHEREAS, Kenneth D. Shireman was appointed a member of Community Qualities Forum on March 9, 1999; and

WHEREAS, Kenneth D. Shireman has tendered his resignation from the Community Qualities Forum, effective October 24, 2000; and

WHEREAS, Kenneth D. Shireman 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 Kenneth D. Shireman from the Community Qualities Forum be, and is hereby 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 Kenneth D. Shireman 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 24th day of October, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-552

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT A CALIFORNIA "TREES FOR THE MILLENNIUM" INITIATIVE GRANT APPLICATION AND SUBSEQUENT AGREEMENTS WITH THE STATE DEPARTMENT OF FORESTRY AND FIRE PROTECTION FOR THE FOLLOWING PROJECT: PLANT AND CARE FOR APPROXIMATELY 600-800 TREES WITHIN CITY BOUNDARIES OF MODESTO ALONG STATE ROUTE 99.

WHEREAS, the Governor of the State of California, in cooperation with the California State Legislature, has enacted the California Trees for the Millennium Initiative funds for 1999, which provides to the State of California and its political subdivisions urban forestry programs, and

WHEREAS, the State Department of Forestry and Fire Protection has been delegated the responsibility for the administration of the program within the State of California, setting up necessary procedures governing application by local agencies and non-profit organizations under the program, and

WHEREAS, said procedures established by the State Department of Forestry and Fire Protection require the applicant, City of Modesto, to certify by resolution the approval of application before submission of said application to the State, and

WHEREAS, the City of Modesto will enter into an agreement with the State of California to carry out the tree planting project, as follows: Plant and care for approximately 600-800 trees within City boundaries of Modesto along State Route 99.

1/5/00
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. That the filing of the "Trees for the Millennium" Initiative grant application with the State Department of Forestry and Fire Protection for grant funding in the amount of $50,000, to plant and care for approximately 600-800 trees within the city limits along State Route 99, is hereby approved.

2. The Council hereby certifies that it has or will have sufficient funds to operate and maintain said project.

3. The Council hereby certifies that funds under the jurisdiction of the City of Modesto are available to begin said project.

4. The Council hereby certifies that the City of Modesto will expend grant funds prior to March 1, 2003.

5. The Council hereby authorizes the City Manager of the City of Modesto or his authorized designee to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments, payment requests, and other related documents, which may be necessary for the completion of said project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the _24th_ day of ___October___, 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

APPROVED AS TO FORM:

By __Michael D. Milich__, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-553

A RESOLUTION REVISIONG 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 AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

Public Information Technician

Assistant Traffic Engineer

The specifications for the classifications of Public Information Technician (Range 419), as shown on the attached Exhibit "A", and Assistant Traffic Engineer (Range 434), as shown on the attached Exhibit "B", 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. EFFECTIVE DATE. This resolution shall become effective on and after October 24, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 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
JEAN ZAHR, City Clerk
(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
PUBLIC INFORMATION TECHNICIAN

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 and coordinate technical work in the area of internal and external communications, marketing and public information including writing, graphics, video presentations and internet website development.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from appropriate management 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 implement methods and materials to promote department and/or citywide special events and activities.
- Assist in planning and coordinating public events, publications, and marketing programs.
- Respond to citizens, community groups, department staff and new media requests for information as directed including preparation of press releases and press conferences/briefings.
- Write, edit and distribute news releases and other required materials in clear, concise and accurate language.
- Compose and type letters, columns and articles; submit articles and photographs for specialty publications.
- Plan and present training to department staff relating to communications, media materials, city image, and customer service.
- Create communications using art, photography and layout for brochures, booklets, reports, institutional advertisements and periodical publications.

EXHIBIT “A”
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – (Continued)

Essential Functions:

Plan and coordinate video presentation projects using story-boarding and script-writing techniques.

Coordinate specialized printing within the department and outside printing shops.

Develop and coordinate Internet/Intranet websites.

Conduct surveys and analyze results.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

City programs, policies and procedures.

Public information and community relations program development and implementation.

Effective methods of preparation and presentation of facts and information for and to the public and the media, including formatting of materials for publications and news releases.

Statistical methods of graphic representation.

Operations and functioning of local media such as newspaper, radio and television.

Pertinent Federal, State and local laws, codes and regulations.

State and City regulations relating to information releasability.
QUALIFICATIONS (Continued)

Ability to:

Understand and carry out oral and written instructions.

Learn and apply departmental and citywide policies.

Maintain routine positive working relationships with various members of the media and City staff.

Communicate effectively, both orally and in writing.

Prepare accurate and grammatically correct written reports.

Compose and type news releases, newsletters and bulletins.

Write, edit, design and photograph.

Use computer graphic systems and software to automate and create publications and communications.

Understand concepts relating to marketing and public information.

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 experience in public information, communications, graphics, or journalism.

Training:

Equivalent to an Associate's Degree from an accredited college or university with major course work in public relations, communications, journalism, multi-media or a related field.
License or Certificate:

Possession of an appropriate, valid California Driver's License.

WORKING CONDITIONS

Environmental Conditions:

Office and field environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time and travel from site to site.
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 professional and technical engineering work in assigned areas of responsibility such as field and office research, analysis and records maintenance; design and modify traffic control devices; develop recommendations for coordinating traffic improvement projects; perform related work as assigned.

DISTINGUISHING CHARACTERISTICS

Junior Traffic Engineer - This is the entry level class in the Traffic Engineer series, and as such may be assigned to assist with the design and planning of projects in all areas of traffic engineering services. Incumbents are expected to work initially under close supervision, but as experience is gained, to carry out assignments of progressively increasing difficulty with greater independence. Work assignments are usually performed under the supervision of a higher level engineering staff.

This class is distinguished from the next higher level of Assistant Traffic Engineer in that the latter operates with greater independence and performs engineering work of greater complexity.

Assistant Traffic Engineer - This is the second level in the Traffic Engineer series. Incumbents in this class are expected to perform a wide variety of professional traffic engineering work of average difficulty. Assistant Traffic Engineers carry out assignments with independent judgment and discretion. Incumbents may be assigned various tasks within a project area. Incumbents usually work under the supervision of higher level engineering staff.

This class is distinguished from the Associate level of Traffic Engineer in that the latter is a registered professional engineer, and as such has responsible charge for an engineering project.

EXHIBIT "B"
SUPERVISION RECEIVED AND EXERCISED

Junior Traffic Engineer - Receives general supervision from higher level engineering staff.

Assistant Civil Engineer - Receives general supervision from higher level engineering staff. May exercise functional and technical supervision over assigned engineering staff.

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

Essential Functions:

- Researches, recommends, and implements traffic control and transportation policies and procedures.
- Responds to citizen complaints and public requests for traffic control device changes; evaluates requests and prepares recommendations and necessary correspondence.
- Tracks accidents within the City to identify potentially hazardous situations; recommends changes to improve traffic safety.
- Conducts hazardous location analysis, traffic studies, and prepares reports on traffic control issues for review by the higher level engineering staff.
- Prepares plans, specifications and cost estimates for traffic signal projects.
- Programs and operates the City's computerized traffic signal master controller.
- Provides engineering data and cost estimates for the City operating budget and Capital Improvement Program.
- Evaluates traffic flow within the City; conducts traffic engineering studies and surveys.
- Provides advice and technical assistance to staff and the public on traffic control and transportation planning matters.
- Confers with a variety of public and private officials on related issues and may serve as the City's representative to other governmental agencies.
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS: (Continued)

Essential Functions:

Reviews engineering plans prepared by other agencies and/or consultants, and prepares comments and recommendations.

Designs channelization and other traffic control plans and oversees the installation of the more difficult plans.

Marginal Functions:

Performs related duties as assigned.

IN ADDITION TO THE ESSENTIAL AND MARGINAL FUNCTIONS FOR JUNIOR TRAFFIC ENGINEER, THE ASSISTANT TRAFFIC ENGINEER REQUIRES:

Plans, organizes, and supervises the work of staff in the Traffic Paint Division, Traffic Sign Division, Parking Lot/Bus Shelter Maintenance Division, and the validated parking lot operations.

Recommends and assists in the implementation of goals and objectives; establishes schedules and methods for assigned repair and maintenance; implements policies and procedures.

Participates in budget preparation and administration; prepares cost estimates for budget recommendations; submits justifications for budget items; monitors and controls expenditures.

Maintains time, material, and equipment use records.

Performs complex engineering calculations.

QUALIFICATIONS

Junior Traffic Engineer

Knowledge of:

Statistics and engineering mathematics, including algebra and analytic geometry.
Qualifications – (Continued)

Junior Traffic Engineer

Knowledge of:

Principles and practices of traffic and highway engineering, including highway capacity analysis.

Traffic engineering design and drafting methods and equipment.

Methods and techniques of field data collection, tabulation, and analysis.

Applicable traffic and zoning codes, ordinances, state, and federal laws and guidelines.

Microcomputer applications related to traffic engineering analysis.

Operation and maintenance of traffic control devices and equipment.

IN ADDITION TO THE KNOWLEDGE FOR JUNIOR TRAFFIC ENGINEER, THE ASSISTANT TRAFFIC ENGINEER REQUIRES:

Knowledge of:

Equipment, materials, methods, and tools used in the maintenance and repair of parking facilities, parking meters, traffic signs, and traffic painting and striping.

Elements of agreements for the use of privately owned land for the operation of parking facilities.

Procedures and requirements used in preparing Federal and State grant applications, and preparing grant reports.

Junior Traffic Engineer

Ability to:

Prepare clear, concise, and accurate reports, records, and correspondence; communicate clearly and concisely, both in writing as well as orally.
Qualifications – (Continued)

Junior Traffic Engineer:

Ability to:

Apply engineering principles and techniques to evaluate and solve simple to difficult traffic engineering problems.

Make complex engineering computations and to check, design, and prepare engineering plans, studies, profiles, and maps.

Establish and maintain effective working relationships with all levels of representatives from governmental and private agencies, constructions and consultant contractors, co-workers, and the public.

Use and maintain Computer Assisted Design and Drafting systems.

IN ADDITION TO THE ABILITIES FOR JUNIOR TRAFFIC ENGINEER, THE ASSISTANT TRAFFIC ENGINEER REQUIRES:

Ability to:

Perform technical research.

Prepare and present recommendations.

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

Prepare, understand, and interpret traffic engineering plans, specifications, and other contract documents.

Assist in supervising a municipal bus system.

Assist in preparing and administering a budget.

Use computer software such as SOAP, PASSER, Transit, and Netsim.
EXPERIENCE AND TRAINING GUIDELINES:

Any combination equivalent to experience and education that could likely provide the required knowledge and abilities would be qualifying. A typical way to obtain the knowledge and abilities would be:

JUNIOR TRAFFIC ENGINEER

Experience:
None required.

Education:
Equivalent to a Bachelor's Degree from an accredited college or university, with major course work in civil traffic engineering, OR possession of a valid certificate as Engineer-in-Training issued by any State Board of Registration approved by the National Council of Engineering Examiners (NCEE).

License or Certificate:
Possession of, or the ability to obtain, a valid California driver's license.

ASSISTANT TRAFFIC ENGINEER

Experience:
One year of directly related engineering experience.

Education:
Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil and/or traffic engineering or a related field.

License or Certificate:
Possession of, or the ability to obtain, a valid California driver's license.
WORKING CONDITIONS

Environmental Conditions:
Office and field environment; travel from site to site.

Physical Conditions:
Essential and marginal functions may require maintaining physical condition necessary for walking or standing or sitting for prolonged periods of time; operating motorized vehicles, and sitting at a computer screen.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-554

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 ASSISTANT CITY CLERK.

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

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 October 24, 2000", 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 Assistant City Clerk from Range 424 to Range 427.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 24, 2000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
<table>
<thead>
<tr>
<th>RANGE</th>
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<tbody>
<tr>
<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
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<tr>
<td>408</td>
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<td>409</td>
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<td>411</td>
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</tr>
<tr>
<td>412</td>
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</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 |
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<tr>
<td>422</td>
<td>Office Supervisor</td>
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<tr>
<td>423</td>
<td>Custodian Supervisor</td>
</tr>
<tr>
<td>424</td>
<td>Assistant Planner Buyer Workers' Compensation Claims Examiner II</td>
</tr>
<tr>
<td>425</td>
<td>Administrative Analyst I Executive Assistant</td>
</tr>
<tr>
<td>426</td>
<td>Stores Manager Police Support Services Supervisor</td>
</tr>
<tr>
<td>427</td>
<td><strong>Assistant City Clerk/Auditor</strong> Legal Services Administrator</td>
</tr>
<tr>
<td>428</td>
<td>Senior Buyer Accountant II Budget Analyst Customer Services Specialist Customer Services Supervisor Airport Operations and Maintenance Supervisor</td>
</tr>
<tr>
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<td></td>
</tr>
<tr>
<td>430</td>
<td>Associate Planner Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor Senior Crime Analyst Social Services Program Supervisor Events Supervisor I</td>
</tr>
<tr>
<td>RANGE</td>
<td>TITLE</td>
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</tr>
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</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  
Land Surveyor  
Assistant Civil Engineer  
Assistant Traffic Engineer  
Geographic Information Systems Coordinator  
Events Supervisor II |
<table>
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| 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 |
| 439   | Administrative Services Officer |
| 440   | Purchasing Officer  
|       | 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 |

(Range 441 continues on next page)
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| 441   | (Continued)  
|       | 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  
|       | Strategic Planning Division Manager  
|       | Senior Civil Engineer  
<p>|       | Traffic Engineer |</p>
<table>
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<tr>
<td>448</td>
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<tr>
<td>449</td>
<td>Senior Deputy City Attorney II</td>
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<tr>
<td>450</td>
<td></td>
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<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 |
A RESOLUTION APPROVING AN AGREEMENT WITH STEVE BURKE FOR A LOCAL CABLE PROGRAMMING GRANT IN THE AMOUNT OF $3,456.00

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Steve Burke for a Local Cable Programming Grant in the amount of $3,456.00 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee 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 October, 2000, 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: Jean Zahr, City Clerk
A RESOLUTION APPROVING AN AGREEMENT WITH RANDY MAGNUS FOR A LOCAL CABLE PROGRAMMING GRANT IN THE AMOUNT OF $3,150.00

BE IT RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and $3,150.00 for a Local Cable Programming Grant in the amount of $3,150.00 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the City Manager or his authorized designee 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 October, 2000, 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: 

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-557


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

WHEREAS, each year, the City must review and report on the performance of activities funded under the Community Development Block Grant, HOME, and Emergency Shelter Grant programs, and

WHEREAS, a report, known as the Consolidated Annual Performance and Evaluation Report, must be made available for public review and comment for a minimum 15-day period, and all public comments, and staff responses to these comments, must be presented to the City Council for review and approval, and

WHEREAS, the Consolidated Annual Performance and Evaluation Report reflects the activity of the City and its sub-recipients for the period from July 1, 1999 through June 30, 2000, and

WHEREAS, the Consolidated Annual Performance and Evaluation Report for Fiscal Year 1999-2000, dated September 2000, was duly noticed for a public hearing of the City Council, to be held on Tuesday, October, 2000, in the Council Chambers, located at 1010 Tenth Street, Modesto California, and

WHEREAS, said public hearing was held at the date, time, and place as noted
above, at which time said report was presented by the Recreation and Neighborhoods Department to the City Council for consideration,

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

1. That the Consolidated Annual Performance and Evaluation Report is hereby approved, subject to any correction for accuracy being made by the City Manager, and a copy of said Report is on file in the office of the City Clerk.

2. That the City Manager or his authorized designee is hereby authorized, after having made any necessary correction, to submit said report to the U.S. Department of Housing and Urban Development (HUD).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 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

JIRAN ZAHIR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-558

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
September 19, 2000, and ended on October 18, 2000, and

WHEREAS, the Financial Policy Committee reviewed both the 2000/2001
Annual Action Plan and the Five-year Consolidated Plan at the direction of the City Council, 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 October 24, 2000, 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

as follows:

1. That the Amendment to the 2000/2001 Annual Action Plan as presented to the Council is hereby approved, except that Project Sentinel is moved to the Administrative Cost category, and a copy of said Amendment to the 2000/2001 Annual Action Plan is attached hereto as Exhibit “A” and incorporated herein by reference.

2. 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.

3. Staff is hereby directed to expedite the Prescott Estates Roof loan.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2000, 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
Exhibit A

Proposed Amendment to the City of Modesto 2000/2001 Annual Action Plan

Housing Rehabilitation Projects:

1. CDBG Loan for Roof Repairs on Prescott Estates $500,000

This is a housing rehabilitation project that supports the private rehabilitation efforts in the Prescott Estates neighborhood. The proposed funding would serve as a loan of $500,000 to the Prescott Estates Home Owner's Association to repair up to 50 roofs in the condominium project. The project was previously allocated $150,000 to serve as a loan guarantee to serve as collateral for a private loan. This proposed amendment would eliminate the need for a loan guarantee. It will reallocate the loan guarantee funds along with other CDBG housing rehab funds to fund this new loan. The City Council authorized the allocation of these funds in July; this action will be incorporated and reflected as an amendment in the Annual Action Plan.

If approved, the funding for this project will be committed from the previous allocation of $150,000 (for the loan guarantee), and $350,000 from 99/00 program income. The program income was previously allocated for housing rehabilitation loans in the City Target Areas 4, 5, and 6. The housing rehab program will be left with $100,000 for Target Area rehabilitation loans.

CDBG Administration

2. Crime Free Multi-housing Program $70,000

The Modesto Police Department is in the process of developing a Crime Free Multi-housing Program that will address illegal activity and blighting conditions in low-income rental multi-housing units. The policing activity will consist of landlord and tenant training in addressing illegal activities in rental units. The program also encompasses a building code enforcement component. The policing activity is eligible under the public service and administrative categories of the CDBG program. The enforcement of building codes is eligible under code enforcement category.

A total of $101,000 from the CDBG Public Service category has already been allocated to this project, $21,000 for the end of the last fiscal year and $80,000 for this fiscal year. An additional allocation of $70,000 is being allocated to pay for the policing component of this program for this fiscal year as well. The additional $70,000 will be funded from the 2000/2001 CDBG entitlement grant.

The overall administrative cap will be raised to 19.36%. This includes both the administrative expenditure allowance of 20% of the CDBG entitlement grant along with the 20% value from program income. The actual program income funds in the revolving loan accounts will not be impacted as the funding for these administrative costs will come solely from the 2000/2001 CDBG entitlement grant.
3. Administrative Costs for Professional Services $14,000

Staff is proposing to contract with an accounting firm to provide a program and status review of all CDBG, HOME and ESG funded programs and expenditures for these activities during the last three years. With the departure of key staff and the loss of institutional knowledge, the Recreation and Neighborhoods Department desires to establish a new base of information as well as confirm program expenses. The cost for this effort is estimated at $30,000. Fifteen thousand dollars have been programmed for professional services for this fiscal year in the administrative cap. The additional $14,000 will be added to this amount for a total of allocation of $29,000. The additional funding amount will be taken from the 2000/2001 CDBG entitlement grant. This administrative cost is factored in the administrative cap discussed above.

4. Minor Reductions in the General Administrative Costs -$2,664

The administrative costs for code enforcement efforts by the Neighborhood Preservation Unit was decreased by $1,264 to reflect the amount listed in the City Budget. In addition the administrative charges to the CDBG entitlement grant was decreased by $1,400 to coincide with the amount listed in the City Budget.

Public Improvements (Capital Improvement Projects)

5. Americans with Disabilities Act (ADA) Curbs $52,550

The ADA curbs project provides funding to install or retrofit existing curbs for handicapped accessibility. This project is proposed to receive an additional allocation of $52,550. This will result in a total allocation of $102,550 for this program during fiscal year 2000/2001. The funding for this program is proposed to be taken from the 2000/2001 CDBG grant allocation to the ADA public facilities category as described below.

6. Americans with Disabilities Act (ADA) Public Facilities -$50,000

The ADA public facilities provide funding to bring existing public facilities into compliance with ADA requirements. The funding allocation for this program was initially approved for $100,000. Funding for this program is proposed to be reduced by half for a funding allocation of balance of $50,000.
A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET
REALLOCATING EXPENDITURES, RESTIMATING REVENUES, AND INCREASING
THE DEPARTMENT’S ABS TARGETS

WHEREAS, the Council recommended additional review of the Recreation and
Neighborhood’s policy and budgetary documents; and

WHEREAS, funding amendments will affect approximately $640,000 in Community
Development Block Grant (CDBG) funds; with funds budgeted for positions, service credits and
neighborhood revitalization programs to be reallocated.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
2000-01 Annual Budget is hereby amended as indicated on Attachment A.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of
Modesto held on the 24th day of October, 2000, 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, Frohman, Friedman, Serpa, Smith, and
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
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MODESTO CITY COUNCIL
RESOLUTION NO. 2000-560

A RESOLUTION CERTIFYING AN INITIAL STUDY AND THAT THE POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROPOSED AMENDMENT TO PRECISE PLAN NO. 10 HAVE BEEN ADEQUATELY ADDRESSED BY THE PREVIOUSLY-CERTIFIED VILLAGE ONE SPECIFIC PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR) (SCH NO. 90020181): (MARCHBROOK BUILDING COMPANY).

WHEREAS, on September 11, 1990, by Council Resolution No. 90-757, the City Council of the City of Modesto certified a Final Program Environmental Impact Report ("EIR") (SCH No. 90020181) for the Village One Specific Plan, which analyzed the impacts of build-out of the Village One Specific Plan, and

WHEREAS, subsequently, on May 24, 1994, by Council Resolution No. 94-297, the City Council certified a Supplement to the Village One Program EIR, which superseded and updated the original Program EIR, and

WHEREAS, Marchbrook Building Company has submitted a proposal to amend the Precise Plan for Area No. 10 of the Village One Specific Plan to develop the area, located on the east side of Fine Avenue north of Kodiak Drive, with a 123-lot gated subdivision (Sundance Lake Subdivision) arranged around a private lake utilizing private streets, and

WHEREAS, Section 15168(c) of the CEQA Guidelines, relating to reviewing subsequent projects for a Program 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 EIR and whether
the subsequent project was described in the EIR as being within the scope of the project, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study No. CDD 2000-57, dated September 29, 2000, reviewed the proposed amendment to determine whether the project might have a significant effect on the environment other than that identified in the Program EIR, and

WHEREAS, on October 24, 2000, the City Council held a duly noticed public hearing to consider the application of Marchbrook Building Company for the proposed amendment to Precise Plan No. 10 of the Village One Specific Plan, property located on the east side of Fine Avenue north of Kodiak Drive, for the development of a 123-lot gated subdivision arranged around a private lake utilizing private streets, (the “project”), concurrently with this resolution,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to Precise Plan No. 10 of the Village One Specific Plan, property located on the east side of Fine Avenue north of Kodiak Drive, for the development of a 123-lot gated subdivision arranged around a private lake utilizing private streets, (the “project”), and a copy of said Initial Study is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study the Council makes the following findings:

1. That the proposed amendment to Precise Plan No. 10 of the Village One Specific Plan is consistent with the Modesto Urban Area General Plan and the Village One Specific Plan.
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 precise plan amendment 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 Precise Plan amendment 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. As per Sections 15168 and 15162 of the California Environmental quality Act ("CEQA") Guidelines, this activity is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.

7. 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.

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

9. The Initial Study, Environmental Assessment EA/CDD 2000-57, provides the substantial evidence to support findings 2-8 above

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 October, 2000, 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
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.

Section 15182 of the CEQA Guidelines states that no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformance with a specific plan for which an EIR has been prepared, if the following findings can be made:

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

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

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

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

II. PROJECT DESCRIPTION

A. Project title:
Amendment to Precise Plan No. 10 and Sundance Lake 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
D. **Project Location:**  
The west side of Claus Road south of Sylvan Avenue.

E. **Project Sponsor:**  
Marchbrook Building Company, 3255 W. March Ln., Stockton, CA 95219

F. **General Plan Designation:**  
Village Residential (VR)

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

H. **Description of Proposed Project:**  
The Precise Plan Amendment and subdivision map are to create a 123-unit gated single-family subdivision with a private lake.

I. **Surrounding land uses:**  
The project is bounded to the north and south by vacant land designated future residential development by the Village One Specific Plan, on the east by vacant land designated for a future expressway and future business park by the Specific Plan, and to the west by a currently-developing single-family subdivision, to vacant parcels, one with an approved single-family subdivision on it, and the other designated for a future elementary school by the Specific Plan.

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

**III. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS**

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

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, as modified by the Supplemental EIR:

1. **Traffic and Circulation**

   Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The proposed project is consistent with the Specific Plan in land use intensity, and will therefore not generate traffic in excess of what was analyzed in the EIR. Therefore, impacts to traffic and circulation for this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

2. **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 consistent with those in the Village One EIR, air quality impacts are also consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

3. Generation of Noise

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The proposed project is consistent with the Village One Specific Plan in land use and intensity. The applicants have also submitted a noise analysis that concludes that the noise levels in this subdivision will not exceed those specified in the EIR. Therefore, the noise impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

4. Vegetation and Wildlife

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The proposed project is 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.

5. Land Use

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

6. Population, Employment and Housing

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

7. Urban Design and Visual Quality

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The proposed project is consistent with the Village One Specific Plan in terms of land use intensity, and will provide decorative masonry walls with landscaped setbacks consistent with the Specific Plan. Therefore, the impacts to urban design and visual quality of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.
8. **Geology and Soils**

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

9. **Hydrology**

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The City's Engineering and Transportation Department has determined that the proposed lake will not significantly impact the hydrology of the area. Therefore, the impacts to hydrology of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

10. **Public Services**

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The proposed project is consistent with the Village One Specific Plan in terms of land use 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 consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

11. **Fiscal Impacts**

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

12. **Cumulative Impacts**

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

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

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

The 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.

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

The 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.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Village One Program EIR, as modified by the Supplemental EIR.

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

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

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

Signature:

Steve Mitchell,
Associate Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-561

A RESOLUTION APPROVING CHANGES IN THE BULKY ITEM PICKUP PROGRAM FROM MASS SET OUTS TO AN "ON-CALL" SYSTEM.

WHEREAS, on June 22, 1999, the City Council adopted Resolution No. 99-319 approving the implementation of a citywide twice-a-year bulky item pickup program for residential customers, and

WHEREAS, the collection program began on October 4, 1999, with the second sweep ending on September 29, 2000, and

WHEREAS, during this time frame, 3600 tons of unwanted bulky items were removed from the streets, items that might have otherwise been illegally dumped in alleyways or on vacant lots, and

WHEREAS, approximately 20% of the 3600 tons collected were diverted for recycling, and

WHEREAS, the positive impact this bulky item pickup program has had on the residents and the City of Modesto has been reflected in comments from residents who generally praised the program, and

WHEREAS, some concerns have been raised in the community that could be addressed by changing to an "on-call" type of collection system which would increase the convenience of the program, improve the appearance of the City, and reduce scavenging, and

WHEREAS, City staff has reviewed the bulky item pickup program and recommends that the bulky item pickup program be changed from mass set outs in specified
neighborhoods to an "on-call" system where residents schedule the collection day by appointment with the garbage hauler and the items are collected the same day the items are placed out, and

WHEREAS, the Utility Services and Franchises Committee supports staff recommendations to change the bulky item pickup program to an "on-call" system, and

WHEREAS, a report dated October 16, 2000, from the Engineering and Transportation Department, a copy of which is on file in the Office of the City Clerk, sets forth said recommendations, and

WHEREAS, October 24, 2000, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, was set as the date, time and place for consideration of said recommendations, and

WHEREAS, the City Council of the City of Modesto finds that the bulky item pickup program should be changed from mass set outs in specified neighborhoods to an "on-call" system where residents schedule the collection day by appointment with the garbage hauler and the items are collected the same day the items are placed out,

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

1. That it hereby approves changing the bulky item pickup program from mass set outs in specified neighborhoods to an "on-call" system.

2. Notification of the change would occur via the November and December 2000 utility bill inserts, and a direct mail piece sent in January 2001 to all residential addresses.
3. Residents would be given the name and phone number of their garbage hauler, and the option to call and schedule a bulky item pickup two times each year between January-December.

4. The garbage hauler would schedule the date for bulky item pickup directly with the resident. Residents would need to have those items placed out for collection by 6:00 a.m. on their scheduled day to ensure pickup the same day.

5. The garbage haulers would track the resident's usage of their two bulky item calls during the year.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2000, 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. 2000-562

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $60,000 TO PROVIDE FOR THE CITY’S SHARE OF THE COST OF THE INSTALLATION OF A TRAFFIC SIGNAL AT THE CROWS LANDING ROAD/SCHOOL STREET INTERSECTION NEAR SHACKELFORD SCHOOL

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

FROM: Standiford/Prescott Upgrade, 0700 160 M154 $50,000
      Intersection upgrade – New Location, 0700 160 M153 10,000

TO:    Traffic Signal Crows Land/School, 0700 160, New CIP $60,000

Funds will provide for the City’s share of the cost of the installation of a traffic signal at the Crows Landing Road/School Street intersection near Shackelford School

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2000, 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, Mayor Sabatino

NOES: Councilmembers: Smith

ABSENT: Councilmembers: None

ATTEST: Jean Zahra
          City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-563

A RESOLUTION OPPOSING STATE BALLOT
PROPOSITION 36 ENTITLED "THE DRUGS, PROBATION
AND TREATMENT PROGRAM" INITIATIVE.

WHEREAS, State Ballot Proposition 36 entitled "The Drugs, Probation and
Treatment Program" initiative, if passed, will mandate treatment instead of jail for illegal drug
users, and

WHEREAS, Proposition 36 will decriminalize heroin, crack cocaine, PCP,
methamphetamine, date rape drugs and other illegal substances, and

WHEREAS, these are the very drugs that fuel most child abuse, domestic
violence and other violent crimes, and

WHEREAS, Proposition 36 will divert drug abusers with long histories of drug
dealing, parole violations and prior felonies to treatment programs, and

WHEREAS, Proposition 36 includes no safeguards or licensing guidelines to
ensure these programs are effective, and

WHEREAS, monies appropriated under Proposition 36 cannot be used for drug
testing, and if drug testing is not done accountability of persons in drug treatment is forfeited,
and

WHEREAS, Proposition 36 authorizes dismissal of charges when treatment is
completed and prohibits using disclosure of arrest and conviction to deny employments,
benefits or license, and
WHEREAS, Proposition 36 will be extremely detrimental to the very successful operation of Drug Courts by removing the ability of Drug Court Judges to remand participants to custody for failing drug tests, and

WHEREAS, the passage of Proposition 36, in Stanislaus County, will terminate Drug Courts and their tremendous rehabilitation successes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby opposes State Ballot 36 entitled “The Drugs, Probation and Treatment Program” initiative.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2000, 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: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-564

A RESOLUTION REQUESTING ACCESS TO THE BOOKS
AND RECORDS OF THE CONVENTION & VISITORS
BUREAU AND REQUESTING THE CITY MANAGER TO
CONTINUE TO SEARCH FOR AN AUDITOR.

WHEREAS, the Mayor has requested that the City Council adopt a resolution
requesting access to the books and records of the Modesto Chamber of Commerce’s
Convention & Visitors Bureau,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that it hereby requests access to the books and records of the Convention & Visitors
Bureau and requesting the City Manager to continue to search for an auditor to audit said
books and records.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2000, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, 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
A RESOLUTION ACCEPTING THE BID OF D. A. WOOD CONSTRUCTION FOR THE PROJECT TITLED “ROCKWELL REPLACEMENT/ADDITION 2000-2001”

WHEREAS, the bids received for Rockwell Replacement/Addition 2000-2001 were opened at 11:00 a.m. on October 10, 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 $449,905.00 received from D. A. Wood be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-566

A RESOLUTION REJECTING BIDS FOR BELLENITA PARK RESTROOM REPLACEMENT, OPENED IN THE OFFICE OF THE CITY CLERK ON SEPTEMBER 12, 2000, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, the bids received for Bellenita Park Restroom Replacement were opened at 11:00 a.m., on September 12, 2000, and;

WHEREAS, during the bid evaluation process, staff saw that the pricing submitted was 8% over the engineer’s estimate and in excess of the funds budgeted therefore staff recommends bids be rejected and re-evaluation of the specifications and re-solicitation for this service be conducted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Bellenita Park Restroom Replacement, opened in the office of the City Clerk on September 12, 2000, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 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: [Signature]
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-567

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JOHNNY M. CRABB FROM THE LANDMARK PRESERVATION COMMISSION, EFFECTIVE NOVEMBER 7, 2000

WHEREAS, Johnny M. Crabb was appointed a member of the Landmark Preservation Commission on August 8, 2000; and
WHEREAS, Johnny M. Crabb has tendered his resignation from the Landmark Preservation Commission, effective November 7, 2000,
NOW, THEREFORE, BE IT RESOLVED that the resignation of Johnny M. Crabb from the Landmark Preservation Commission be, and hereby is accepted with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-568

A RESOLUTION ACCEPTING THE PROJECT TITLED “FURNITURE FOR THE NEW POLICE HEADQUARTERS AT 600 10TH STREET” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Furniture for the New Police Headquarters at 600 10th Street, has been completed by Keller Group, in accordance with the contract agreement dated April 18, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Furniture for the New Police Headquarters at 600 10th Street be accepted from said contractor, Keller Group; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $291,469.77, as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-569

A RESOLUTION APPROVING STAFF RECOMMENDATIONS RELATING TO PEDESTRIAN IMPROVEMENTS AT THE CROWS LANDING ROAD AND SCHOOL AVENUE INTERSECTION NEAR SHACKELFORD SCHOOL IN CONJUNCTION WITH STANISLAUS COUNTY.

WHEREAS, on October 24, 2000, the City Council considered and approved funding for the traffic signal construction at the Crows Landing Road and School Avenue Intersection near Schackelford School, and

WHEREAS, the City Council requested staff to evaluate a “School Zone Warning System” manufactured by Traffic Safety Corporation to be installed within the Shackelford School zone, and

WHEREAS, City of Modesto staff and Stanislaus County staff studied the “School Zone Warning System” as requested by the Council, and

WHEREAS, by a report to the City Council dated October 31, 2000, the Engineering and Transportation Department presented certain design recommendations which would be substantial improvements and significantly improve pedestrian safety at the Crows Landing Road and School Avenue Intersection near Schackelford School, and

WHEREAS, on November 7, 2000, the City Council considered said report and recommendations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the staff recommendations for traffic improvements at the
Crows Landing Road and School Avenue Intersection near Schackelford School as recommended by the Engineering and Transportation Department Agenda Report, a copy of which is on file in the office of the City Clerk. In addition, staff is directed to continue to study and evaluate a “School Zone Warning System” manufactured by Traffic Safety Corporation for possible installation at this intersection.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2000, 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: [Signature]
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-570

A RESOLUTION FINDING CABLE ONE IN BREACH OF THE CABLE FRANCHISE AGREEMENT.

WHEREAS, Cable One holds a franchise for cable television services within the City of Modesto, and

WHEREAS, on October 4, 2000, the City Manager issued a Notice of Breach of the Cable One's Cable Television Franchise citing six compliance issues, and

WHEREAS, on October 9, 2000, the City's special counsel sent a supplemental Notice of Breach citing an additional compliance issue, and

WHEREAS, on November 7, 2000, the City Council held a noticed public hearing on whether Cable One was in breach of its obligations on its franchise agreement, and

WHEREAS, the City Council has considered all of the testimony, both oral and written, received by the City Council at or before the hearing on November 7, 2000,

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

SECTION 1. The City Council hereby finds and determines, based on the evidence submitted at the hearing and on the staff report, which is incorporated herein, that Cable One is in material breach of its obligations under its franchise agreement with the City for the following reasons:

1. **Cable One's Physical Plant fails to meet applicable safety standards.** The City Council hereby finds and determines that the physical plant foes not meet safety standards, including numerous violations of California Public Utilities Commission General
Orders 95 and 128, the City of Modesto's Electrical Code, and the National Electrical Code. The City Council finds and determines that these regulations are adopted at the state and Municipal level to protect all cable subscribers, non-subscribers, utility workers, the general public and others exposed to cable facilities throughout the City. Although Cable One has begun correcting these violations, the need for widespread corrections demonstrates that the physical plant has been, and is, out of compliance and the corrections completed to date do not cure the safety violations throughout Cable One's franchise area. Further, the City Council finds and determines that the cable system must be completed reviewed and either repaired or rebuilt to meet and demonstrate full compliance with applicable safety codes.

2. **Cable One is not in compliance with FCC signal quality regulations.**

The City Council finds and determines that Cable One has failed to demonstrate that its system complies with the required FCC standards for technical quality (47 C.F.R. §76.605) and the Commission's testing requirements (47 C.F.R. §76.601). The City Council further finds that the subscribers within that Modesto cable system have likely been receiving signals that do not meet the standards set forth by the FCC. The subscribers have not, therefore, received the federally-required assurances of picture quality to which they were entitled by reason of subscribing to Cable One's service. Contrary to Cable One's response dated October 17, 2000, the City's consultant, Jonathan Kramer concludes, and the City finds and determines that Cable One has failed to meet the required FCC standards and that Cable One cannot show that compliance beginning in Summer 1996 and continuing through at least Summer 2000.

3. **Cable One has refused to pay franchise fees due and owing on advertising revenue in the amount of $59,601 plus interest.** The City Council finds and
determines that advertising commissions are properly included in gross system receipts on which franchise fees must be paid. Although Cable One has submitted testimony asserting that advertising commission costs should be excluded from revenues because they are deducted by the advertising agencies, the City Council finds this argument unpersuasive. The City Council finds that gross receipts include 100% of the advertising revenues prior to the payment of any related expenses (such as the commission expense). The method that the advertising agency uses to report and/or remit the revenue to Cable One is not determinative of gross receipts; rather gross revenue of what is actually earned. Cable One's argument would permit Cable One to pay franchise fees based on net revenue every time it decided to change its invoicing methodology to a commission basis. The City Council determines that Cable One is required to pay the franchise fees determined by the City's auditor plus interest from the time the payments were due through time on payment.

4. Public Access Studio, Equipment, staffing and programming fails to meet the requirements of the Franchise. The City Council hereby finds and determined that Cable One is not in compliance with the PEG requirement of the franchise. The City council bases its determination on the written report prepared by The Buske Group, which was consistent with the Wright Assessment. The city council further finds that the availability of adequate, working, reliable equipment is the sine qua non of meeting the Local Origination and Peg requirements of the franchise. Yet, Cable One's local origination and public access facilities and equipment do not comply with the City's cable ordinance and franchise requirements. The facilities and equipment are generally in unsatisfactory condition, obsolete and inappropriate for public access use. Nearly all of the equipment is in fair, poor or non-
working condition. In addition, Local Origination Programming falls below the required hours per week; the staff appears to lack training, and the public is discouraged from using the studio and equipment. The City finds that Cable One must cure by providing usable, and up to date, studio and equipment that meets the needs of the citizens of Modesto. The City Council further finds that, to cure, Cable One must meet with City Staff and must provide the City with a plan satisfactory to the City that will provide for a new studio and equipment that will meet the needs of the citizens and funding for this studio.

5. **Cable One has failed to provide a Dedicated Return Line.** The Cable franchise requires that Cable One provide a dedicated return line for use by the City. The City does not believe that Cable One has performed this obligation as it does not appear that any such dedicated return line now exists, or that if such a line exists that it is functional and that its availability for use has been noticed by Cable One to the City. The City Council hereby finds and determines that failure to provide this dedicated return line constitutes a material breach of the franchise.

6. **The dedicated institutional network line used primarily for Fire Department training and data transmission is subject to a high failure rate.** The City Council finds and determines that the Fire Department’s dedicated institutional network line has suffered repeated and random failures in the recent past. Testing conducted by the City discloses that Cable One’s facilities are subject to random and prolonged data transmission interruptions that substantially and repeatedly interfere with Fire Department operations, thus causing the Fire Department to expend resources which could otherwise be devoted to fire education, prevention and suppression. The City Council finds and determines that the
repeated failures in the dedicated institutional network constitute a material breach of the franchise.

The City's Staff has already made Cable One management and staff aware of the lack of reliability of this capacity/line, and Cable One has attempted but failed to cure the issues. The City directs its staff to provide additional information on these failures to Cable One as warranted, and to meet with Cable One. Cable One must provide the City with a plan satisfactory to the City to cure so that, at a minimum, the institutional network meets standards for reliability common to institutional networks.

7. **Cable One has failed to connect City offices and classrooms after being requested to do so.** The City council finds and determines that Cable One has failed to connect certain public facilities and classrooms after being requested to do so. Upon receiving the notice of breach, Cable One has begun providing the required connections and repairing signal quality issues. Cable One must continue this work in a diligent manner to completion. Notwithstanding completion of the required work, the city Council is mindful of the fact that there are schools and classrooms that have not had services for extended periods of time and that connections at this time does not fully cure this area on non-compliance. City staff shall monitor the required work and shall inspect to determine that the work is complete. Staff and Cable One shall make a recommendation on additional cure for this matter.

8. **Water Damage in 1010 10th Street Place (Modesto Centre Plaza) was caused by Cable One's failure to seal its conduit.** The City Council finds and determines that Cable One's failure to seal its cables in the underground conduits in violation of CPUC General Order 128, permitted the rains of May 15 and 16, 2000 to cause considerable damage.
to the City's PBX communication room at 1010 10th Street Place, and that Cable One failed to acknowledge the need to pay for this damage until after receipt of the Supplemental breach letter. The City Council does find that, after receipt of the breach letter, Cable One paid for the damages invoiced to date and has agreed to pay for field audit inspection work. The City Council finds that there will be additional cost items that Cable One will be responsible for to cure the damages caused by the water damage. Further, the City Council finds and determines that Cable One must agree to pay for these reasonable additional costs, which will likely include without limitation, staff costs, damages to equipment and loss of warranties.

SECTION 2. Based on the forgoing findings and determinations, the City Council hereby refers this matter to the City Manager and Staff to meet with Cable One to discuss whether Cable One is willing to cure and the manner of cure;

SECTION 3. The City council hereby sets a noticed public hearing for the City Council meeting of December 12, 2000 at 5:15 p.m. or as soon thereafter as the matter may be heard, to determine whether Cable One has developed a binding plan that is satisfactory to the City to bring the system into full compliance or to otherwise cure any and all breaches of the franchise agreement.

SECTION 4. The City Council is aware of the pending application to transfer the cable television system and franchise to AT&T. The City Council encourages all parties, the City staff, Cable One and AT&T to develop a binding, legal commitment on the part of the cable operators to cure or correct all compliance issues so that the City Council may act on the transfer application at its meeting of December 12, 2000.
SECTION 5. Staff is directed to ask AT&T about their plan to provide broadband and internet services to Modesto when the transfer takes place.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2000, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-571

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS TO BE OPENED JANUARY 9, 2001, FOR MODIFYING TWELVE GILLIG CORPORATION BUSES FOR THE ENGINEERING AND TRANSPORTATION DEPARTMENT-TRANSIT DIVISION.

WHEREAS, the Engineering and Transportation Department has requested modification of twelve Gillig Corporation transit buses, and

WHEREAS, it is anticipated that the rebuilt buses will cost approximately $114,000 each and extend the useful life of each bus by ten years, and

WHEREAS, a new transit bus costs approximately $280,000 and has an expected life of twelve years, and

WHEREAS, the rebuilding of said buses is considered to be very cost-effective in the public transportation industry, and

WHEREAS, the total project cost is estimated at $1,367,000, and

WHEREAS, the Federal Transit Administration (FTA) will cover $1,125,161 of the cost, the State will cover $60,000 through a transit capital improvement grant, and the City will cover $181,839 with money from the Local Transportation Fund (LTF), and

WHEREAS, in addition to repairing mechanical components and replacing nearly all of the materials in the interior of the buses, the buses will be repowered with state of the art clean diesel engines which will produce at least 93% less soot and 10% less gases that contribute to the formation of smog,
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, to be opened January 9, 2001, at 11:00 a.m., for modifying twelve Gillig Corporation buses for the Engineering and Transportation Department-Transit Division.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING THE PROJECT TITLED “WOODLAND PARK” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Woodland Park, has been completed by Duley’s Landscape Inc., in accordance with the contract agreement dated June 1, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Woodland 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 $499,363.43 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 14th day of November, 2000, 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. 2000-573

A RESOLUTION ACCEPTING THE PROJECT TITLED "CREEKWOOD NEIGHBORHOOD PARK, PHASE I" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Creekwood Park, Phase I, has been completed by Grover Landscape Services Inc., in accordance with the contract agreement dated May 25, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Creekwood Neighborhood Park, Phase I be accepted from said contractor, Grover Landscape Services Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $337,622.77 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 14th day of November, 2000, 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. 2000-574

A RESOLUTION AUTHORIZING THE MODESTO POLICE
DEPARTMENT TO ENFORCE STATE VEHICLE CODE
VIOLATIONS ON PRIVATE PROPERTY IN AND AROUND
THE VINTAGE FAIRE MALL.

WHEREAS, management of Vintage Faire Mall has requested that the Modesto
Police Department provide traffic and parking enforcement in the Vintage Faire Mall parking
lots, and

WHEREAS, Section 21107.8 of the California Vehicle Code allows the City
Council to authorize such enforcement on “privately owned and maintained roads” . . . “generally
held open to the public for purposes of vehicular traffic” and “parking”, by resolution, and

WHEREAS, the Public Safety Committee recommended adoption of this
resolution at their meeting on November 2, 2000, and

WHEREAS, said traffic and parking enforcement will allow for more complete
and seamless traffic services in congested areas both in and around the parking area of Vintage
Faire Mall,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby authorizes the Modesto Police Department to enforce state vehicle code violations
on private property in and around the Vintage Faire Mall, pursuant to California Vehicle Code
Section 21107.8.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-575

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS FOR THE PROFESSIONAL SERVICES OF AN ARCHITECTURAL FIRM TO PERFORM MODIFICATIONS TO THE MADDUX YOUTH CENTER.

WHEREAS, the Maddux Youth Center, located in West Side Park, was constructed in 1952, and

WHEREAS, since that time, no major improvements have occurred, with the exception of a restroom remodel to meet ADA standards, and

WHEREAS, the facility serves between 3,500 and 4,000 youths per month, and

WHEREAS, the City desires to make improvements to the facility and has $150,000 budgeted in the FY 00-01 Capital Improvement Program for this purpose, and

WHEREAS, the successful architectural firm will prepare contract documents, consisting of plans, specifications and a cost estimate for the remodeling work.

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 remodeling of the Maddux Youth Center.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2000, 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
(SEAL)

APPROVED AS TO FORM:

By __MICHAEL D. MILICH__, City Attorney

11/09/00
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-576

A RESOLUTION RESCINDING RESOLUTION NO. 2000-205, AND AUTHORIZING THE TRANSFER OF CITY-OWNED PROPERTY LOCATED AT 308 RUBERTO STREET TO THE Y.M.C.A. FOR DEVELOPMENT AS A PROGRAM CENTER, FORGIVING A DEFERRED PAYMENT LOAN, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND NECESSARY RELATED DOCUMENTS FOR THE TRANSFER OF THE PROPERTY TO Y.M.C.A.

WHEREAS, the City Council desires to rescind Resolution No. 2000-205 adopted on May 2, 2000, pertaining to the transfer of City-owned property located at 308 Ruberto Street, and

WHEREAS, on January 6, 2000, Notices of Interest and Proposed Use for the property at 308 Ruberto Street were sent to approximately 90 non-profit agencies including the Housing Authority of the County of Stanislaus in an effort to solicit information for the proposed use of the property, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) met on April 14, 2000, and the Community Development and Housing Committee (CD&H) met on May 19, 2000, and concurred with City staff that the Y.M.C.A.’s proposal would best serve the community, while meeting CDBG requirements, and

WHEREAS, the Council desires to transfer the property at 308 Ruberto Street to the Y.M.C.A. for the sum of ONE HUNDRED ($100.00) DOLLARS for development as a program center to primarily serve low income residents in the west Modesto area, on a
conditional sale with power of termination, subject to the following conditions:

(a) The property is sold to the Y.M.C.A. and the Y.M.C.A. accepts the property in “as is” condition.

(b) Y.M.C.A. shall rehabilitate the property for use as a Y.M.C.A. program center, including, but not limited to, senior programs, job center, childcare center, or youth program center, for the benefit of the public targeted for low-income residents of the West Modesto Area.

(c) Y.M.C.A. shall seek proper zoning and/or conditional use permit for use and operation as a Y.M.C.A. program center, including but not limited to senior programs, teen programs, job center, childcare center, or youth program center, for the benefit of the public targeted for low income residents of the West Modesto Area.

(d) Y.M.C.A. shall inspect the property for presence of lead-based paint and, if present, shall, at its expense, abate, remove, and dispose of lead-based paint in compliance with current lead-based regulations.

(e) Y.M.C.A. shall inspect the property for presence of asbestos and, if present, shall, at its expense, abate, remove and dispose of asbestos in compliance with current asbestos regulations.

(f) Y.M.C.A. shall obtain all necessary permits to complete rehabilitation of the property for use as a Y.M.C.A. Program Center, including, but not limited to, senior programs, teen programs, job center, childcare center, or youth program center, for the benefit of the public, targeted for low income residents of the West Modesto Area.

(g) With twelve months of obtaining required zoning and permits, Y.M.C.A. shall complete rehabilitation of the property and open and operate on the property continuously for three (3) years as a licensed Y.M.C.A. public center.

(h) Y.M.C.A. shall not request or obtain from City, directly or indirectly, funds for acquisition, rehabilitation or operation of the property,

and

WHEREAS, in the event the Y.M.C.A. does not comply with conditions (a) - (h) set forth above, at the City’s option, Y.M.C.A.’s title to the property shall terminate and title to
the property shall revert to City, without further consideration exchanged between the parties, and

WHEREAS, in March, 1982, Ms. Arvelia Moyet received a $45,920.46 Deferred Payment Loan (DPL) to rehabilitate 308 Ruberto Street, as an owner-builder, and

WHEREAS, in September, 1982, Ms. Moyet received a $10,563.70 emergency Deferred Payment Loan to pay a contractor to complete an unfinished part of the project, and

WHEREAS, in September, 1998, Ms. Moyet transferred the property via a grant deed to Ms. Regina Cain who planned to rehabilitate said property and pay the outstanding loans owed the City, and

WHEREAS, the property contained junk and debris and vagrants were living at the property, and

WHEREAS, the Housing Rehabilitation Loan Committee (HRLC) discussed the status of said property and decided foreclosure of the property should be initiated, and

WHEREAS, Ms. Cain was given thirty (30) calendar days to obtain a written loan commitment to pay for required rehabilitation and to pay off the two loans against the property, and

WHEREAS, Ms. Cain did not obtain the loan commitment on the property, and

WHEREAS, the property was foreclosed in November, 1999, and the City acquired the property located at 308 Ruberto Street in the City of Modesto when the property was recorded as a foreclosure at the Stanislaus County Recorder’s Office on December 17, 1999, and
WHEREAS, the City desires to forgive the $45,920.46 DPL on the property, and transfer said property to the Y.M.C.A. for development as a program center to be used primarily by low income residents in the west Modesto area, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby rescinds Resolution 2000-205, authorizes the transfer of City-owned property located at 308 Ruberto Street to the Y.M.C.A. for the sum of ONE HUNDRED ($100.00) DOLLARS for development of a program center, on a conditional sale with power of termination, subject to the following conditions:

(a) The property is sold to the Y.M.C.A. and the Y.M.C.A. accepts the property in “as is” condition.

(b) Y.M.C.A. shall rehabilitate the property for use as a Y.M.C.A. program center, including, but not limited to, senior programs, job center, childcare center, or youth program center, for the benefit of the public targeted for low-income residents of the West Modesto Area.

(c) Y.M.C.A. shall seek proper zoning and/or conditional use permit for use and operation as a Y.M.C.A. program center, including but not limited to senior programs, teen programs, job center, childcare center, or youth program center, for the benefit of the public targeted for low income residents of the West Modesto Area.

(d) Y.M.C.A. shall inspect the property for presence of lead-based paint and, if present, shall, at its expense, abate, remove, and dispose of lead-based paint in compliance with current lead-based regulations.

(e) Y.M.C.A. shall inspect the property for presence of asbestos and, if present, shall, at its expense, abate, remove and dispose of asbestos in compliance with current asbestos regulations.

(f) Y.M.C.A. shall obtain all necessary permits to complete rehabilitation of the property for use as a Y.M.C.A. Program Center, including, but not limited to, senior programs, teen programs, job center, childcare center, or youth program center, for the benefit of the public, targeted for low income residents in the West Modesto Area.
income residents of the West Modesto Area.

(g) With twelve months of obtaining required zoning and permits, Y.M.C.A. shall complete rehabilitation of the property and open and operate on the property continuously for three (3) years as a licensed Y.M.C.A. public center.

(h) Y.M.C.A. shall not request or obtain from City, directly or indirectly, funds for acquisition, rehabilitation or operation of the property.

BE IT FURTHER RESOLVED that the Deferred Payment Loan in the sum of $45,920.46 be, and hereby is, forgiven.

BE IT FURTHER RESOLVED that City Manager, or his designee, is hereby authorized to execute the Agreement and necessary related documents for the transfer of the property located at 308 Ruberto Street to the Y.M.C.A.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2000, 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

11/13/00
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 OF 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, Article 11 of Chapter 3 of Division 2 of Title 5 of the Government Code
and Chapter 7 of Part 5 of Division 31 of the Health and Safety Code of the State of California,
as amended (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"); 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 Refunding Bonds (Shadowbrook Apartments – Freddie Mac Credit Enhanced) Series 2000A" and the "City of Modesto Taxable Multifamily Housing Revenue Bonds (Shadowbrook Apartments – Freddie Mac Credit Enhanced) Series 2000B" in an aggregate principal amount not to exceed $12,000,000 (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 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 Bond
excess of $12,000,000, the initial true interest cost of the Bonds is not in excess of 2% of
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 Statement 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 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, the Remarketing 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, accommodate, at the request of the Borrower, the Remarketing Provisions, 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 14th day of November, 2000, 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
RESOLUTION APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REFINANCING REVENUE BONDS BY THE CITY OF MODESTO PURSUANT TO SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED

WHEREAS, the City of Modesto (the "City") proposes to issue its Multifamily Housing Refunding Revenue Bonds (the "Bonds"), 2000 Issue A, in the aggregate principal amount not to exceed $9,500,000, the proceeds of which will be loaned to Shadowbrook Properties, a California limited partnership (or any successor thereto) (the "Borrower"), to refund the City of Modesto Variable Rate Multifamily Refunding Revenue Bonds (Shadowbrook Apartments), 1992 Issue A, and to pay other related expenses (collectively, the "Project"); and

WHEREAS, the facilities to be refinanced are located at 3001 Hahn Drive in the City of Modesto; and

WHEREAS, on October 2, 2000, a notice of a public hearing concerning the issuance of the Bonds and the nature and location of the facilities to be refinanced was published in a newspaper of general circulation in the City of Modesto; and

WHEREAS, the City Council of the City of Modesto (the "City Council"), on November 7, 2000, conducted a public hearing whereby interested parties were given a reasonable opportunity to state their views concerning the issuance of the Bonds and the nature and location of the facilities to be refinanced with a portion of the proceeds thereof; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires, as a condition of the exclusion from federal gross income of the holders thereof of interest on the Bonds, that before the Bonds are issued, the Bonds be approved by the City Council after a public hearing following reasonable public notice;

NOW THEREFORE, the City Council of the City of Modesto hereby resolves as follows:

Section 1. The City Council hereby approves the issuance of not to exceed $9,500,000 aggregate principal amount of the City of Modesto Multifamily Housing Refunding Revenue Bonds (Shadowbrook Apartments), 2000 Issue A, pursuant to Section 147(f)(6) of the Code. This approval is intended solely to comply with the public approval requirements of Section 147(f) of the Code.

Section 2. The City Manager or the Director of Finance for the City are hereby authorized and directed to do any and all things and execute and deliver any and all documents, certificates and other instruments which they may deem necessary or advisable in order to consummate the issuance, sale and delivery of the Bonds by the City, and to execute and deliver such certificates and other documents they may deem appropriate and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution. Any actions heretofore taken by such officers are hereby ratified and approved.

Section 3. The Bonds will be paid entirely from repayments by the Borrower. Neither the full faith and credit nor the taxing power, if any, of the City or the State of California (the "State") or any other political corporation, subdivision or agency of the State is pledged to the
payment of the principal of, premium, if any, or interest with respect to the Bonds, nor shall
the City, the State, or any other political corporation, subdivision or agency of the State be
liable or obligated to pay the principal of, premium, if any, or interest with respect to the
Bonds.

Section 4. This Resolution shall take effect from and after its passage and
approval.

The foregoing resolution was introduced at a regular meeting of the Council of the
City of Modesto held on the __14th__ day of __November__, 2000, by
Counclilmember Friedman, who moved its adoption, which motion being duly seconded by
Counclilmember Frohman, was upon roll call carried and the resolution adopted by the
following vote:

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

NOES: Counclilmembers: None

ABSENT: Counclilmembers: None

ATTEST: ____________________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-579

A RESOLUTION APPROVING POLICIES RELATING TO
SEWER RATE EQUITY AND THE EQUITY ADJUSTMENT
PROCESS.

WHEREAS, Proposition 218, enacted in 1996, requires a city, when setting sewer
and water rates, to allocate the cost of service in proportion to the cost of serving each type of
customer in the system, and

WHEREAS, staff originally engaged Brown & Caldwell to provide a preliminary
allocation of cost of service, and

WHEREAS, staff has been working closely with the Sewer Rate Advisory Group (SRAG) to define what would be considered equitable and to refine allocation costs, and

WHEREAS, it is necessary for the City to establish a reasonable basis for equity
among ratepayers, since Proposition 218 does not provide guidance on how such equity is
defined, and

WHEREAS, City staff proposes the adoption of the City of Modesto Sewer Rate
Equity Policies as described in Attachment A, attached hereto and made a part hereof, and

WHEREAS, City staff proposes the adoption of the City of Modesto Sewer Rate
Equity Adjustment Process as described in Attachment B, attached hereto and made a part
hereof, and

WHEREAS, the proposed policies provide that when a customer class’ contributions are within five (5%) percent of their allocated costs, equity is within a permissible
range, and
WHEREAS, said policies further provide that every three years, an equity evaluation will be performed among the customer classes and necessary adjustments will be recommended, and

WHEREAS, recommendations to adopt said policies were made by SRAG on February 28, 2000, and by the Utility Services and Franchises Committee on May 24, 2000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Sewer Rate Equity Policies set forth in Attachment A, attached hereto and made a part hereof, and the City of Modesto Sewer Rate Equity Adjustment Process set forth in Attachment B, attached hereto and made a part hereof, for use by City staff in establishing a reasonable basis for equity among ratepayers.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2000, 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
Attachment A

City of Modesto
Sewer Rate Equity Policies

5/00 Proposal

1. Evaluation of sewer rate equity shall be conducted on a revenue neutral basis.

2. The methodology shown in Table 1 of the Equity Adjustment Process shall be used to allocate the costs of service among user classes for purposes of measuring equity among the three user classes: residential, commercial and industrial.

3. User rates shall be determined to be reasonably equitable if the revenue contributions of a user class are within 5% of their allocated cost for that class.

4. The arrangement of the current rate formulas within a customer class shall be maintained.

5. Sewer rate equity shall be reviewed on a 3-year cycle, in accordance with the attached Sewer Rate Equity Adjustment Process.

6. The evaluation of the sewer system's overall revenue requirements shall be conducted separately. Any resulting across-the-board rate increases shall be presented to City Council as a separate action.
1. **Revenue Neutral**: The evaluation of user class proportionality shall be conducted on a revenue neutral basis, using a full year's actual costs.

2. **Allocation Method**: The percentages in Table 1 shall be used to allocate each cost element to the appropriate customer class.

3. **Calculate Variance**: Determine the "Variance" of each customer class' current revenue base from the ideal proportionality among user classes. The amount of revenue by which a class is out of tolerance by more than 5% of the ideal is its "adjustment." The revenue level at which the customer class meets the 5% tolerance range is the target rate base.

4. **Equity Tolerance Range**: For the initial three years of implementation of this process, a customer class which is within 5% of the ideal proportionality among user classes shall be considered within tolerance. This range represents the uncertainties and annual variations in system costs, system characteristics and customer characteristics. This tolerance range shall be reassessed at the end of three years, with a goal of narrowing the range of uncertainties to 3%.

5. **ATBs Separate**: If an across-the-board (ATB) rate increase is needed to meet the system's overall revenue requirements in any particular year, that increase shall be applied to all customer classes in a separate step. ATB changes may be annual.
### Table 1
Allocation of Costs to Flow and Loading

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<th>Cost Element</th>
<th>Flow</th>
<th>BOD</th>
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<th>Composite of O &amp; M</th>
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<tr>
<td>Utility Administration</td>
<td></td>
<td></td>
<td></td>
<td>100%</td>
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<tr>
<td>Collection</td>
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<tr>
<td>Primary Treatment</td>
<td>80%</td>
<td>20%</td>
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<td>Secondary Treatment</td>
<td>50%</td>
<td>25%</td>
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</tr>
<tr>
<td>Laboratory</td>
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<td>Industrial Waste</td>
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<tr>
<td>Garden Refuse</td>
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<tr>
<td>Biosolids Composting</td>
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<td>50%</td>
<td></td>
<td></td>
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<tr>
<td>Billing</td>
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<td>Collection</td>
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<tr>
<td>Biosolids Composting</td>
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<tr>
<td>'93 &amp; '95 Debt Service</td>
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MODESTO CITY COUNCIL
RESOLUTION NO. 2000-580

A RESOLUTION REVISING THE SEWER FUND RESERVE POLICY FROM TWENTY-FIVE (25%) PERCENT OF THE ANNUAL OPERATING EXPENDITURES TO BETWEEN FIFTEEN-TWENTY (15%-20%) PERCENT OF THE ANNUAL OPERATING EXPENDITURES.

WHEREAS, previously, the City Council approved maintaining a working reserve of twenty-five (25%) percent in the Sewer Fund for annual operating expenditures, and

WHEREAS, City staff, with the concurrence of the Sewer Rate Advisory Group (SRAG), recommends that the working reserve be maintained between fifteen-twenty (15%-20%) percent of the annual operating expenditures, and

WHEREAS, a reserve of fifteen-twenty (15%-20%) percent will provide for needed flexibility when setting future across-the-board rate adjustments, as well as diverting more funds toward deferred maintenance projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves revision of the Sewer Fund Reserve Policy from twenty-five (25%) percent of annual operating expenditures to between fifteen-twenty (15%-20%) of the annual operating expenditures.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2000, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

12/01/00-CA

WALKING\RESOS\Revision of Sewer Fund Reserve Policy to 15-20%.wpd
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-581

A RESOLUTION REVISING SEWER SERVICE CHARGES
AND RESCINDING RESOLUTION NO. 97-94.

WHEREAS, Sections 11-6.10 and 11-6.11 of the Modesto Municipal Code authorize the Council to establish sewer service charges and storm drainage surcharges from time to time by resolution, and

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

WHEREAS, Proposition 218 was passed in November of 1996 and became effective with respect to sewer rates on July 1, 1997, and

WHEREAS, on November 14, 2000, the Council held a public hearing pursuant to Proposition 218 with respect to adjustment of sewer rates, and

WHEREAS, notices of a sewer rate adjustment and public hearing were mailed out to sewer customers set forth in Exhibit "A" attached hereto and incorporated herein by reference, and

WHEREAS, insufficient protests were made to defeat imposition of the sewer rate adjustments resulting in increases in some cases, therefore the rates in the notice are hereby imposed as set forth more specifically below,

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

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

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

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

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

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

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

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

7. "Industrial" shall include all developed parcels which are used to manufacture, fabricate, process, or package products, or to process and store food or chemical products.

8. "Multi-family Residential" shall include all developed parcels or other than single-family residential or duplex units, including hotels, boarding houses and twenty-four hour care for less than six persons. Multi-family Residential will be broken down into four density categories, depending on the amount of property square foot per dwelling unit. The following shall be the four density categories:
<table>
<thead>
<tr>
<th>Density Category</th>
<th>Property Sq. Ft. Per Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>0-1000</td>
</tr>
<tr>
<td>Medium</td>
<td>1001-3500</td>
</tr>
<tr>
<td>Low</td>
<td>3501-7000</td>
</tr>
<tr>
<td>Very Low</td>
<td>Over 7000</td>
</tr>
</tbody>
</table>

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

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

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

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

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

14. "Parks/Cemeteries" shall include developed parcels used primarily for cemetery purposes or for publicly-owned places of recreation and enjoyment for general public use.

15. "Schools" shall include all developed parcels used by institutions for instruction or education operated by the state, an agency of the state, a church or a non-profit organization.
16. "Single-Family Residential" shall include all developed parcels with one single-family detached housing unit, or it shall include two single-family dwellings or a duplex located on a corner lot.

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

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

SECTION 2. SEWER SERVICE CHARGES FOR RESIDENTIAL SERVICE.

Each person owning property within the sewer district and receiving residential sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

- Each single-family dwelling or mobile home on a lot ........... $12.19
- Each dwelling unit in a duplex ........................................ 9.53
- One additional dwelling unit or mobile home on a lot .......... 7.84
- Each dwelling unit in an apartment building or dwelling ....... 7.84
  group or mobile home space in a mobile home park

(b) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in a mobile home park shall be at the rate set forth in subsection (a) above.

(c) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsection (a) above, there shall be an additional charge of One and No/100ths ($1.00) Dollar per month per premises to cover the cost of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL SERVICE. Each person owning property within the sewer district and receiving commercial
sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) Commercial users (including churches) shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as B.O.D.) and Suspended Solids (hereinafter referred to as S.S.) strength characteristics and shall pay sewer service charges based on the quantity of water used, measured in gallons, which exceeds the minimum as defined in subsection (c) below, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Engineering and Transportation Director shall determine the waste strength characteristics of commercial users and assign them to one of the following commercial users groups:

<table>
<thead>
<tr>
<th>Sewer Service Charges</th>
<th>Per 1000 Gals. of Water Used</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1</td>
<td>$1.49</td>
</tr>
</tbody>
</table>

Combined B.O.D. and S.S. measured in mg/l is 400mg/l or less

Group 2 ........................... 1.74

Combined B.O.D. and S.S. measured in mg/l is in the range of 401mg/l to 900mg/l

Group 3 ........................... 2.11

Combined B.O.D. and S.S. measured in mg/l is in the range of 901mg/l to 1400mg/l

Group 4 ........................... 3.172.54

Combined B.O.D. and S.S. measured in mg/l is over 1401mg/l

(b) Sewer service charges for commercial users outside the Sewer District shall be at the rate set forth in subsection (a) above.
(c) Notwithstanding the charges set forth in subsections (a) and (b) above, there shall be a minimum per month sewer charge, for the first 1,680 cubic feet of water used, for commercial users in the above defined groups, as follows:

Group 1 .................. $18.76
Group 2 .................. 21.62
Group 3 .................. 26.50
Group 4 .................. 31.79

(d) For commercial users required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewage service charges set forth in subsection (a) above, there shall be an additional charge of One and 60/100ths ($1.60) Dollars per month to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

(e) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.

(1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.

(2) Commercial users not connected to a public water system shall allow the City to furnish, install and maintain a water meter with the user to pay for the cost of the meter and installation plus ten (10) percent. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Engineering and Transportation Director.

(f) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:

(1) Receipt of transfer of title from the owner in a form satisfactory to the Engineering and Transportation Director, and
(2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (e) above.

SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE.

Each person owning property within the sewer district and receiving industrial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for industrial users shall be at the rate of $762.74 per million gallons of total flow.

(1) If Industry has an effluent meter for industrial flow measurement, the total flow shall be the sum of the metered flow and a sanitary flow.

Sanitary Sewage Flow: If Industry has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Engineering and Transportation Director as follows:

The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) If the Industry has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows.

(3) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(b) If the Biochemical Oxygen Demand (B.O.D.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $90.21 per one thousand (1000) pounds of B.O.D. will be made for the B.O.D. in excess of two hundred (200) mg/l based on industrial flow only.

(c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of $85.53 per one thousand (1000) pounds of S.S. will be made for the S.S. in excess of two hundred (200) mg/l based on industrial flow only.
Industrial Charge shall be the sum of items (a), (b), and (c).

(d) Notwithstanding the charges set forth in subsection (a), (b) and (c) above, there shall be a minimum $10.00 per month sewer service charge.

(e) Sewer service charges for industrial users outside the sewer district shall be at the rate set forth in subsections (a), (b), (c), and (d) above.

SECTION 5. SEWER SERVICE CHARGES FOR SCHOOL SERVICE.

(a) The flat-rate sewer service charges for schools shall be established according to the following formula:

\[
\text{Domestic Use - ADA (Average daily attendance)} \times \text{c.f./pupil/month} \times 12 \text{ months} \times \$0.58 \times 133.69 \text{ c.f.}
\]

Where:

- K-6 Schools ............... 10 cu.ft./pupil/month
- K-8 Schools ............... 13 cu.ft./pupil/month
- 7-8 Schools ............... 24 cu.ft./pupil/month
- High Schools ............. 36 cu.ft./pupil/month
- College ................... 36 cu.ft./pupil/month

The formula set forth above shall be based on the number of pupils enrolled in each of the following schools:

**Empire Union School District**
- Capistrano Elementary .............. K-5
- Christine Sipherd Elementary .......... K-5
- Bernard Hughes Elementary ............ K-5

**Modesto City School District**
- Harriet Kirschen Elementary .......... K-6
- Elihu Beard Elementary .............. K-6
- Fred C. Beyer High .................. 9-12
- Grace Davis High .................... 9-12
- Downey High ....................... 9-12
- Enslen Elementary .................. K-6
- Catherine Everett Elementary ........ K-6
- Franklin Elementary .............. 2-6
John C. Fremont Elementary .................... K-6
William H. Garrison Elementary and
   Joseph M. Kelly Center ........................ K-6
Lakewood Elementary ............................ K-6
La Loma Junior High ............................ 7-8
Alberta Marton Elementary .................... K-6
Modesto High .................................... 9-12
John Muir Elementary ............................ K-6
Robertson Road Elementary ..................... K-6
Roosevelt Junior High ........................... 7-8
Rose Avenue Elementary ........................ K-6
Sonoma Elementary .............................. K-6
Elliot Alternative Education Center .......... 9-12
Mark Twain Junior High ......................... 7-8
Wilson Elementary ................................ K-6
Burbank Elementary .............................. K-6

Salida Union School District
   Mildred Perkins Elementary .................. K-5

Stanislaus Union School District
   Chrysler Elementary .......................... K-6
   Eisenhut Elementary .......................... K-6
   Muncy Elementary ............................ K-6
   Prescott Junior High ......................... 7-8
   Agnes Baptist Elementary .................... K-6

Sylvan Union School District
   Coleman F. Brown Elementary ................ K-6
   Sherwood Elementary ........................ K-6
   Somerset Junior High ......................... 7-8
   Standiford Elementary ........................ K-6
   Stockard Coffee Elementary .................. K-6
   Sylvan Elementary ............................ K-6
   Woodrow Elementary .......................... K-6

Yosemite Community College District
   Modesto Junior College - East Campus ....... College

Central Catholic High ............................ 9-12

St. Stanislaus Elementary ...................... K-8
Our Lady of Fatima Elementary ........................ K-8

(b) The flat-rate sewer service charges shall be due and payable to the City of Modesto November 1st of each year.

(c) The determination of the number of pupils enrolled in each school shall be as of the 15th day of April of each year.

(d) All other property owned or controlled by the schools and connected to the City sewer system shall be charged for the City sewer service on a regular flat-rate basis.

SECTION 6. SEWER SERVICE CHARGES FOR DUMPING OF SEPTIC WASTE AT THE SEWAGE TREATMENT PLANT. The sewage dumping charge will be calculated at the current rates using the industrial rates and the following formula:

Biological Oxygen Demand (BOD); 3,680 MG/L  
Suspended Solids (SS): 20,430 MG/L  
Loads of Septic Waste to Plant: 4,211  
Approximate Gallons of Septage 1992-93: 12,767,375

Flow Charge at current rate for industrial users  
per 1,000 gallons $740.52 per million gallons  . . . . . . . $ 0.74

BOD Surcharge:  
(3,680-200) x 0.001 x 8.34 x 87.58/1,000  . . . . . . . . . . . . $ 2.54

SS Surcharge:  
(20,430-200) x 0.001 x 8.34 x 80.62/1,000  . . . . . . . . . . $13.60

Clean Septic Pit Twice per week - Equipment Operator and Vactor Truck

Operator (116)  
2 min x $15.8040 hr x 2.71  
(benefits and overhead)/60 min/hr  . . . . . . . . . . . . . . . $ 1.43

Vactor truck 2 min x $20.74/60 min/hr  . . . . . . . . . . . . $ 0.69

Total Dump Charges per 1,000 gallons of sewage  . . . . . . . $19.00
SECTION 7. SULFIDE CORROSION CHARGES. Any wastewater discharge which exceeds 0.5 parts per million of sulfides shall pay a sulfide corrosion charge, an impact fee, determined on a case-by-case basis as follows:

(a) The projected accelerated corrosion of collection system pipes and pump stations will be calculated based on the EPA Pomeroy Model for Sulfide Corrosion (EPA Design Manual, EPA/625/1-85-018, Section 2.5.2.1 - Corrosion Predictive Model).

(b) The sulfide corrosion charge will then be calculated based on the actual pipes and pump stations, up to the Water Quality Control Plant headworks, impacted by the discharge, and on the current estimates of replacement costs and the time value of money.

(c) Discharges of sulfide above 0.5 ppm shall also not have a pH lower than 7.

(d) The discharger may request that the sulfide charge be recalculated each year, if the amount of sulfide discharged is documented as having changed significantly from the previous year. The discharger may elect to receive the billing for this service charge on an annual or monthly basis. No prepayment discount will apply.

(e) This service charge is an impact fee based on sulfide crown corrosion of collection system pipes and pumping facilities. It is not intended to compensate the City for increased corrosion or odor generation in the Water Quality Control Plant. It is not intended to liquidate the responsibility of a party whose wastewater discharge escapes from the collection system causing soil or groundwater contamination. Discharge of concentrated sulfides under the provisions of this section constitutes acceptance of these terms.

SECTION 8. PREPAID SEWER SERVICE CHARGES. Any person who has prepaid sewer service charges for residential sewer service and the period for which said sewer service charges were prepaid includes the period covered by Section 2 of this resolution shall be entitled to receive sewer service for said period for the prepaid rates.
SECTION 9. EMPIRE SANITARY DISTRICT. The City of Modesto and the Empire Sanitary District entered into an agreement for sewer services on May 19, 1969, which agreement was amended on June 15, 1970, whereby the City of Modesto agreed to accept and treat the sewage collected in the District's system and the District agreed to pay a service charge for said service. Said agreement, as amended, further provides that service charges may be changed by the City to reflect any revision in sewer service charges made by City to other users of City's system. Therefore, the noncommercial flat monthly rate for sewer services shall be amended to read as follows:

Single-family or mobile home on a lot
(1 dwelling unit only) ........................................ $6.99

Each dwelling unit in a duplex ................................. 3.34

One additional dwelling unit or mobile .......................... 3.34
home on a lot

Each dwelling unit in an apartment building
or dwelling group (triplex, fourplex, etc.)
or each space in a mobile home park .......................... 3.34

Billing Fee .................................................. 0.39

Any future sewer rate increase, as a percentage, shall apply to all customers within the Sewer Service District, including areas served within the Empire Sanitary District.

SECTION 10. NORTH CERES SEWER SERVICE AREA. Pursuant to an agreement entered into between the City of Modesto and the City of Ceres, dated December 18, 1979, the City of Ceres will operate and the City of Modesto will accept and treat sewage collected from a sewerage system in the area bounded by South 9th Street on the west, and Tuolumne River on the north, Mitchell Road on the east and Hatch Road on the
south, which area is referred to as the North Ceres Sewer Service Area. Said agreement further provides that the City of Ceres shall pay bi-monthly sewer service charges to the City of Modesto as authorized by the Modesto Municipal Code and established from time to time by Modesto City Council resolution for industrial service outside the Modesto Municipal Sewer District No. 1.

Any future sewer rate increase, as a percentage, shall apply to all customers within the Sewer Service District, including areas served within the North Ceres Sewer Service Area.

SECTION 11. STORM DRAINAGE SEWER SURCHARGE. The storm drainage sewer surcharges shall be paid as set forth below:

(a) All developed parcels are classified according to their Intensity of Development Factor (IDF). This is a numeric value for each land use based upon generally accepted engineering standards and directly related to the land use of the particular property. The following land uses are identified and recognized, each of which has an assigned IDF, as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Intensity of Development Factor (IDF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residential</td>
<td>0.25</td>
</tr>
<tr>
<td>Duplex</td>
<td>0.50</td>
</tr>
<tr>
<td>Multi-Family High</td>
<td>0.95</td>
</tr>
<tr>
<td>Multi-Family Medium</td>
<td>0.80</td>
</tr>
<tr>
<td>Multi-Family Low</td>
<td>0.40</td>
</tr>
<tr>
<td>Multi-Family Very Low</td>
<td>0.25</td>
</tr>
<tr>
<td>Multi-Family Senior Mobile Home</td>
<td>0.31</td>
</tr>
<tr>
<td>Commercial</td>
<td>0.95</td>
</tr>
<tr>
<td>Industrial</td>
<td>0.75</td>
</tr>
<tr>
<td>Transportation/Utilities</td>
<td>0.40</td>
</tr>
<tr>
<td>Schools</td>
<td>0.25</td>
</tr>
<tr>
<td>Non-Profit Organizations</td>
<td>0.40</td>
</tr>
<tr>
<td>Government</td>
<td>0.70</td>
</tr>
</tbody>
</table>
Hospitals ............................................. 0.50
Parks/Cemeteries .................................... 0.10
Agriculture ........................................... 0.08
Undeveloped .......................................... 0.00

(b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

<table>
<thead>
<tr>
<th>ARN</th>
<th>Square Footage of Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0-3,500 SF</td>
</tr>
<tr>
<td>2</td>
<td>3,501-7,000</td>
</tr>
<tr>
<td>3</td>
<td>7,001-10,500</td>
</tr>
<tr>
<td>4</td>
<td>10,501-14,000</td>
</tr>
<tr>
<td>5</td>
<td>14,001-17,500</td>
</tr>
<tr>
<td>6</td>
<td>17,501-21,000</td>
</tr>
<tr>
<td>7</td>
<td>Increments of 3500 SF</td>
</tr>
<tr>
<td>etc.</td>
<td></td>
</tr>
</tbody>
</table>

(c) Single-Family Residential charges shall be as follows:

- Square Footage of Property: Monthly Charge
  - 0-3500 SF: $1.65
  - 3501-7000 SF: 3.23
  - 7000 + SF: 4.85

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

(e) The IDF is multiplied by the ARN to obtain the Equivalent Runoff Unit (ERU) for a property. The ERU represents a unit of stormwater runoff.

(f) The property's ERU is charged at a monthly rate of $6.58. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x $6.58.

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

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

SECTION 12. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after January 1, 2001.

SECTION 13. RESCINDING PRIOR RESOLUTIONS. Resolution No. 97-94 is hereby rescinded effective December 31, 2000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 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

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
At the regular meeting of the Modesto City Council on September 12, 2000, the City Council set November 14, 2000 at 5:15pm as the date and time for a public hearing to consider:

1. Policies relating to sewer rate equity and equity adjustment process
2. Proposed equity adjustment of sewer rates
3. Revised reserve policy from 25% of operating expenditures to 15-20%
4. The 3% across-the board rate increase

The Proposition 218 (P218) procedures for increasing a fee or charge is proposed shall consist of the following:

1. The parcels upon which a fee or charge is proposed shall be identified.
2. The agency shall conduct a public hearing upon the proposed fee or charge no less than 45 days after mailing the notice of the proposed fee or charge to the record owners of each identified parcel upon which the fee or charge is proposed.
3. At the public hearing, the agency shall consider all protests against the proposed fee or charge. If written protests against the proposed fee or charge are presented by a majority of owners of the identified parcels, the agency shall not impose the fee or charge.

Two rate adjustments are required: (1) An equity adjustment among the residential, commercial and industrial customer classes of +8%, -20%, and 0% respectfully. P218 eliminates cross customer category subsidies. Analysis revealed that commercial customers now subsidize residential in an amount that will be substantially corrected by the proposed adjustments. One proposed policy eliminates subsidies to within our margin of error in cost computation, which is currently +/- 5%. The proposed adjustments correct the subsidies to within that margin. (2) A 3% across-the-board rate increase for all residential, commercial, and industrial customer classes is needed to collect sufficient revenues to cover expenses for operating and maintaining the wastewater collection and treatment system, as well as, capital improvements. The two adjustments are additive and result as follows: residential class, +11%, commercial class, -17%, and industrial class, +3%.

The following table gives net result of the equity and across the board rate adjustment.

<table>
<thead>
<tr>
<th>MONTHLY CHARGE</th>
<th>EXISTING</th>
<th>PROPOSED</th>
<th>CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (+11%)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family dwelling or mobile home on lot</td>
<td>$11.29</td>
<td>$12.53</td>
<td>+$1.24</td>
</tr>
<tr>
<td>Each dwelling in a duplex</td>
<td>$8.82</td>
<td>$9.79</td>
<td>+$0.97</td>
</tr>
<tr>
<td>Each additional dwelling unit on a lot</td>
<td>$7.29</td>
<td>$8.09</td>
<td>+$0.80</td>
</tr>
<tr>
<td>Each dwelling within an apartment building or mobile home park</td>
<td>$7.29</td>
<td>$8.09</td>
<td>+$0.80</td>
</tr>
<tr>
<td>Commercial (-17%)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group 1</td>
<td>$1.83/1000 gal</td>
<td>$1.54/1000 gal</td>
<td>($-0.32)</td>
</tr>
<tr>
<td>Group 2</td>
<td>$2.17/1000 gal</td>
<td>$1.80/1000 gal</td>
<td>($-0.37)</td>
</tr>
<tr>
<td>Group 3</td>
<td>$2.54/1000 gal</td>
<td>$2.19/1000 gal</td>
<td>($-0.35)</td>
</tr>
<tr>
<td>Group 4</td>
<td>$3.17/1000 gal</td>
<td>$2.63/1000 gal</td>
<td>($-0.54)</td>
</tr>
<tr>
<td>Minimum Commercial Charge for the first 1680 cubic feet of water need:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group 1</td>
<td>$23.45</td>
<td>$19.46</td>
<td>($-3.99)</td>
</tr>
<tr>
<td>Group 2</td>
<td>$27.02</td>
<td>$22.42</td>
<td>($-4.60)</td>
</tr>
<tr>
<td>Group 3</td>
<td>$33.12</td>
<td>$27.49</td>
<td>($-5.63)</td>
</tr>
<tr>
<td>Group 4</td>
<td>$39.74</td>
<td>$32.98</td>
<td>($-6.76)</td>
</tr>
<tr>
<td>Industrial (+3%)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flow - per million gallons of total flow</td>
<td>$762.74</td>
<td>$785.62</td>
<td>+$22.88</td>
</tr>
<tr>
<td>Biochemical Oxygen Demand - per 1000# of BOD in excess of 200 mg/l</td>
<td>$90.21</td>
<td>$92.92</td>
<td>+$2.71</td>
</tr>
<tr>
<td>Suspended Solids - per 1000# of suspended solids in excess of 200 mg/l</td>
<td>$83.04</td>
<td>$85.53</td>
<td>+$2.49</td>
</tr>
</tbody>
</table>

If you have any questions, you can:
1. View an engineer's report giving detailed information regarding the rate increase. It is available in the Engineering and Transportation Department, 1010 10th Street, 4th Floor.
2. Call the Engineering and Transportation Department at 209/577-5462.

If you oppose this rate adjustment, you are requested to either mail your written protest to City Clerk, P.O. Box 642, Modesto, CA 95353 or hand deliver your written protest to the November 14, 2000 public hearing in the Joint Chambers, 1010 10th Street, Basement, Modesto, California, 95353.
MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-582  

A RESOLUTION ACCEPTING THE PROPOSAL OF ESCOM SOFTWARE SERVICES LTD. FOR FURNISHING FACILITY RESERVATION, PROGRAM REGISTRATION, AND SPORTS SCHEDULING SOFTWARE  

WHEREAS, on May 26, 2000, the Council approved a request to solicit proposals for Facility Reservation, Program Registration, and Sports Scheduling software; and 

WHEREAS, the Finance Director has recommended that the proposal submitted by Escom Software Services Ltd. for a total amount of $69,350 be accepted. 

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proposal of Escom Software Services Ltd. 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 21st day of November, 2000, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote: 

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

NOES: Councilmembers: None 

ABSENT: Councilmembers: None 

ATTEST:  
JEAN ZAHN, City Clerk
A RESOLUTION AUTHORIZING THE PURCHASE OF ADDITIONAL HARDWARE AND OPERATING SYSTEMS INCLUDED IN THE PROPOSAL OF ESCOM SOFTWARE SERVICES LTD. FOR FURNISHING FACILITY RESERVATION, PROGRAM REGISTRATION, AND SPORTS SCHEDULING SOFTWARE

WHEREAS, on November 21, 2000, the Council approved Res. 2000-582 approving the purchase of Facility Reservation, Program Registration, and Sports Scheduling software from Escom Software Services Ltd; and

WHEREAS, the proposal submitted by Escom Software Services Ltd. included additional hardware and operating systems for a total amount of $34,127; and

WHEREAS, the Finance Director has recommended that the proposal submitted by Escom Software Services Ltd. for the additional hardware and operating systems for a total amount of $34,127 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the purchase of additional hardware and operating systems from Escom Software Services Ltd. 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 21st day of November, 2000, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-584

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET
ALLOCATING FUNDS FOR RESERVATION SOFTWARE

WHEREAS, the Recreation and Neighborhoods Department utilizes a computer program
for processing reservations which is outdated and presents numerous time consuming challenges; and

WHEREAS, a request for proposals for the software system was sent to eight national vendors; with Escom Software Services being chosen as the preferred vendor; and

WHEREAS, funds need to be moved into the Capital Project #L118 to fully fund the purchase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
2000-01 Annual Budget is hereby amended as indicated below:

Expense:
From: #0100-300-3001-8099 $(39,707)
To: #1300-310-L118-6070 $ 39,707

Transfer:
From: #1300-700-7000-90 $39,707
To: #0100-700-7000-7130 $39,707

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 21st day of November, 2000, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-585

A RESOLUTION ACCEPTING THE CALIFORNIA LAW ENFORCEMENT EQUIPMENT PURCHASE PROGRAM GRANT OF $165,091 FOR ACQUISITION OF NEEDED HIGH TECHNOLOGY POLICE EQUIPMENT.

WHEREAS, as a result of State legislation, all California law enforcement agencies were allotted a minimum of $100,000 for high technology police equipment, and

WHEREAS, larger jurisdictions were then allocated a portion of the balance remaining after the minimum payments to all California law enforcement agencies, and

WHEREAS, the City of Modesto was allotted the sum of $165,091, and

WHEREAS, said grant funds must be used for purchase of high technology police equipment, and

WHEREAS, the Modesto Police Department is allocating the funds for the purchase of equipment, completion of the security and electronics for the new G. L. McKinsey Police Administration building and computer hardware and software, as more fully shown on Exhibit “A” attached hereto, and

WHEREAS, acquisition of this equipment and technology greatly enhances the ability of the Police Department to provide law enforcement services, in addition to completing the security and electronics systems for the new police building, and

WHEREAS, if said grant money is not allocated and spent, it will be forfeited back to the State,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that it hereby accepts the California Law Enforcement Equipment Purchase Program
Grant in the amount of $165,091 for acquisition of needed high technology police equipment.

BE IT FURTHER RESOLVED that the City Manager of the City of Modesto,
or his authorized designee, is hereby authorized to execute all documents necessary for the
acceptance of said grant.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the ___21st____ day of ___November____, 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_  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _Michael Milich_  
MICHAEL D. MILICH, City Attorney

11/20/00
CLEEP - California Law Enforcement Equipment Program

Total Funds: $165,091

Must Be Utilized For: High Technology Equipment for Law Enforcement

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication and Illumination Equipment for Bicycle Patrol Officers</td>
<td></td>
</tr>
<tr>
<td>Night Rider Light/Siren Systems</td>
<td>$5,091</td>
</tr>
<tr>
<td>Set Comrs</td>
<td></td>
</tr>
<tr>
<td>Computer Disaster Recovery System Software</td>
<td>11,000</td>
</tr>
<tr>
<td>Street Terrorist Attack Team DataBase Software Development</td>
<td>14,000</td>
</tr>
<tr>
<td>Professional Standards Unit DataBase Software Development</td>
<td>28,000</td>
</tr>
<tr>
<td>Security and Electronics for New Police Building</td>
<td></td>
</tr>
<tr>
<td>Microphones</td>
<td>42,000</td>
</tr>
<tr>
<td>Televisions</td>
<td></td>
</tr>
<tr>
<td>Telephone Upgrades</td>
<td></td>
</tr>
<tr>
<td>Video Systems</td>
<td></td>
</tr>
<tr>
<td>Palm Pilots for Command Personnel</td>
<td>10,000</td>
</tr>
<tr>
<td>Laptop Computers for Presentations</td>
<td></td>
</tr>
<tr>
<td>6 at $2,500/ea</td>
<td>15,000</td>
</tr>
<tr>
<td>Personal Computers</td>
<td></td>
</tr>
<tr>
<td>20 @ $2,000/ea</td>
<td>40,000</td>
</tr>
</tbody>
</table>

**TOTAL**                                                       **$165,091**

EXHIBIT "A"
A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET
ESTIMATING AND APPROPRIATING FUNDS FOR GRANT REVENUE

WHEREAS, as a result of State legislation, all California law enforcement agencies were allotted funds for high technology police equipment, with the City of Modesto receiving $165,091.00.

WHEREAS, these funds must be used for the purchase of high technology police equipment. The Police Department will budget the funds for equipment, completion of the security and electronics for the new administration building as well as computer hardware and software.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

Expenses to: #0400-190-1921-5400 $165,091
Revenue to: #0400-190-1921-3132 $165,091

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-587

A RESOLUTION APPROVING AN AMENDMENT TO THE
MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN
THE CITY AND STANISLAUS COUNTY TO AUTHORIZE
AN EXTENSION FOR DISBURSEMENT OF FUNDS HELD
IN THE AB 939 SOURCE REDUCTION AND RECYCLING
ACCOUNT.

WHEREAS, pursuant to a Memorandum of Understanding ("MOU") between
the City of Modesto ("City") and the County of Stanislaus ("County"), which was executed on
August 25, 1994, the City’s proportional share of funds from the AB 939 Source Reduction
and Recycling Account are disbursed to the City on an ongoing quarterly basis for waste
diversion programs, and

WHEREAS, in June, 1997, the City executed an Amendment to the MOU with
the County to allocate a portion of the fees to cover the cost of preparing quarterly “disposal-
based” reports for City, and

WHEREAS, said reports provide the basis for the City’s Annual Report to the
State on attainment of the mandated reduction in disposal and the City’s portion of the costs of
preparing the quarterly reports is $7,500.00, and

WHEREAS, AB 939 plans have been completed and are in the implementation
phase, and the Public Resources Code allows the ongoing collection of solid waste fees for
solid waste diversion program implementation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that an amendment to the Memorandum of Understanding ("MOU") between the City

of Modesto and the County of Stanislaus is hereby approved to authorize an extension for disbursement of funds held in the AB 939 Source Reduction and Recycling Account, and the City Manager or his authorized designee is hereby authorized to execute said amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  Michael D. Milich, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-588

A RESOLUTION ACCEPTING IMPROVEMENTS IN THE CAROLINAS SUBDIVISION, IN THE NORTH BEYER PARK SPECIFIC PLAN AREA AND AUTHORIZING RELEASE OF BONDS

WHEREAS, McRoy-Wilbur Communities Inc., a California Corporation, subdividers of The Carolinas subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of $764,600 and $382,300 respectively to guarantee improvements in The Carolinas 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 The Carolinas Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $764,600 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 $382,300 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 21st day of November, 2000, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-589

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES FOR THE DESIGN OF A NEW TRANSIT BUS MAINTENANCE AND STORAGE FACILITY.

WHEREAS, the City of Modesto has proposed a new Transit Bus Maintenance and Storage Facility to accommodate 65 transit vehicles, and

WHEREAS, the new facility will feature a new bus parking area, new bus maintenance facility, fuel island, wash house and off-street employee parking, and

WHEREAS, the new facility will be located on the north end of the existing Corporation Yard and will replace the existing facility located adjacent to the City’s existing Corporation Yard, and

WHEREAS, the estimated cost of the consultant contract for Engineering Services for the design of the new facility is $500,000, and

WHEREAS, Federal Transit Funds will cover 80% of the design and construction costs, and the additional 20% will come from the City’s Local Transportation Fund, and

WHEREAS, City staff does not have the available manpower or expertise to provide the design service on this specialized project, and

WHEREAS, the new Transit Bus Maintenance and Storage Facility is needed for the existing fleet of buses and will provide enough room for current operations and future expansion of the transit system,
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 Engineering Services for the design of a new Transit Bus Maintenance and Storage Facility.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-590

A RESOLUTION AUTHORIZING IMPLEMENTATION OF THE LEGISLATIVE PROCESS REVIEW REPORT AND AUTHORIZING THE CITY MANAGER TO TAKE THE RECOMMENDED ACTIONS.

WHEREAS, the City Manager authorized a contract with Management Partners, Incorporated to review the City of Modesto's legislative process, and

WHEREAS, Management Partners, Incorporated was to provide and independent review of existing practices and policies, a comparison with best practices in selected comparable cities, and recommendations for system enhancement, and

WHEREAS, the Legislative Process Review report, a copy of which is on file in the Office of the City Clerk, is the end product of this effort, and

WHEREAS, the report contains 16 recommendations for improvements in the City's legislative process, and

WHEREAS, these recommendations are found in the areas of agenda preparation and review, City Council, and City Council Committees, and

WHEREAS, on October 10, 2000, the City Manager presented to the City Council some initial recommendations that would result in an immediate positive improvement in the City's legislative process, and

WHEREAS, at that time the City Council elected to accept the report and implement one of the recommendations presented, namely requiring staff-recommended resolutions and ordinances to be included as attachments to the Council Agenda Report, and

WHEREAS, this recommendation will be implemented January 1, 2001, and
WHEREAS, Council requests that the other recommendations made by the Legislative Process Review report be considered in greater length at another council meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the implementation of the Legislative Process Review report and authorizes the City Manager to take the necessary steps to implement the recommendation that resolutions and ordinances to be included as attachments to the Council Agenda Report.

BE IT FURTHER RESOLVED that other recommendations made by the Legislative Process Review report will be considered in greater length at another council meeting.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 2000, 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, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-591

A RESOLUTION APPOINTING RAY FELLER & ALITA ROBERTS 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. Ray Feller & Alita Roberts are hereby appointed to the Planning Commission, each with a term expiration of January 2004.

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 21st day of November, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-592

A RESOLUTION APPOINTING CYNTHIA VAN EMPEL & CHARLES BRUNN TO THE CITIZENS REDEVELOPMENT ADVISORY 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 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Citizens Redevelopment Advisory 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 21st day of November, 2000, 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, Smith, Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-593

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:

Civil Engineering Assistant

The specifications for the classification of Civil Engineering Assistant, 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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2000, 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
CIVIL ENGINEERING ASSISTANT

DEFINITION

To perform the most complex paraprofessional engineering work in connection with engineering design and development review projects; to perform advanced technical engineering work including surveying, contract administration, office engineering and traffic engineering duties.

DISTINGUISHING CHARACTERISTICS

Receives direction from higher level engineering staff.

May exercise technical supervision over lower level engineering staff.

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

Prepare profiles, cross-sections and other details, including quantity estimates and horizontal and vertical alignment computations.

Calculate pipe slopes, grades, velocities, volumes, and cross slopes.

Utilize an engineering computer to compute vertical and horizontal alignments, curves, grades, cross slopes, traverses for highway, drainage, sewer facilities and other related computations.

Advise members of the public regarding City standards and development of approval procedures and requirements.

Check legal descriptions of property for accuracy and conformity to legal requirements.

Check subdivision maps, parcel maps, and other engineering documents for conformance to State laws and local ordinances; oversee and update maps to include new subdivisions and other changes.

Maintain records and files and prepare reports.

Use computer programs and other engineering aids in the office to perform the computing and automated drafting operations involved in checking and reducing

EXHIBIT "A"
FUNCTION STATEMENTS, Continued:

field and survey data; calculate distances, ties, angles, area, traverses, and closures; computes grades and profiles.

In addition, when assigned to Engineering:

Design and prepare plans, specifications and cost estimates for streets, street lighting, water distribution, sanitary sewers, storm drains, and other segments of public water works projects.

Conduct preliminary project feasibility studies.

Provide information related to project design to the general public, contractors and developers.

Assist in the administration of public works contracts including contract costs, materials verification, and compliance with State and Federal regulations.


Collect and review material submittals for compliance with contract provisions and sound engineering principles; prepare and obtain approval for change orders.

Review and verify inspection and laboratory test findings.

In addition, when assigned to Field Survey:

Perform instrument work on field surveys; assist with the gathering and compilation of field data for layout of road beds, curbs, paving, gutters and sidewalks; establish tentative lines and grades.

Use of data collectors to collect information including field survey notes.

Operate and use a robotic total station to conduct a variety of location, construction, and property surveys and other survey work.

Marginal Functions:

Perform related duties as assigned.
QUALIFICATIONS

Knowledge of:

Civil engineering design mapping and AutoCAD drafting procedures and AutoCAD standards.

Terminology and practices used in describing property parcels.

Principles of algebra, geometry, and trigonometry as related to the assignment.

Principles, methods, techniques and equipment used in surveying, drafting, and traffic engineering.

Common engineering construction methods and standards.

Computer applications related to civil engineering functions.

Applicable laws, codes and regulations.

Engineering reproduction processes including blue-lines and blueprints.

English usage, spelling, grammar and punctuation.

In addition, when assigned to Engineering:

Construction materials, practices, and cost estimating procedures.

In addition, when assigned to Field Survey:

Global Positioning System (GPS) equipment and use.

Use of digital levels.

Computer applications related to surveying functions.

Ability to:

Operate surveying and engineering equipment efficiently and accurately.

Make accurate engineering calculations.
Ability To, Continued:

Prepare maps, drawings, and layouts from digital data and information.

Understand and interpret field survey notes.

Design horizontal and vertical alignments.

Compute areas of parcels of land using specialized software, such as AutoCAD or Soft Desk.

Use engineering computer programs and systems in making accurate computations and drawings.

Read and interpret property descriptions and technical engineering manuals.

Use tact and public relations skills when dealing with the general public, contractors and developers in the subdivision and permit issuance process.

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

Understand and carry out oral and written instructions.

Learn to skillfully perform technical surveying, drafting, traffic engineering and office engineering.

Perform medium-level manual labor, meaning lifting and carrying fifty (50) pounds of weight; carry survey instruments; hammer stakes and hubs.

Write the less difficult property related legal descriptions.

In Addition, when assigned to Field Survey:

Clean and maintain surveying equipment.

Understand and interpret field notes.
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 responsible office engineering, traffic engineering, or survey party experience.

**Training:**

Equivalent to an Associate or Arts Degree with major coursework in civil engineering or a related field.

**License or Certificate**

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

*In addition, when assigned to Engineering:*

Possession of an Engineer-in-Training (EIT) Certificate is highly desirable.

*In addition, when assigned to Survey:*

Land Surveyor-in-Training (LSIT) Certificate is highly desirable.

**WORKING CONDITIONS**

**Environmental Conditions:**

Office and 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; operate motorized equipment and vehicles.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-594

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE JULIO GALLO FOUNDATION AND THE MODESTO GARDEN CLUB FOR THE INSTALLATION AND MAINTENANCE OF A FLOWER CLOCK ON THE "K" STREET SIDE OF MODESTO CENTRE PLAZA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Julio Gallo Foundation and the Modesto Garden Club for installation and maintenance of a flower clock on the "K" Street side of the Modesto Centre Plaze 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 21st day of November, 2000, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-595

A RESOLUTION ACCEPTING THE PROJECT TITLED “MARTIN/CLAYTON SEWER LIFT STATION REHABILITATION” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Martin/Clayton Sewer Lift Station Rehabilitation, has been completed by Amerine Systems Inc., in accordance with the contract agreement dated November 16, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Martin/Clayton Sewer Lift Station Rehabilitation be accepted from said contractor, Amerine Systems Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $121,934.50 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 28th day of November, 2000, 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
A RESOLUTION ACCEPTING THE PROJECT TITLED “COLLEGE AVENUE STORM DRAIN” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled College Avenue Storm Drain has been completed by Semco, in accordance with the contract agreement dated May 9, 2000.

NOW, THEREFORE, BE IT RESOLVED that the College Avenue Storm Drain be accepted from said contractor, Semco; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $359,076.51 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 28th day of November, 2000, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-597

A RESOLUTION SUMMARILY VACATING AND
ABANDONING A 10-FOOT STRIP OF PUBLIC UTILITY
EASEMENT ALONG THE WEST SIDE OF BREEZEWAY
DRIVE, BEING ALSO ALONG THE EAST BOUNDARY OF
LOTS 7 AND 8 OF BLOCK 11606 WITHIN VILLAGE
HIGHLANDS 4, PHASE 1 SUBDIVISION IN THE CITY OF
MODESTO.

WHEREAS, the City of Modesto has received a request from Max Garcia, a
consulting Civil Engineer and Land Surveyor, on behalf of Greg Bradford of Heritage Homes,
developer of the Village Highlands 4, Phase 1 Subdivision, to abandon a 10-foot strip of
public utility easement along the west side of Breezeway Drive, being also along the east
boundary of Lots 7 and 8 of Block 11606 within Village Highlands 4, Phase 1 Subdivision in
the City of Modesto, and

WHEREAS, the California Streets and Highways Code authorizes a city
council, by resolution, to summarily vacate easements, and

WHEREAS, said easement referred to above on the real property along the west
side of Breezeway Drive, being also along the east boundary of Lots 7 and 8 of Block 11606
within Village Highlands 4, Phase 1 Subdivision in the City of Modesto is more particularly
described in Exhibit "A", attached hereto, and

WHEREAS, all public utilities have been contacted and they have no objection
to the abandonment, and

WHEREAS, the Council finds and declares that:
1. The vacation is made pursuant to Chapter 4, Article 1, Section 8333(c), of Part 3 of Division 9 of the Streets and Highways Code.

2. The use of the property described in Exhibit "A", attached hereto, which is a 10-foot strip of public utility easement along the west side of Breezeway Drive, being also along the east boundary of Lots 7 and 8 of Block 11606 within Village Highlands 4, Phase 1 Subdivision in the City of Modesto is not required for public utilities.

3. That from and after the date this resolution is recorded, the 10-foot strip of public utility easement vacated will no longer constitute a public utility easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 10-foot strip of public utility easement along the west side of Breezeway Drive, being also along the east boundary of Lots 7 and 8 of Block 11606 within Village Highlands 4, Phase 1 Subdivision in the City of Modesto, which is more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
LEGAL DESCRIPTION
FOR THE ABANDONMENT OF A
PUBLIC UTILITIES EASEMENT

A portion of Lots 7 and 8 of Block 11606 as shown on the Final Map of Village Highlands 4 Phase 1 recorded in Book 39 of Maps at Page 4, City of Modesto, Stanislaus County Records, more particularly described as follows:

Beginning at the northerly corner of said Lot 8 said point being common to said Lots 7 and 8; thence South 37°10'36" East along the east line of said Lot 8 a distance of 62.25 feet; thence along the arc of a curve concave to the southwest having a radius of 276.00 feet through a central angle of 7°51'39" a distance of 37.87 feet; thence South 65°41'02" West a distance of 10.00 feet; thence along the arc of a curve concave to the southwest having a radius of 266.00 feet through a central angle of 7°51'39" a distance of 36.49 feet; thence North 37°10'36" West along a line 10.00 feet westerly and parallel with the easterly line of said Lots 7 and 8 a distance of 154.33 feet; thence North 57°49'24" East a distance of 10.00 feet; thence South 37°10'36" East along the east line of said Lot 7 a distance of 92.08 feet; to the point of beginning.

Contains 1915 Square feet, more or less

This real property description was prepared by me or under my direction, in conformance with the Professional Land Surveyors Act.

[License Seal and Signature]

Date 11-3-00

George Harrow L.S. 6494
License Expires 6/30/03
PROPOSED ABANDONMENT OF 10' P.U.E.

SCALE: 1" = 40'

P.E.: PLANTING EASEMENT
P.U.E.: PUBLIC UTILITY EASEMENT
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-598

A RESOLUTION APPOINTING SIXTEEN 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. Sixteen Modesto area high school students are hereby appointed to
the Modesto Youth Commission, each of the eight seniors with a one year term limit,
each of the eight juniors with a two year term limit, as follows:

Jenni Richter              Senior, Beyer High
Ashley Hobbs               Junior, Beyer High
Wes O’Haire                Senior, Calvary Temple
Matt Miranda               Junior, Calvary Temple
Cameron Menezes            Senior, Central Catholic
Kate Hughes                Junior, Central Catholic
Arti Sharma                Senior, Davis High
Laury Thammavong           Junior, Davis High
Kathy Nguyen               Senior, Downey High
Isaac Able                 Junior, Downey High
Matt Soderstrom            Senior, Johansen High
Megan Ankency              Junior, Johansen High
Robert Cupp                Senior, Modesto High
Miriam Solis               Junior, Modesto High
Deziree Durkop             Senior, Modesto Christian
Melissa Fastenau           Junior, Modesto Christian
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 28th day of November, 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
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-599

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND OAKBROOK APARTMENTS FOR INSTALLATION OF AN ON-SITE SEWAGE LIFT STATION TO PREVENT BACKUP OF SEWAGE INTO THE APARTMENT UNITS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Oakbrook Apartments for installation of an on-site sewage lift station to prevent backup of sewage into the apartment units 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 28th day of November, 2000, 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
A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO CREATE A CIP ACCOUNT TITLED "OAKBROOK LIFT STATION"; APPROPRIATING FUNDS FROM THE WASTEWATER RESERVE TO FULLY FUND THE PROJECT

WHEREAS, staff is proposing the City construct a sewer lift station on the Oakbrook Apartments property which will discharge sewage into the trunk sewer on Scenic Drive preventing reoccurring backup of sewage into the Oakbrook apartments; and

WHEREAS, a capital project needs to be setup and funds appropriating to fully fund the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

From: #6210-800-8000-8003  $(80,000)
To:    #6210-440-M276-6040  $80,000

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 28th day of November, 2000, 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahnr, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
A RESOLUTION APPROVING THE FINAL MAP OF SIENA PHASE 1 SUBDIVISION OF THE CITY OF MODESTO, UPON THE CONDITION THAT A DEED GRANTING AN EASEMENT TO MID FOR PROTECTION OF THE IRRIGATION FACILITIES BE EXECUTED AND RECORDED ON OR BEFORE DECEMBER 5, 2000.

WHEREAS, Sequoia Properties, a California Limited Partnership, by Lily Development, Inc., a California Corporation, It’s General Partner, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 15.95 acres, known as SIENA PHASE 1 (“Subdivision”), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 15th day of June, 1998, and

WHEREAS, the Vesting Subdivision Tentative Map approved by the Planning Commission set certain conditions of approval for said subdivision, and

WHEREAS, all of the conditions have been satisfied except for execution and recordation of a deed granting an easement to MID for protection of the irrigation facilities (“Deed”), and

WHEREAS, said Deed has been prepared but cannot be approved by MID’s Board of Directors or recorded until they meet on November 28, 2000, and

WHEREAS, City staff has received assurances from MID staff members that the Board of Directors of MID will approve the Deed at the November 28, 2000, meeting, 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 SIENA PHASE 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 on the condition that the Deed be executed by MID and recorded on or before December 5, 2000; 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 28th day of November, 2000, 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 ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By [Signature]
ALISON A. BARRATT-GREEN
Senior Deputy City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-602

A RESOLUTION ACCEPTING IMPROVEMENTS IN SIERRA VIEW SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, Ling Investments, a Limited Partnership, subdividers of Sierra View subdivision have filed a Subdivision Faithful Performance bond and a Payment Bond for labor and materials in the amount of $1,125,068 and $562,534 respectively to guarantee improvements in Sierra View 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 Sierra View Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $1,125,068 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 $562,534 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 28th day of November, 2000, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-603

A RESOLUTION APPROVING THE FINAL MAP OF SUTTER RIDGE SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, ANDERSON HOMES, a California corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 17.56 acres, known as SUTTER RIDGE ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 20th day of March, 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 SUTTER RIDGE 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 28th day of November, 2000, 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

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By ALISON A. BARRATT-GREEN
Senior Deputy City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-604

A RESOLUTION ESTABLISHING FEES TO BE PAID FOR OBTAINING COPIES OF OFFICIAL POLICE DEPARTMENT REPORTS AND POLICE PHOTOGRAPHS, AND RESCINDING RESOLUTION NO. 95-245.

WHEREAS, Section 6253(b) of the Government Code provides that except with respect to public records exempt by express provisions of law from disclosure, each state or local agency, upon any request for a copy of records, which reasonably describes an identifiable record, or information produced therefrom, shall make the records promptly available to any person, upon payment of fees covering direct costs of duplication, or a statutory fee, if applicable. Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt by law.

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

SECTION 1. The following fees are hereby established and shall be collected for preparation of copies of any official police department report and photograph on file in the office of the Police Department.

Copy of Official Police Report - $.35 per page

Copy of Official Police Photograph - $10.00 for processing and retrieval plus $1.10 per each print.

These fees shall not apply to any governmental agency.

SECTION 2. The Police Chief shall cause a fee book to be kept by his department. All fees collected by his department for copies of these reports and photographs
shall be entered in the book with the date, the name of the person making the payment, and the nature of the service in each case. At least weekly, these fees shall be paid into the City treasury.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2000, 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

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-605

A RESOLUTION APPROVING CHANGES IN DIRECT CITY
ASSISTANCE FOR THE ANNUAL CELEBRATION OF
LIGHTS HOLIDAY PARADE AND TREE LIGHTING
EVENT, AND RESCINDING RESOLUTION NO. 99-573.

WHEREAS, the City of Modesto has held an annual Celebration of Lights
Holiday Parade and Tree Lighting Event for several years, and

WHEREAS, major changes this year include a new parade sponsor and parade
route, and

WHEREAS, the Modesto Bee has agreed to be a financial sponsor of the annual
Celebration of Lights Holiday Parade, and

WHEREAS, the Modesto Bee has given the City of Modesto $5,000 toward
expenses related to the annual Celebration of Lights Holiday Parade, and

WHEREAS, the estimated additional $1,000 needed will be raised from parade
entry fees, and

WHEREAS, the City of Modesto will provide Direct City Assistance for the
annual Celebration of Lights Holiday Parade and Tree Lighting Event, 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, City staff supports and endorses the Celebration of Lights Holiday
Parade and Tree Lighting Event as an annual community event, and
WHEREAS, the dates for the Celebration of Lights Holiday Parade and Tree Lighting Event will be determined annually, and

WHEREAS, the Council deems it appropriate to grant approval of said changes in Direct City Assistance, for the annual Celebration of Lights Holiday Parade and Tree Lighting event in the City of Modesto, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve changes in Direct City Assistance, for the annual Celebration of Lights Holiday Parade and Tree Lighting event, subject to the following conditions:

1. City of Modesto Recreation and Neighborhoods Department will organize and supervise all aspects of the parade.

2. City of Modesto Operations and Maintenance Department will erect the City's portable reviewing stage with canopy at the location determined by the organizing committee. The stage will be in place prior to 2:00 p.m. on the day of the parade. Said portable stage shall be removed by City personnel following the parade.

3. City of Modesto Recreation and Neighborhoods Department will provide use of a portable public address system for the parade reviewing stand.

4. The parade will start on 15th Street at I Street and will proceed on I Street to 10th Street. It will then proceed to J Street and on to 15th Street, then disband. The parade staging area (15th, 16th and 17th Streets from H to J Streets) will also be barricaded. See attached map.
5. City of Modesto Police Department will provide Equestrian Police Officers and Motorcycle Police Officers and Reserve Officers to maintain traffic control along the parade route.

6. City of Modesto Operations and Maintenance Department will provide no parking signs and barricades on corners and at other appropriate locations as determined by the Police Department prior to the start of the parade.

7. City of Modesto Operations and Maintenance Department will supply street sweepers for the parade.

8. The level of City support as described in 5, 6 and 7 above shall be determined by appropriate City of Modesto staff.

9. City of Modesto Recreation and Neighborhoods Department will be responsible for the rental of portable toilets to be placed adjacent to the Modesto Centre Plaza and at various locations on the parade route.

10. The Cultural and Enterprise Services Division of the Recreation and Neighborhoods Department will be responsible for all logistics and costs associated with the tree lighting event which will take place in front of the Modesto Centre Plaza immediately following the parade.

BE IT FURTHER RESOLVED that Resolution No. 99-573 is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2000, 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

(MICHAEL D. MILICH, City Attorney

(Approved as to Form)

JEAN ZAHR, City Clerk

(SEAL)
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-606

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING
THE PURCHASE OF A BACKHOE

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that
formal bid procedures for the purchase of a backhoe are hereby waived.

BE IT FURTHER RESOLVED that purchase of a backhoe for a not to exceed price of
$55,000.00 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 28th day of November, 2000, 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
A RESOLUTION AUTHORIZING THE TRADE-IN OF AN EXISTING BACKHOE

WHEREAS, Res. 2000-606 authorized waiving formal bid procedures to purchase a backhoe; and

WHEREAS, the Finance Director has recommended that the existing backhoe be used as trade-in on the purchase of the new backhoe.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the existing backhoe be used as trade-in toward the purchase of a new backhoe and the preparation of a necessary document 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 28th day of November, 2000, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-608

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO FULLY PURCHASE EQUIPMENT FROM ONE ORGANIZATION

WHEREAS, Council has waived formal bid procedures and authorized the trade-in purchase of an existing backhoe; and

WHEREAS, funds need to be transferred into one account for ease in tracking the full expenditure of the equipment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

From: #0100-480-4724-5700 $35,000
#0100-700-7000-7721 $35,000
To: #7210-480-5814-5700 $35,000
#7210-700-7000-9010 $35,000

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 28th day of November, 2000, 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _______________________
JEAN ZAHR, City Clerk

APPROVED AS TO SUFFICIENCY:

By: _______________________
STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-609

A RESOLUTION APPROVING PARTICIPATION IN THE
SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND
STATE GRANT PROGRAM ENTITLED,"CITIZEN'S
OPTION FOR PUBLIC SAFETY", AND ACCEPTING THE
EXPENDITURE OF FUNDING ALLOCATED FOR

WHEREAS, a duly noticed public hearing was held by the City Council at its
meeting of November 28, 2000, at 5:15 p.m., at Tenth Street Place Council Chambers,
located at 1010 10th Street, Modesto, California, for the purpose of considering the City’s
participation in the Supplemental Law Enforcement Services State Grant Program entitled,
“Citizen’s Option For Public Safety”, and

WHEREAS, in 1996, Assembly Bill 3229, the Supplemental Law Enforcement
Services Act, was passed by the State Legislature and signed by the Governor, to help ensure
public safety, and

WHEREAS, said legislation has continued to be funded each year for the
exclusive purpose of funding of front line municipal police services, in accordance with
written requests submitted by the Chief of Police of a city to his or her governing body,
convened in public hearing, and

WHEREAS, the total amount of funding allocated to the City of Modesto for
2000/2001 is $408,549.00, and

WHEREAS, upon acceptance of said funds, the funds must be held in an
interest-bearing Supplemental Law Enforcement Services Fund, and the funds may not be used
to supplant existing budget funds, and

WHEREAS, State law enacted in 2000 requires that the funds be fully expended in the budget year received,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City’s participation in the Supplemental Law Enforcement Services Fund State Grant Program and accepts the expenditure of funding allocated to the City of Modesto in the sum of $408,549 for fiscal year 2000/2001.

BE IT FURTHER RESOLVED that the City Manager of the City of Modesto, or his authorized designee, is hereby authorized to execute any documents necessary to accept said grant funds.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the ___28th___ day of ___November___, 2000, 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: 

GEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-610  

A RESOLUTION APPROVING A REVISED  
DISADVANTAGED BUSINESS ENTERPRISE (DBE)  
PROGRAM FOR FEDERALLY FUNDED HIGHWAY  
PROJECTS.  

WHEREAS, the Disadvantaged Business Enterprise (DBE) Program describes the process the City will use to obtain participation by DBE’s in City-awarded contracts, and  
WHEREAS, due to recent changes in the Federal regulations (49 CFR Part 26) a revised DBE Program must be adopted for Federally funded highway projects, and  
WHEREAS, City of Modesto Federally funded street projects are administered by Caltrans, and  
WHEREAS, the City of Modesto submitted the draft DBE Program to Caltrans and received approval of the draft DBE Program contingent upon City Council approval, and  
WHEREAS, a copy of the City Of Modesto Disadvantaged Business Enterprise (DBE) Program for Federally Funded Highway Projects is on file in the Office of the City Clerk, and  
WHEREAS, the Transportation Policy Committee considered approval of the DBE Program at its meeting of November 29, 2000, and  
WHEREAS, in order to continue receiving Federal funding on street projects the City must adopt a DBE program consistent with recently revised federal regulations and receive approval by January 1, 2001,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a revised Disadvantaged Business Enterprise (DBE) Program for Federally funded highway projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Smith

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-611

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:

Change Strategic Planning Division Manager to Planning Division Manager

As part of the restructuring of the Community Development Department which occurred in 1999, classification of Strategic Planning Division Manager has been retitled to Planning Division Manager and incorporates both current and advance planning aspects of the new Planning Division.

The specifications for the classification of Planning Division Manager, 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 December 5, 2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Smith

ATTEST: Jean Zahr

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
DEFINITION

To assist the Community Development Director in the planning, directing, coordinating and administration of departmental functions; to manage, supervise and administer the division; to assist in the preparation of operating and capital improvement budgets; and to provide complex staff assistance to the department Director.

SUPERVISION RECEIVED AND EXERCISED:

Receives administrative direction from the Community Development Director.

Exercises direct supervision over professional, technical and clerical staff in assigned area.

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

Essential Functions:

Manage, direct and organize division activities in the areas of urban growth management, specific plans, land use entitlement, annexation, environmental review, and the City’s General Plan.

Coordinate staff reports and facilitate division teams relating to current planning, annexations, environmental reviews and analysis.

Provide oversight and direction for writing and/or amending the General Plan.

Provide administrative support to the Director; assist with special projects as assigned; prepare complex and sensitive reports; analyze and develop recommendations on complex planning, urban growth management, transportation and utility planning proposals.

Review other agencies’ environmental impact reports for potential impact to the City’s; interpret and apply environmental quality laws and regulations to ensure that development, City projects and Municipal Code amendments are in compliance.

Review and approve development plan revisions and administrative site plan approvals.

EXHIBIT “A”
Essential Functions, Continued:

Prepare ordinances and ordinance amendments related to activities of the division.

Advise the City Council and the Planning Commission on matters relating to the division.

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

Administer the division budget; direct the forecast of funds needed for departmental goals; monitor and approve expenditures; implement mid-year adjustments.

Direct, oversee and participate in the development of the division's workplan; assign work activities, projects and programs; monitor workflow; implement policies and procedures.

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

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

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods of preparing designs, plans, specifications, estimates, reports and recommendations relating to proposed projects relating to land use issues, annexation, environmental review and inspections.

Principles and practices of urban planning and program development with particular emphasis on environmental review, land usage and division, and growth management.
Knowledge of, Continued:

Pertinent Federal, State and local laws, codes and regulations.

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

Methods and techniques of statistical analysis, effective technical report preparation and presentation (both oral and graphic).

Principles of budget preparation and expenditure control.

Ability to:

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

Effectively manage assigned areas of the departmental program.

Supervise, evaluate and train assigned staff.

Interpret and apply pertinent laws, rules and regulations.

Prepare ordinances and code amendments.

Ensure compliance with Federal, State and local rules, laws and regulations.

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

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

Communicate clearly and concisely, both orally and in writing.
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 increasingly responsible experience in professional urban or regional planning or a related field including at least two years of administrative and supervisory experience.

**Training:**

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

**License or Certificate:**

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

**WORKING CONDITIONS:**

**Environmental Conditions:**

Office environment; exposure to computer screens.

**Physical Conditions:**

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time.
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<thead>
<tr>
<th>RANGE</th>
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<tbody>
<tr>
<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
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<tr>
<td>408</td>
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<td>409</td>
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<td>411</td>
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<tr>
<td>412</td>
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</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 |
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<tr>
<td>421</td>
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<tr>
<td>422</td>
<td>Office Supervisor</td>
</tr>
<tr>
<td>423</td>
<td>Custodian Supervisor</td>
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</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  
      | Neighborhood Preservation Supervisor  
      | Senior Crime Analyst  
      | Social Services Program Supervisor  
<pre><code>  | Events Supervisor I |
</code></pre>
<table>
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<tr>
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<th>TITLE</th>
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</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  
       | Land Surveyor  
       | Assistant Civil Engineer  
       | Assistant Traffic Engineer  
       | Geographic Information Systems Coordinator  
<pre><code>   | Events Supervisor II |
</code></pre>
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</thead>
</table>
| 435   | Management Analyst  
       | Senior Personnel Analyst  
       | Integrated Waste Specialist  
       | Business Analyst  
       | Cultural Services Manager |
| 436   | Senior Planner |
| 437   | Deputy City Attorney 1 |
| 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 |
| 439   | Administrative Services Officer |
| 440   | Purchasing Officer  
       | 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) |
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| 441   | (Continued)  
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  
Traffic Engineer |
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<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. 2000-612

A RESOLUTION AUTHORIZING THE USE OF COMMUNITY DEVELOPMENT DEPARTMENT FUNDS TO COVER THE COST OF TWO NON-CITY EMPLOYEES TO ATTEND THE CALWORKS PARTNERSHIP CONFERENCE IN SAN DIEGO, CALIFORNIA ON DECEMBER 12-13, 2000.

WHEREAS, the 2000 CalWORKS Partnership Conference, held in San Diego on December 12-13, 2000 offers many opportunities to learn about the future of California’s workforce preparation system as a result of welfare-to-work, school-to-career, one-stop career centers, the Workforce Investment Act, and other recent workforce development initiatives, and

WHEREAS, at the conference colleagues will exchange ideas and develop new partnerships with those who administer CalWORKS, the Department of Labor’s Welfare to Work grant programs, education and training programs, economic development efforts, and other initiatives within the workforce preparation arena, and

WHEREAS, Modesto’s Workforce Development Leadership Team has been invited to present Modesto’s program at the CalWORKS Partnership Conference, and

WHEREAS, Modesto’s Workforce Development Leadership Team is made up of a representative from the City of Modesto, Dessarrollo Latino Americano, American GI Forum and County Services Agency, and

Whereas, two members (non-City employees) require assistance to pay the expenses for this conference at an estimated cost of $1,128.40, and
WHEREAS, by an agenda report dated November 27, 2000, from the Community Development Department, Business Development Office, City staff recommended to the Council authorizing the use of Community Development funds to cover the cost of two non-City employees to attend the Workforce Development CalWORKS Partnership Conference on December 12-18, 2000, in San Diego, California, and

WHEREAS, the City Council considered this matter at its meeting of December 5, 2000,

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 cost of two non-City employees to attend the Workforce Development CalWORKS Partnership Conference in San Diego, California on December 12-13, 2000, to allow team members to share their experiences and to obtain additional information and insight regarding the Workforce Development Project.

BE IT FURTHER RESOLVED that the total estimated cost is $1,128.40, and funds are available in account 0100-140-1401-8099, ABS Savings, to pay for these costs. These funds will be transferred to account 0100-140-1400-0260, Miscellaneous Services to be utilized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Smith

ATTEST: Jean Zahr

JEAN ZAHRI City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-613

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PAK MAIL TO CONTINUE OPERATING AS A PASS OUTLET FOR MODESTO AREA EXPRESS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and PAK Mail to continue operating as a pass outlet for Modesto Area Express 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 day of December, 2000, 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, Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: Serpa, Smith

ATTEST: JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL  
RESOLUTION NO. 2000-614

A RESOLUTION APPROVING THE FINAL MAP OF  
VILLAGE HIGHLANDS 5 SUBDIVISION OF THE CITY OF  
MODESTO.

WHEREAS, INLAND VILLAGE, a General Partnership, is possessed of a tract  
of land situated in the City of Modesto, County of Stanislaus, consisting of 4.23 acres, known as  
VILLAGE HIGHLANDS 5 ("Subdivision"), and  

WHEREAS, a tentative map of said tract was approved by the Planning  
Commission of the City of Modesto on the 7th 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 VILLAGE HIGHLANDS 5 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  
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 December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Smith

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. 2000-615

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 14 AND CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED ON THE WEST SIDE OF ROSELLE AVENUE SOUTH OF HILLGLEN DRIVE IN THE VILLAGE ONE SPECIFIC PLAN AREA. (OMEGA VENTURES)

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 Omega Ventures for a Precise Plan for Area No. 14, property located on the west side of Roselle Avenue south of Hillglen Drive, 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 2000-68, 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. 2000-54, adopted on November 6, 2000, and City staff, by a report dated November 21, 2000, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 14 of the Village One Specific Plan as set forth in said Resolution No. 2000-54, and recommended approval of an Amendment to Section 11-3-9 of the Zoning Map to rezone from Specific Plan-Holding Zone, SP-H to Specific Plan-Overlay Zone, SP-O, Precise Plan Area 14, property located on the west side of Roselle Avenue south of Hillglen Drive, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on December 5, 2000, 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 2000-68, entitled "City of Modesto Initial Study Precise Plan No. 14 and Papatone Property Vesting Tentative Subdivision Map", for the proposed project, and the Council hereby makes the following findings:
1. As per Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Program EIR and no new environmental document or findings are required by CEQA.

2. The proposed Precise Plan and rezoning 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, and no new mitigation measures would be required.

3. There are no substantial changes in the proposed Precise Plan and rezoning 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 Precise Plan and rezoning are 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 as amended by the Village One Supplemental EIR was certified as complete, has become available.

6. There are no specific features, which are unique to the proposed Precise Plan and rezoning that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR will be sufficient for this project.

7. All feasible mitigation measures set forth in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR which are appropriate to the proposed Precise Plan and rezoning shall be incorporated in the proposed Precise Plan and rezoning.

8. The Initial Study, Environmental Assessment No. EA/CDD 2000-68, provides the substantial evidence to support the above findings.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the ____5th____ day of ____December____, 2000, 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, Mayor Sabatino

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  Conrad, Serpa, Smith

ATTEST:  JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By  MICHAEL D. MILICH, City Attorney
INITIAL STUDY
EA/CDD 2000-68
EXHIBIT “A”
City of Modesto
Initial Study

Precise Plan No. 14 and
Papatone Property Vesting Tentative Subdivision Map

EA/CDD 2000-68
October 24, 2000

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.
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
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.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-616

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MODESTO OF FORMATION, ESTABLISHING COMMUNITY
FACILITIES DISTRICT NO. 2000-2 (COFFEE-CLARATINA),
AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN
THE DISTRICT, PRELIMINARILY ESTABLISHING AN
APPROPRIATIONS LIMIT FOR THE DISTRICT, AND
CALLING AN ELECTION FOR THE PURPOSE OF
SUBMITTING THE LEVY OF THE SPECIAL TAX AND THE
ESTABLISHMENT OF THE APPROPRIATIONS LIMIT TO
THE QUALIFIED ELECTORS OF THE DISTRICT

WHEREAS, pursuant to Chapter 2.5 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 the establishment of a
community facilities district may be instituted by the adoption by the legislative body of a
resolution of intention to establish the community facilities district, and

WHEREAS, this Council also determines that it is in the best interests of the City that the
above-mentioned community facilities district be established pursuant to Section 53313 of the
Act in order to pay for certain services (the “Services”), more particularly described in Exhibit
“A”, and

WHEREAS, in the event the community facilities district (“District”) is established, it is
the intention of the Council to finance the costs of the Services through the levy of a special tax
therein to be approved at an election to be held within the boundaries of the District, and
WHEREAS, there have been submitted to the Council proposed local goals and policies concerning the use of the Act, and

WHEREAS, Claratina Village, LLC, as the owner of at least 10% of the property in the proposed community facilities district, have filed with the City Clerk of the City of Modesto (the "City") a petition, requesting the City Council (the "Council") to form Community Facilities District No. 2000-2 of the City (the "District"), pursuant to Chapter 2.5 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") in order: (i) to finance certain services (the "Services"), which are described in Exhibit "A" hereto; and

WHEREAS, the City Council (the "Council") of the City of Modesto (the "City"), did, on October 17, 2000, adopt its Resolution No. 2000-537, resolution of intention to establish the District, and levy a special tax therein, pursuant to Chapter 2.5 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, Resolution No. 2000-537 (1) describing the proposed boundaries of the District, the name of the District, and the types of services (the "Services") proposed to be financed by the District, (2) providing that, except where funds are otherwise available to pay for the Services, including the incidental expenses thereof, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all nonexempt real property in the District, will be levied annually within the boundaries of the District, (3) specifying the rate,
method of apportionment, and manner of collection of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the maximum amount that he or she will have to pay, and (4) setting a hearing thereon, is incorporated herein by this reference, and

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

WHEREAS, this Council on December 5, 2000, held the public hearing as required by law relative to the proposed formation of the District, the levy of the special tax, and all other matters set forth in Resolution No. 2000-537, and

WHEREAS, prior to the hearing a map of the proposed boundaries of the District, entitled "Proposed Boundaries of CFD District No. 2000-2 (Coffee-Claritina CFD No. 2000-2)" was recorded pursuant to Section 3111 of the California Streets and Highways Code in the office of the County Recorder of the County of Stanislaus, in Volume 3 of Maps of Assessment and Community Facilities Districts, at page 42, and

WHEREAS, prior to the hearing a Public Report (the "Report") containing a description of the Services required to adequately meet the needs of the District and an estimate of the cost of providing the Services, was filed with this Council as a part of the record of the hearing and duly considered by this Council, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the formation of the District, the levy of the special tax, and all other matters set
forth in Resolution No. 2000-537, including all interested persons or taxpayers for or against the establishment of the District, the extent of the District, or the furnishing of specific types of Services, 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 relating to the formation of the District, the levy of the special tax, and all other matters set forth in Resolution No. 2000-537, and

WHEREAS, Don Miralle, RCE 20628, has certified there are less than twelve (12) registered voters residing in the District (the Registrar of Voters certified there are seven registered voters residing within the District); accordingly, the qualified electors in the District are the landowners, and

WHEREAS, written protests against the establishment of the District, the furnishing of specified type or types of Services within the District as listed in the Report, or the levying of the special tax have not been filed with the City Clerk by fifty percent (50%) or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be included in the District, or the owners of one-half ($2) or more of the area of land in the territory proposed to be included in the District and not exempt from this special tax,

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

SECTION 1. The foregoing recitals are true and correct.
SECTION 2. The document entitled "Policies and Procedures for the Use of Mello-Roos Community Facilities Act of 1982", ["Policies & Procedures"] (a copy of which is on file with the City Clerk), adopted by the Council on September 3, 1996, and as amended from time to time, was adopted by the City Council, pursuant to section 53312.7 of the Act, as the local goals and policies concerning the use of the Act by this City Council. It is the intention of the City Council that its Policies & Procedures be adhered to to the greatest extent practicable with respect both to the formation and administration of the District, and that such administration be vested in the District Administrator as the governing board of a local agency within the meaning of Section 53317(g) and (h) of the Act, and in accordance with the provisions of the Policies & Procedures as they may be amended from time to time.

SECTION 3. The proposed special tax to be levied in the District has not been precluded by majority protest pursuant to Section 53324 of the Act. All protests to the establishment of the District, the extent thereof, or the furnishing of the Services proposed therefor, or the levy of the special tax proposed to be levied in the District, are hereby overruled.

SECTION 4. As proposed in Resolution No. 2000-537, a community facilities district is hereby established pursuant to the Act, designated "Community Facilities District No. 2000-2."
SECTION 5.

(a) The Services to be financed by the District 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 proposed Services are governmental services which the City is authorized by law to provide since they are in addition to those provided in the territory of the District before the District was created.

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

SECTION 6. The Report related to the Services shall be a part of the record in these proceedings.

SECTION 7.

(a) As stated in Resolution No. 2000-537, except where funds are otherwise available, it is the intention of this Council, subject to the approval of the qualified electors of the District, to levy a special tax sufficient to finance the Services and to pay any other costs or expenses of the District authorized by the Act, secured by recordation of a continuing lien against all nonexempt real property in the District, and that a maintenance tax shall be levied annually within the boundaries of the District.

(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 District to estimate the
annual maximum amount that he or she will have to pay, is described in Exhibit “A” hereto and by this reference incorporated herein.

(e) 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 District at an election to be held subsequent to its approval of this resolution, that then, and in that event, the formation of the District approved herein shall be a nullity, and void from the date this resolution is approved.

SECTION 8. The description of the proposed voting procedure, as set forth in Resolution No. 2000-537, is incorporated herein by this reference, and shall be the voting procedure to be used in these proceedings.

SECTION 9. The office of the District Administrator is hereby designated as the office, department or bureau which will be responsible for annually preparing the current roll of special tax levy obligations by assessor’s parcel number on nonexempt property within the District and which will be responsible for estimating future special tax levies. The name, address, and telephone number of the office of the Director Administrator, and the person responsible for administering the District, is as follows:

District Administrator
Modesto City Attorney’s Office
City Hall
1010 - 10th Street / P.O. Box 642
Modesto, California 95353
(209) 577-5284

Such office is hereby directed to establish procedures to promptly respond to inquiries concerning current and future estimated tax liability pursuant to Section 53340.2 of the
SECTION 10. The District Administrator will be responsible for providing the proposed Services to be financed by the District. The District Administrator has caused to be prepared and filed with the Council a Public Report containing:

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

(b) an estimate of the cost of providing the Services; and

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

The report shall be made a part of the record herein.

SECTION 11.

(a) The Council having adopted this Resolution of Formation establishing the District and submitting the levy of the special tax to the qualified electors of the District in a special election, such election shall be held at least ninety (90) days, but not more than one hundred eighty (180) days following the adoption of the resolution of formation. The City Clerk as the designated election official shall, within three (3) business days after the adoption of the resolution of formation, obtain a certified copy thereof, a certified map or sufficient scale and clarity to show the boundaries of the district, and a sufficient description to allow her to
determine the boundaries of the District, and the assessor's parcel numbers for the land within the District.

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

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

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

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

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

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

(h) If the election is to be conducted by mail ballot, the City Clerk shall provide ballots and election materials, together with all supplies and instructions necessary for the use and return of the ballot. The identification envelope for return of mail ballots used in landowner elections shall contain the following: (1) the name of the landowner; (2) the address of the landowner; (3) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope; (4) the printed name and signature of the voter; (5) the address of the voter; (6) the date of signing and the place of execution of the declaration described in (3) above; and (7) a notice that the envelope contains the official ballot and is to be opened only by the canvassing board.
(i) The procedures set forth in this Section 15 for conducting the consolidated special election may be modified as the Council may determine to be necessary or desirable by a resolution subsequently adopted by the Council.

SECTION 12. Upon a determination by this Council, after the canvass of the returns of the election contemplated in Sections 11 and 12 hereof, that at least two-thirds (2/3) of the votes cast upon the question of levying the special tax were in favor thereof, the City Clerk shall record the notice of special tax lien provided for in Section 3114.5 of the California Streets and Highways Code. Upon recordation of the notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the District, and this lien shall continue in force and effect until collection of the tax by this Council ceases.

SECTION 13. All prior proceedings taken with respect to the establishment of the District were valid and in conformity with the requirements of the Act.

SECTION 14. In accordance with Section 53325.7 of the Act, the annual appropriations limit of the District, as defined by subdivision (h) of Section 8 of Article XIIIIB of the California Constitution, is hereby preliminarily established at $1,000,000.00 and such annual appropriations limit shall be submitted to the voters of the District as hereafter provided. The proposition establishing the appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of Section 53325.7 of the Act.
SECTION 15.

(a) This Council hereby calls a special election and submits the question of levying the special tax, and the establishment of the annual appropriations limit for the District in connection therewith, to the qualified electors within the District, in accordance with and subject to the Act, the terms of which shall, unless waived as herein provided, be applicable to such election. The propositions shall be combined in a single ballot measure, substantially in the form set forth in Exhibit “B” hereto and by this reference incorporated herein.

(b) Fewer than twelve (12) persons have been registered to vote within the territory of the District for each of the ninety (90) days preceding the close of the hearing referenced herein. Accordingly, for the purposes of these proceedings, the qualified electors shall be the landowners within the District; the vote shall be by the landowners or their authorized representatives; each having one vote for each acre or portion thereof that such landowner owns in the District as of the close of the hearing; and the ballots for the special election shall be distributed by mail with return postage prepaid or by personal service to each such landowner; all as provided in Section 53326 of the Act.

(c) The Council hereby designates the City Clerk and the City Clerk hereby agrees to serve as the election official to conduct the election. The Stanislaus County Registrar of Voters has concurred in the City’s designation of its City Clerk as the election official. The shortening of the election as herein provided is hereby concurred in by the City Clerk.
(d) If the City Clerk shall have received appropriate waivers of time limits and other requirements pertaining to the conduct of the election by all of the owners of land included in the District (collectively, the "Landowners") on or before the 12th day of December, 2000, the election shall be held on the 12th day of December, 2000, or on such earlier date on which the City Clerk shall have received such waivers and completed ballots from all Landowners. Otherwise, the election shall be held on the first Tuesday after that date which is 90 days after the date this Resolution is adopted.

(e) Unless waived with the consent of all the Landowners, there shall be prepared and included in the ballot material provided to each voter an impartial analysis and arguments and rebuttals, if any, as provided in Section 53327(b) of the Act. The election shall be conducted by the City Clerk in the manner required by this resolution, the Act and applicable laws.

(f) The publication of this resolution as notice of the special election is hereby waived provided the City Clerk shall receive consent to such waiver from the landowners.

SECTION 16. This Council hereby further directs that at the election at which the question of levying the special tax and the establishment of an appropriations limit in connection therewith is submitted to the qualified electors within the District the question of levying the special tax shall be combined in one ballot proposition with the question of establishing an appropriations limit for the District, all as provided by the Act. In addition, the giving of statutory notice of the election is waived if the City Clerk shall receive unanimous consent to
such waiver from the Landowners.

SECTION 17. If two-thirds (2/3) of the votes cast upon the question of levying the special tax are cast in favor of levying the tax, as determined by this Council after the canvass of the returns of such consolidated election, this Council may levy the special tax within the territory of the District in the amount and for the purposes as specified in this Resolution. The special tax may be levied only at the rate and may be apportioned only in the manner specified in this Resolution, subject to the Act, except that the special tax may be levied at a lower rate.

SECTION 18. The City Clerk, as the designated election official, shall, within three business days after its adoption, obtain a certified copy of this Resolution; the City Clerk has previously been provided with a map of the boundaries of the District, a sufficient description from which to determine the boundaries of the District, and the assessor’s parcel numbers for the land within the District.

SECTION 19. The Council hereby determines that the formation of the proposed District is categorically exempt from the provisions of C.E.Q.A. pursuant to Section 15320 of the C.E.Q.A. guidelines. The Council further determines that the environmental impacts of provision of the Services has been adequately addressed by the Mitigated Negative Declaration (SCH No. 98022079) prepared for the Coffee-Claratina Specific Plan Area, adopted by this Council on June 2, 1998, and that said Mitigated Negative Declaration was prepared pursuant to Section 21157.5 of CEQA and finds that although the project could have a significant effect on the environment, there would not be a significant effect because appropriate mitigation measures
have been added to the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Smith

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

ATTEST: JEAN ZAHN, City Clerk
EXHIBIT "A"

Public Report
CITY OF MODESTO
COFFEE-CLARATINA
COMMUNITY FACILITIES DISTRICT NO. 2000-2
CFD REPORT

November 13, 2000

Prepared For:
CITY OF MODESTO

Prepared By:
DAVID TAUSSIG & ASSOCIATES, INC.
425 University Avenue, Suite 110
Sacramento, California 95825
(916) 920-1109

Exhibit “A”
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**APPENDICES:**

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

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

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

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

A. **Introduction**

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

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

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

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

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

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

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

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

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

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

CFD BOUNDARY MAP
APPENDIX B

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

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

CALCULATION OF MAXIMUM ANNUAL SPECIAL TAX

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<td>082-08-02</td>
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<td>082-08-16</td>
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<td>082-08-22</td>
<td>2.14</td>
</tr>
<tr>
<td>082-08-23</td>
<td>5.50</td>
</tr>
</tbody>
</table>

Net Developable CFD Acreage: 77.85
Buffer for Maximum Tax Calculation: 5.00%
Estimated Net Taxable Acreage in CFD: 73.96

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

2. Source: Benchmark Engineering, Inc.
APPENDIX C

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

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

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

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

A.  DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

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

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

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

“City” means the City of Modesto.

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

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

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

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

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

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

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

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

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

B. CATEGORIZATION OF PARCELS

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

C. MAXIMUM ANNUAL SPECIAL TAX

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

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

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

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

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

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

E. ANNEXATION ONE-TIME SPECIAL TAX

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

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

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

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

F. LIMITATIONS

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

G. ENFORCEMENT

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

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

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

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

### West Basin

<table>
<thead>
<tr>
<th>Description</th>
<th>Annual Expense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crew Leader (12 one-hour visits @ $20.73/hr + 32% benefits)</td>
<td>$ 328.36</td>
</tr>
<tr>
<td>Supervisor (4 one-hour visits @ $26.02/hr + 32% benefits)</td>
<td>$ 137.39</td>
</tr>
<tr>
<td>Superintendent (2 one-hour visits @ $33.23/hr + 32% benefits)</td>
<td>$ 87.73</td>
</tr>
<tr>
<td>Equipment</td>
<td></td>
</tr>
<tr>
<td>1/2 Ton Full Size Pick-Up - Crew Leader (12 hrs x $2.37)</td>
<td>$ 28.44</td>
</tr>
<tr>
<td>1/2 Ton 4/4 Full Size Pick-up - Supervisor (4 hrs x $2.50)</td>
<td>$ 10.00</td>
</tr>
<tr>
<td>1/2 Ton Full Size Pick-Up - Superintendent (2 hrs hrs x $2.37)</td>
<td>$ 4.74</td>
</tr>
<tr>
<td>Fence Repair</td>
<td></td>
</tr>
<tr>
<td>Maintenance - interior of basin</td>
<td>$ 1,500.00</td>
</tr>
<tr>
<td>Annual lab tests</td>
<td>$ 1,200.00</td>
</tr>
<tr>
<td>Silt excavation, erosion repair for annual improvement maintenance to basin</td>
<td>$ 9,000.00</td>
</tr>
<tr>
<td>Maintenance of landscaping (at build-out) (includes monthly water charges)</td>
<td>$ 11,807.51</td>
</tr>
</tbody>
</table>

### East Basin

<table>
<thead>
<tr>
<th>Description</th>
<th>Annual Expense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crew Leader (12 one-hour visits @ $20.73/hr + 32% benefits)</td>
<td>$ 328.36</td>
</tr>
<tr>
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</tr>
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<td>Superintendent (2 one-hour visits @ $33.23/hr + 32% benefits)</td>
<td>$ 87.73</td>
</tr>
<tr>
<td>Equipment</td>
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<tr>
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<td>Maintenance - interior of basin</td>
<td>$ 1,500.00</td>
</tr>
<tr>
<td>Annual lab tests</td>
<td>$ 1,200.00</td>
</tr>
<tr>
<td>Silt excavation, erosion repair for annual improvement maintenance to basin</td>
<td>$ 9,000.00</td>
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<tr>
<td>Maintenance of landscaping (9.5 acres @ $8,181/acre) (includes monthly water charges)</td>
<td>$ 77,719.50</td>
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<tr>
<td>Administration (10% of total cost)</td>
<td>$ 16,587.45</td>
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**TOTAL** $ 182,461.97
EXHIBIT B

SAMPLE

OFFICIAL BALLOT

COMMUNITY FACILITIES DISTRICT NO. 2000-2
OF
THE CITY OF MODESTO
STATE OF CALIFORNIA
SPECIAL TAX ELECTION
December 12, 2000

BALLOT NO. 1

100% of land in territory proposed to be included in District
You are entitled to cast 79 votes
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO". All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, call the Office of the City Clerk of the City of Modesto as soon as possible at (209) 577-5396, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. for instructions.

MARK YOUR CHOICE IN THIS MANNER ONLY: [x]

MEASURE SUBMITTED
TO VOTE OF VOTERS

Proposition A. Shall an appropriations limit in the amount of $1,000,000 per fiscal year be established for Community Facilities District No. 2000-2 (the "District") of the City of Modesto ("the City"), and shall a special tax with a maximum rate, method of apportionment, and manner of collection as provided in the City's Resolution of Formation to be considered by the City Council of the City of Modesto at a public hearing to be held on December 5, 2000, be levied within the District in order to finance certain public services as set forth in the Resolution of Formation, including any incidental expenses related thereto?

BALLOT NO. 1

100% of land in territory proposed in the formation of the District
THIS BALLOT HAS A VALUE OF 79 VOTES
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-617

A RESOLUTION AUTHORIZING STAFF TO PROCEED
WITH A REQUEST FOR PROPOSALS TO BE OPENED
JANUARY 16, 2001, FOR SCUM PIT CLEANING SERVICE
AT THE PRIMARY WASTEWATER TREATMENT PLANT
FOR THE OPERATIONS AND MAINTENANCE
DEPARTMENT.

WHEREAS, the Operations and Maintenance Department has requested the
purchase of Scum Pit Cleaning Service at the Primary Wastewater Treatment Plant (“WWTP”) located at 1221 Sutter Avenue, and

WHEREAS, the City’s WWTP utilizes several control pits, scum boxes and
sumps throughout the plant that require periodic removal of the “floatable solids” or
“scum/grease” which collects during the wastewater treatment process, and

WHEREAS, over time, the scum that remains after the treatment process
coagulates and builds up, clogging the process and lessening operational storage capacities and efficiencies, and

WHEREAS, the scum must be pumped out by heavy-duty truck mounted
vacuum/pumping equipment, and

WHEREAS, the Scum Pit Cleaning Service will help greatly to mitigate
equipment failure, expensive labor and critical down time of the WWTP processes, due to
scum/grease clogging,

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,
to be opened January 16, 2001, at 11:00 a.m., for the purpose of securing Scum Pit Cleaning Service at the Primary WWTP located at 1221 Sutter Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-618

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, PUBLIC AUCTION OR AS SCRAP FOR THE PERIOD OF JANUARY 1, 2001, THROUGH DECEMBER 30, 2001, ON THE CONDITION THAT SAID ITEMS ARE FIRST OFFERED TO OTHER CITIES WITHIN THE COUNTY.

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

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

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

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

WHEREAS, by approving an annual staff report for disposition of surplus property, without returning to City Council for subsequent approvals, the City will save substantial staff and processing time, and
WHEREAS, the estimated gross revenue to be received from the sale of surplus property from January 1, 2001, through December 30, 2001, is between $25,000 to $50,000, and

WHEREAS, by Resolution No. 88-757, City’s current auction agreement entered into on October 4, 1988, provides for auctioneering services by Roger Ernst and Associates at their facility located at 824 W. Kiernan Avenue, in Modesto, and

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

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

WHEREAS, the list of items to be sold at auction or surplused will be on file in the Office of the City Clerk, and

WHEREAS, the Central Stores Manager would be permitted to call Roger Ernst and Associates to coordinate pick-up of surplus property (such as vehicles) after the appropriate surplus property forms have been approved by the Purchasing Division, and

WHEREAS, after an auction is held, the Purchasing Division will prepare a recap memorandum to account for the items sold and the proceeds obtained from the auction, and
WHEREAS, the Purchasing Division will submit said recap memorandum to the Director of Finance and will have the proceeds deposited to the proper accounts,

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

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

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

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

SECTION 4. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk
shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the list of the items to be offered for sale can be inspected in the Office of the City Clerk.

SECTION 5. If said property cannot be sold on a sealed bid process nor the public auction process, then said property may be sold for scrap.

SECTION 6. The City’s Central Stores Manager is hereby authorized to contact Roger Ernst and Associates to coordinate pick-up of surplus property after the necessary surplus property forms have been approved by the Purchasing Division.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-619

A RESOLUTION SETTING A TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER AMENDING THE SCHEDULE OF FEES IN CONNECTION WITH ENCROACHMENT PERMITS AND INSPECTIONS REQUIRED BY THE CITY OF MODESTO RELATED TO TRENCH CUTS.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that January 9, 2000, at 5:15, in the Council Chambers, City Hall, 1010 10th Street, Modesto, California, is hereby set as the time and place for a public hearing to consider amending the schedule of fees in connection with encroachment permits and inspections required by the City of Modesto related to trench cuts.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST:

JEAN ZAHR, City Clerk

12-12-00/CityClerk/RBartholomew
A RESOLUTION AUTHORIZING STAFF TO PROCEED
WITH A REQUEST FOR PROPOSALS FOR DIGITAL
ORTHO-RECTIFIED AERIAL PHOTOS AND DIGITAL
BASE-MAP CREATION FOR THE ENGINEERING AND
TRANSPORTATION DEPARTMENT.

WHEREAS, the base map currently used in the Engineering and Transportation
Department’s graphical information system (“GIS”) has horizontal spatial errors as great as
forty feet and an average of five feet, and

WHEREAS, when using survey data, global position satellite (“GPS”) data
from utility mapping efforts or engineering drawings, the errors become overwhelmingly
visible, and

WHEREAS, City staff must spend time re-drawing the map and tweaking the
aerial backdrops to make the print presentation one of quality, and

WHEREAS, currently, utility mapping efforts using GPS require hours of
moving collected data points to match the base map, and

WHEREAS, with new aerials and an increased base map accuracy, staff will
not have to rework aerial backdrops and/or base map line work, and

WHEREAS, digital aerials offer huge savings in staff resources and efficiency,

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 digital ortho-rectified aerial photos and digital city base map creation to improve accuracy
and efficiency in the Engineering and Transportation Department.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 12th day of December, 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,
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
RESOLUTION NO. 2000-621

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TO FULLY FUND THE DIGITAL ORTHO-RECTIFIED AERIAL PHOTOS AND DIGITAL BASE-MAP CREATION

WHEREAS, staff has determined that an effort to rectify base maps by surveying and manual input of maps would cost in excess of $100,000 and take over 18 months; and

WHEREAS, staff has written a request-for-proposal for digital aerial photos and rectification of the city base map which will offer huge savings in staff resources; and

WHEREAS, the majority of funding for the project will come from departmental ABS savings with the remainder funding coming from Sewer and Water Fund Services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

From:
#6210-800-8000-8003
#6100-800-8000-8003
#0100-430-4302-8099

To:
#0100-420-4213-0235

$(20,000)
$(20,000)
$(60,000)

$100,000

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 12th day of December, 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-622

A RESOLUTION ACCEPTING THE PROJECT TITLED “COLLEGE AVENUE OVERLAY—CECIL WAY TO NEEDHAM AVENUE” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled College Avenue Overlay—Cecil Way to Needham Avenue, has been completed by Granite Construction Company, in accordance with the contract agreement dated June 27, 2000.

NOW, THEREFORE, BE IT RESOLVED that the College Avenue Overlay—Cecil Way to Needham Avenue be accepted from said contractor, Granite Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $473,771.47 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 December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: ____________________________
JEAN ZAHR, City Clerk
A RESOLUTION ACCEPTING THE BID OF SOIL ENTERPRISES FOR THE PROJECT TITLED "HILLSIDE DRIVE DEMOLITION"

WHEREAS, the bids received for Hillside Drive Demolition were opened at 11:00 a.m. on November 21, 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 $93,683.00 received from Soil Enterprises be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Soil Enterprises 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 12th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: (Signature)

JILIAN ZAHR, City Clerk

12-14-00/CityClerk/RBartholomew
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-624

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017) RELATING TO THE APPROVAL OF THE MODESTO URBAN AREA GENERAL PLAN: HILLSIDE DRIVE DEMOLITION PROJECT.

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, 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 2000-45, reviewed the proposed Hillside Drive Demolition 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,

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 Hillside Drive Demolition 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 within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Development Area.

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

3. 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.

4. There are no specific features unique to the project that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project, as appropriate.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Services and Neighborhood Connections 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 12th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
EXHIBIT “A”

Initial Study

EA/ET 2000-45
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 as long as one or more of the following findings can be made:

(1) No substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
(2) No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
(3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted as approved.

In 1997 the project property was flooded by the Tuolumne River. Additional environmental analysis prepared pursuant to NEPA is incorporated into this initial study: The City of Modesto Flood Mitigation Project Airport Neighborhood Floodplain Environmental Assessment (Appendix A). Pursuant to CEQA Section 15063(a)(2) this initial study will rely on the adopted General Plan Master EIR and the attached Environmental Assessment prepared pursuant to the National Environmental Policy Act (NEPA).

II. PROJECT DESCRIPTION

A. Project title:
   Hillside Drive Demolition Project

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

C. Contact person, address and phone number:
   Don Milam, Engineering and Transportation Department, (209) 571-5175
D. Project Location:
The south side of Hillside Drive, Modesto, California.

E. Project sponsor:
City of Modesto, P.O. Box 642, Modesto, CA. 95353

F. General Plan Designation:
The General Plan Designation for the adjacent properties are residential to the north, open space to the south and west, and the Airport to the east.

G. Zoning:
The zoning is residential to the north, open space to the south and west, and the Airport to the east.

H. Description of Proposed Project:
This is an application to demolish existing residential structures located at the addresses listed below, and to clear all debris from the property.

1630 Hillside Drive
1634 Hillside Drive
1638 Hillside Drive
1700 Hillside Drive
1710 Hillside Drive
1714 Hillside Drive
1718 Hillside Drive
1720 Hillside Drive
1726 Hillside Drive
1734 Hillside Drive
1738 Hillside Drive
1742 Hillside Drive
1746 Hillside Drive
1131 Tioga Drive

I. Surrounding land uses:
The project is bounded on the North by residential housing, and on the south by open space.

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
Impacts to Traffic and Circulation for this project are discussed on pages IV-1-1 through IV-1-38 of the MEIR. The Hillside Drive Demolition is consistent with the General Plan designation for this site. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs are, therefore, still valid.
B. Degradation of Air Quality

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

C. Generation of Noise

Impacts to the Generation of Noise for this project are discussed on pages IV-3-1 through IV-3-33 of the MEIR. Because the proposed use is consistent with the General Plan in land use and intensity, the noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. The project will not create additional significant effects, and the Mitigation Measures listed in the MEIR for Generation of Noise are therefore still valid.

D. Loss of Productive Agricultural Land

Impacts to the Loss of Productive Agricultural Land for this project are discussed on pages IV-4-1 through IV-4-16 of the MEIR. This area is located in an already developed residential portion of Modesto and Stanislaus County. The project is consistent with the adopted General Plan, therefore, Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land are still valid.

E. Increased Demand for Water Supplies

Impacts to the increased demand for water supplies for this project are discussed on pages IV-5-1 through IV-5-11 of the MEIR. The proposed project 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 are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services

Impacts to the increased demand for sanitary sewer services for this project are discussed on pages IV-6-1 through IV-6-9 of the MEIR. The proposed project 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 are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

Impacts to the Loss of sensitive wildlife and plant habitat for this project are discussed on pages IV-7-1 through IV-7-30 of the MEIR. The project is located within developed residential lands, and is bound on 3 sides by the riparian corridor, however it 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 are still valid.

H. Disturbance of Archaeological and Historic Sites

Impacts to the disturbance of archaeological and historic sites for this project are discussed on pages IV-8-1 through IV-8-21 of the MEIR. This project may disturb 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 within 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 are, therefore, still valid.

I. Drainage, Flooding and Water Quality

Impacts to drainage, flooding and water quality for this project are discussed on pages IV-9-1 through IV-9-23 of the MEIR. Because the project would remove structures from areas immediately adjacent the flood potential study area, figure 9-1 MEIR, there would be no impact to risk of flooding. Otherwise, the project is consistent with the General Plan in land use and intensity, and will not present any new impacts to drainage, flooding and water quality that have not already been addressed 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. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality are still valid.

J. Increased Demand for Storm Drainage

Impacts to the increased demand for storm drainage for this project are discussed on pages IV-10-1 through IV-10-8 of the MEIR. The project will not present any new impacts that have not already been addressed in the MEIR. 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 are still valid.

K. Increased Demand for Parks and Open Space

Impacts to the increased demand for parks and open space for this project are discussed on pages IV-11-1 through IV-11-11 of the MEIR. The proposed project will increase the open space in the area over that anticipated in the Master EIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space are therefore still valid.
L. Increased Demand for Schools

Impacts to the increased demand for schools for this project are discussed on pages IV-12-1 through IV-12-11 of the MEIR. The proposed demolition will not create any additional demand for schools. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools are still valid.

M. Increased Demand for Police Services

Impacts to the increased demand for police services for this project are discussed on pages IV-13-1 through IV-13-8 of the MEIR. Because the project is consistent with the General Plan and would reduce land use intensity, it will not present any increased demand for police services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services are therefore still valid.

N. Increased Demand for Fire Services

Impacts to the increased demand for fire services for this project are discussed on pages IV-14-1 through IV-14-9 of the MEIR. Because the project is consistent with the General Plan and would reduce land use intensity, it will not present any increased demand for fire services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services are therefore still valid.

O. Generation of Solid Waste

Impacts to the generation of solid waste for this project are discussed on pages IV-15-1 through IV-15-10 of the MEIR. This project 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 are therefore still valid.

P. Generation of Hazardous Materials

Impacts to the generation of hazardous materials for this project are discussed on pages IV-16-1 through IV-16-14 of the MEIR. Because this proposed project will reduce land use intensity it will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials are therefore still valid.

Q. Landslides and Seismic Activity

Impacts to the landslide and seismic activity for this project are discussed on pages IV-17-1 through IV-17-11 of the MEIR. This use 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 are therefore still valid.
R. Energy

Impacts to energy for this project are discussed on pages IV-18-1 through IV-18-6 of the MEIR. This project will result in no additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed Hillside Drive Demolition Project is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Developed Area.

B. No additional significant environmental effects will occur as a result of the Hillside Drive Demolition 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 Hillside Drive Demolition Project, that were not previously considered in the General Plan Master EIR.

D. There are no specific features unique to the Hillside Drive Demolition 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:

Don Milam,
Assistant Civil Engineer
Environmental Assessments at the Community Level
(24 CFR 58, Section 58.36)

FORMAT I
(Revised May 1997)

Project Name:
CITY OF MODESTO FLOOD MITIGATION PROJECT
AIRPORT NEIGHBORHOOD FLOODPLAIN

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
PACIFIC/HAWAII OFFICE, COMMUNITY PLANNING AND DEVELOPMENT
ENVIRONMENTAL BRANCH
FORMAT I

ENVIRONMENTAL ASSESSMENT

PROJECT IDENTIFICATION/CONDITIONS/FINDING

A. Responsible Entity: Modesto, Stanislaus County

Certifying Officer: J. Edward Tewes

Project Name: City of Modesto Flood Mitigation Project

Project Location(s) (major streets, other identification):

South side of Hillside Drive in the Airport Neighborhood, Modesto, CA

B. Lead Agency: City of Modesto

Address: 801 - 11th Street, Modesto, CA 95354

Project Representative: (1) Ernest R. Richardson (2) Bill Harper

Telephone Number: (1) (209) 577-5392, (2) 571-5324

C. Project Approval Conditions (List all mitigation measures necessary to alleviate adverse environmental impacts, and include them in the project contract as requirements.)

1. None

2. 

3. 

4. 

5. 

D. Finding: The project will have a significant effect on the human environment X

yes no

If “Yes”, preparation of an Environmental Impact Statement is required (24 CFR 58, Subpart G).

E. This assessment prepared by: Ernest R. Richardson

Signature: [Signature]

Title/Agency: Housing Program Supervisor - City of Modesto
Existing Conditions and Trends:

To the North of the project is Gallo Winery, to the South of the project is the Tuolumne River Regional Park, to the East of the project is the County Airport and to the West of the project are primarily single family residential units.

Project Description (project and activities determined to be part of the project):

The City has proposed to acquire (and demo any parcels with structures) 14 adjacent residential parcels on the south side of Hillside Drive (See project area map). These properties are located in low-income census tract #21 within the flood plain along the Tuolumne River. The majority of the properties suffered substantial damage during the floods. Residents would be relocated and the properties would be converted to public open space for inclusion in the Tuolumne River Regional Park. The additional park land would remain as passive unimproved, open space. Amenities would be limited to avoid further financial loss in the event of future flooding. After the land is transferred, the City will negotiate with the Park to allow a small parcel to be set aside as a community garden. The exact size and location of the garden has not been determined. A fence will border the Hillside Street side of the property to discourage illegal trash dumping. Street improvements would also be made to Hillside Drive to include regrading and removal of the median for flood mitigation purposes. The total cost of the project is estimated at $1,033,000.

National Objective

The activity proposed in this Action Plan benefits low and moderate-income persons in accordance with the criteria for national objectives described in Section 570.208. The project is an "area benefit activity" that will serve a low-income census tract that has also been designated by the City (and approved by HUD) as a Target Area in need of substantial neighborhood revitalization.

Proposed Project Site

The project site located within the A-24 flood zone as indicated on Flood Insurance Map (FIRM) panel number 060387-0015C, dated August 17, 1982. The size of all 14 parcels combined is approximately 2.5 acres. The street addresses are:
<table>
<thead>
<tr>
<th>Address</th>
<th>Age</th>
<th>Address</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>1630 Hillside Drive</td>
<td>12</td>
<td>1720 Hillside Drive</td>
<td>64</td>
</tr>
<tr>
<td>1634 Hillside Drive</td>
<td>57</td>
<td>1726 Hillside Drive</td>
<td>46</td>
</tr>
<tr>
<td>1638 Hillside Drive</td>
<td>49</td>
<td>1734 Hillside Drive</td>
<td>42</td>
</tr>
<tr>
<td>1700 Hillside Drive</td>
<td>54</td>
<td>1738 Hillside Drive</td>
<td>43</td>
</tr>
<tr>
<td>1710 Hillside Drive</td>
<td>55</td>
<td>1742 Hillside Drive</td>
<td>11</td>
</tr>
<tr>
<td>1714 Hillside Drive</td>
<td>67</td>
<td>1746 Hillside Drive</td>
<td>53</td>
</tr>
<tr>
<td>1718 Hillside Drive</td>
<td>53</td>
<td>1131 Tioga Drive</td>
<td>47</td>
</tr>
</tbody>
</table>

Hillside Drive, a public street north of the parcels will be regraded to a slope of 1:8 with a 44 feet wide road area and the streets and sidewalks will be rehabilitated, as part of the flood mitigation plan.

Identify the conditions that would change as a result of the project, both beneficial and adverse:

**Potential Impacts of the Proposed Project**

This project will assist the City and Tuolumne River Regional Park with mitigating the impact of future floods, remove existing residential units from the unsafe floodplain, and provide the opportunity for occupants of properties located in the floodplain to find safer housing outside the floodplain. Also, because the loss of human life and property damage as a result of flooding is of great concern to the City of Modesto, the City feels this project will greatly reduce those possibilities.

**Opportunities to Minimize, Restore, Preserve the Values of the Floodplain**

This project will contribute to minimizing flooding of the Tuolumne River Regional park, while also eliminating the possibility for future flood damage to residential units in the floodplain. The acquisition of the 14 parcels will eliminate the possibility for rehabilitating or reconstructing properties in the flood. The City believes this project will help to preserve the values of the floodplain over to the park for passive use while mitigating future flood damage.

**Reevaluation of Alternatives**

In comparing the proposed project to the No Action Alternatives it is obvious that the preferred alternative will result in greater safety protection of property and restoration of the floodplain. Therefore, the proposed alternative is the environmentally preferable alternative.
SOURCE DOCUMENTATION

The source documentation (s/d) must be verifiable, contain relevant base data and support the rating for each determination.

1. **FIELD OBSERVATION.** (Abbreviated as FIELD). A site visit that does not usually involve any testing or measurements. FIELD is an important method for initial screening of the issues, but for some of the categories it may be inadequate for final evaluation. Supporting documentation should include date of the site visit and by whom.

2. **PERSONAL CONTACT.** (Abbreviated as CONTACT). Personal contacts are useful when the individual contacted is an accepted authority on the subject(s) and the interview is documented. Supporting documentation should include the name and title of the person contacted and the date of the conversation.

3. **PRINTED MATERIALS.** (Abbreviated as PRINTED). These are useful sources of detailed information materials such as comprehensive land use plans, maps, statistical surveys, and studies. Information must be current, i.e. not so old that changing conditions make them irrelevant, and must represent accepted methodologies. Citations for the material should include enough information so that an outside reviewer can locate the specific reference.

4. **REVIEWER’S EXPERIENCE.** (Abbreviated as EXPERIENCE). The professional judgement of the person making the review can be useful provided their expertise is relevant. The reviewer may have a previous knowledge from familiarity with the area, or may have professional background to make judgements about a specific factor. Provide information of the person’s qualification in addition to name and position.

5. **SPECIAL STUDY.** (Abbreviated as STUDY). This is a study conducted for an individual factor, and should be performed by a qualified person using accepted methodologies. Some tests are relatively simple to perform but others may require elaborate equipment or personnel with additional expertise. The reviewer is responsible for obtaining assistance from others in order to have the appropriate tests or studies conducted. Copy of the study must be appended or referenced as for PRINTED MATERIALS.
FORMAT I

STATUTORY CHECKLIST

Checklist of Applicable Statutes,
Executive Orders & Regulations

<table>
<thead>
<tr>
<th>Factors: Statutes, Executive Orders &amp; Regulations (24 CFR 58.5)</th>
<th>Status</th>
<th>Supporting Documentation (s/d)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floodplain Management</td>
<td>B</td>
<td>Printed: attached back-up for 8-step process.</td>
</tr>
<tr>
<td>Wetlands Protection</td>
<td>A</td>
<td>Printed: City of Modesto’s HUD Environmental Review Record Guidelines, Figure 5-1 on file at Housing and Neighborhoods.</td>
</tr>
<tr>
<td>Coastal Zone</td>
<td>A</td>
<td>Printed: California State map on file at Office of Housing and Neighborhoods.</td>
</tr>
<tr>
<td>Endangered Species</td>
<td>A</td>
<td>Printed: City of Modesto’s HUD Environmental Review Record Guidelines, Figure 8-1 on file at Housing and Neighborhoods.</td>
</tr>
<tr>
<td>Wild and Scenic Rivers</td>
<td>A</td>
<td>Printed: City of Modesto’s HUD Environmental Review Record Guidelines, Figure 9-1 on file at Housing and Neighborhoods.</td>
</tr>
<tr>
<td>Air Quality</td>
<td>A</td>
<td>Printed: Letter of 12/22/97 from San Joaquin Valley Unified Air Pollution Control District, copy attached.</td>
</tr>
<tr>
<td>Farmland Protection</td>
<td>A</td>
<td>Printed: City of Modesto’s HUD Environmental Review Record Guidelines, Figure 11-1 on file at Housing and Neighborhoods.</td>
</tr>
<tr>
<td>Environmental Justice</td>
<td>B</td>
<td>Experience: The project will not have an effect on nearby or adjacent neighborhoods that are predominantly low income or minority persons.</td>
</tr>
<tr>
<td>HUD ENVIRONMENTAL STANDARDS</td>
<td>A</td>
<td>Printed: City of Modesto’s HUD Environmental Review Record Guidelines, Figure 12-1 on file at Housing and Neighborhoods.</td>
</tr>
<tr>
<td>Noise Abatement and Control (24 CFR 51B)</td>
<td>A</td>
<td>Printed: City of Modesto’s HUD Environmental Review Record Guidelines, Figure 13-1 on file at Housing and Neighborhoods.</td>
</tr>
<tr>
<td>Explosive and Flammable Operations (24 CFR 51C)</td>
<td>A</td>
<td>Printed: City of Modesto’s HUD Environmental Review Record Guidelines, Figure 14-1 on file at Housing and Neighborhoods.</td>
</tr>
<tr>
<td>Toxic Chemicals/ Radioactive Materials (HUD Notice 79-33)</td>
<td>A</td>
<td>Printed: City of Modesto’s HUD Environmental Review Record Guidelines, Figure 15-1 on file at Housing and Neighborhoods.</td>
</tr>
<tr>
<td>Airport Clear Zones and</td>
<td>A</td>
<td>Printed: City of Modesto’s HUD Environmental Review Record Guidelines, Figure 16-1 on file at Housing and Neighborhoods.</td>
</tr>
<tr>
<td>Accident Potential Zones</td>
<td>Review Record Guidelines, Figure 15-1 on file at Housing and Neighborhoods.</td>
<td></td>
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<tr>
<td>--------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>(24 CFR 51D)</td>
<td>See INSTRUCTIONS on pages 6-8</td>
<td></td>
</tr>
</tbody>
</table>
INSTRUCTIONS

For each statute, Executive Order or regulation listed below (referred to collectively as the "statutes") an initial determination must be made to ascertain whether the project requires formal consultation, permits or agreements, or have an effect on the resources protected by the statute. Grantees record this finding by determining whether status "A" or "B" applies, as follows:

Status "A" applies when compliance with the Federal laws and authorities specified in Section 58.5 is independently determined by the agency (or federally-responsible grantee) and when no formal consultation, permit or agreement is required. In these situations, enter the letter "A" in the status column and document the source of the determination.

Status "B" applies when the project requires formal consultation steps, a permit or agreement, or when it may have an effect on the resources protected by the statute. Part B indicates that additional steps or formal procedures must be completed prior to submitting a Request for Release of Funds (RROF) to HUD or to the State. Evidence of completion and implementation of the required procedures must be retained in the project Environmental Review Record (ERR).

Historic Properties (includes archeology resources): A) The grantee and the SHPO agree that there are no historic properties within the Area of Potential Effect (APE), OR the recipient and the SHPO agree that the undertaking will have No Effect on historic properties within the APE; The project will have an effect on historic properties. Complete procedures, per 36 CFR 800.5, et seq.

Floodplain Management: A) The project does not involve property acquisition, management, construction or improvement within a 100-year floodplain (Zones A or V) identified by FEMA maps, OR does not involve a "critical action" (e.g., emergency facility, facility for mobility impaired persons, etc.) within a 500-year floodplain (Zones B). If these maps have not been published, the same finding is necessary and is to be based on data from the City/County Engineer or local Flood Control Agency; B) Complete and implement the Water Resources Council 8-step Process.

Wetlands Protection: A) The project does not involve new construction with or adjacent to a wetland. The delineation of wetlands is based upon consultation with U.S. Corps of Engineers, U.S. Fish & Wildlife Service, or State Fish and Game Departments; B) Complete the Water Resources Council 8-step procedure. (Projects may be approved if there is no practicable alternative outside the wetland area. However, such activity requires a permit from the U.S. Corps of Engineers under provision of the Clean Water Act).

Coastal Zone Management: A) The project does not involve the placement, erection or removal of materials, nor increase the intensity of use in the Coastal Zone; B) Secure concurrence from the CZ Commission or delegated planning commission on your determination of consistency with the applicable Coastal Zone Plan.

Sole Source Aquifers (Safe Drinking Water Act): A) The project is not located within an area designated by U.S. Environmental Protection Agency (EPA) as being supported by a sole source aquifer, OR the project need not be referred to EPA for evaluation according to the HUD-EPA (Region of EPA for the implementation of project mitigation measures to avoid contaminating the
aquifer; maintain the documentation in the ERR.
Endangered Species: A) The project will not affect any federally-listed or proposed Threatened and Endangered species (including plants, animals, fish, or invertebrates) nor any designated or proposed critical habitat. This finding is to be based on contact made with the U.S. Fish and Wildlife Service, or with a State Department of Fish and Game; B) Initiate and complete consultation with the U.S. Fish and Wildlife Service, in accordance with procedural regulations contained in 50 CFR Part 402.

Wild and Scenic Rivers: A) The project is not located within a mile of a listed Wild and Scenic River, OR the project will not have an effect on the natural, free flowing or scenic qualities of a river in the National Wild and Scenic Rivers system; B) Consult with the U.S. Department of Interior, National Park Service for resolution and mitigation assistance.

Air Quality: A) The project conforms with the EPA-approved State Implementation Plan (SIP), per contact with the State Air Quality Management District or Board; B) Negotiate suitable mitigation measures with the Air Quality Management District or Board.

Farmland Protection: A) The project site does not include prime or unique farmland, OR other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Soil Conservation Service (SCS), or the project site includes prime farmland, but is located in an area committed to urban uses; B) Request evaluation of land type from SCS using Form AD 1006, and consider the resultant rating in the project decision, as well as potential mitigation measures (including measures to protect adverse effect on adjacent lands).

Noise Abatement and Control: A) The project does not involve development of noise sensitive uses, OR the ambient noise level is 65 LDN (or CNEL) or less, based upon the HUD, Noise Assessment Guidelines (NAG) for calculating noise levels; B) Apply the noise standard to the project approval decision and consider the application of the noise attenuation measures (NAG page 39-40).

Explosive or Flammable Operations: A) The project is located at an Acceptable Separation Distance (ASD) from any above-ground explosive or flammable fuels or chemicals containers according to "Siting of HUD-Assisted Projects Near Hazardous Facilities" (Appendix F, pp. 51-52), OR the project will expose neither people nor buildings to such hazards; B) mitigate the hazard (per 24 CFR 51.205) with the construction of a barrier of adequate size and strength to protect the project from the explosive or flammable hazard.

Toxic Chemicals and Radioactive Materials: A) The project does not involve new development for habitation; OR the new habitation is not located within one mile of an NPL ("Superfund") site, within 2,000 feet of a CERCLIS site, nor adjacent to any other known or suspected sites contaminated with toxic chemicals or radioactive materials, unless a Federal, State, or local authoritative source determines it does not pose a health hazard; B) Grantees are advised not to use funds for activities supporting new development for habitation when a project site is affected by toxic chemicals or radioactive materials. Documentation includes contact with appropriate Federal, State, or local oversight agencies.

Airport Clear Zones and Accident Potential Zones: A) The project is not within an FAA-designated civilian airport Runway Clear Zone (RCZ), or within a military airfield Clear Zone (CZ) or Accident Potential Zone (APZ), based upon
Information from the airport or military airfield administrator identifying the boundaries of such zones, or the project involves only minor rehabilitation; B) or the sale or purchase of existing property in a RCZ or CZ, notify buyer of this fact and obtain buyer's signature acknowledging receipt of this information. It is HUD policy not to provide any development assistance, subsidy or insurance in RCZs or CZs unless the project will not be frequently used or occupied by people and the airport operator provides written assurances that there are no plans to purchase the project site.

Environmental Justice: A) The project does not involve housing acquisition or housing construction for use by low income or minority residents, or the project is not located in a neighborhood that suffers from adverse human health or environmental conditions; OR the project will not have an effect on nearby or adjacent neighborhoods that are predominantly low income or minority persons in the project site. The ERR should show that the environmental justice issue as considered and that no adverse impacts to low income or minority persons are identified; B) The project involves housing acquisition or new housing construction in a disadvantaged neighborhood but its adverse impacts will be avoided or mitigated to the extent practicable. Document the avoidance or mitigation of adverse effects.

STATUTES listed at §58.6

FLOOD DISASTER PROTECTION ACT
Does the project involve acquisition, construction or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area?
- No; SD ____________________________ (This element is completed)
- Yes; (Proceed)

the community participating in the national Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

Yes (Flood Insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project, in the amount of the total project cost. A copy of the policy declaration must be on file).
- No (Federal assistance may not be used in the Special Flood Hazard Area).

ASTAL BARRIER IMPROVEMENT ACT
the Project located in a coastal barrier resource area?
- No; SD ____________________________ (This element is completed).
- Yes (Federal assistance may not be used).

REPORT RUNWAY CLEAR ZONES AND CLEAR ZONES DISCLOSURES
as the project involve the sale or acquisition of existing property with a vital Airport's Runway Clear Zone or a Military Installation's Clear Zone?
- No; SD ____________________________ Project complies with 24 CFR 51.303(a)(3).
- Yes: Disclosure statement must be provided to buyer and a copy of the signed disclosure must be maintained in the RER.
ENVIRONMENTAL ASSESSMENT

IMPACT CATEGORIES

Source Documentation

(Additional materials may be attached.)

<table>
<thead>
<tr>
<th>Socioeconomic</th>
<th></th>
<th>This acquisition and demolition of residential units should have minimal impact.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demographic/Character Changes</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Displacement</td>
<td>1</td>
<td>Acquisition and demolition of residential units should have, minimal impact. Displacement will be handled in compliance with URA.</td>
</tr>
<tr>
<td>Employment and Income Patterns</td>
<td>1</td>
<td>This is an acquisition and demolition project - minimal impact is anticipated.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Community Facilities and Services</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Educational Facilities</td>
<td>1</td>
<td>The acquisition and demolition of these 14 parcels should have minimal impact.</td>
</tr>
<tr>
<td>Commercial Facilities</td>
<td>1</td>
<td>This is acquisition and demolition of units should have no impact.</td>
</tr>
<tr>
<td>Health Care</td>
<td>1</td>
<td>Acquisition and demolition of residential units. Should have no, or minimal impact.</td>
</tr>
<tr>
<td>Social Services</td>
<td>1</td>
<td>Acquisition and demolition of residential units. Should have no impact.</td>
</tr>
</tbody>
</table>

Choose from the following list, as applicable, to each Impact Category and enter the appropriate number in the boxes beside each category being evaluated:

1. - No impact is anticipated.
2. - Potentially beneficial.
3. - Potentially adverse, requires documentation only.
4. - Requires mitigation.
5. - Requires project modification.
## IMPACT CATEGORIES

### Source Documentation

(Additional materials may be attached.)

<table>
<thead>
<tr>
<th>Community Facilities and Services (cont.)</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Solid Waste</strong></td>
<td>Per Chapter IV-15 of the City of Modesto General Plan Master Environmental Impact Report on file at Strategic Planning Division. Per Steve Nish on 1/9/98.</td>
</tr>
<tr>
<td><strong>Waste Water</strong></td>
<td>Per Chapter IV-5 of the City of Modesto General Plan Master Environmental Impact Report on file at Strategic Planning Division. Per Steve Nish on 1/9/98.</td>
</tr>
<tr>
<td><strong>Storm Water</strong></td>
<td>Per Chapter IV-10 of the City of Modesto General Plan Master Environmental Impact Report on file at Strategic Planning Division. Per Steve Nish on 1/9/98.</td>
</tr>
<tr>
<td><strong>Public Safety-Police</strong></td>
<td>Per Chapter IV-13 of the City of Modesto General Plan Master Environmental Impact Report on file at Strategic Planning Division. Per Steve Nish on 1/9/98.</td>
</tr>
<tr>
<td><strong>Public Safety-Fire</strong></td>
<td>Per Chapter IV-14 of the City of Modesto General Plan Master Environmental Impact Report on file at Strategic Planning Division. Per Steve Nish on 1/9/98.</td>
</tr>
<tr>
<td><strong>Emergency Medical Facilities</strong></td>
<td>N/A This Project consists of acquiring and demolishing 14 residential parcels.</td>
</tr>
<tr>
<td><strong>Pen Space</strong></td>
<td>N/A This Project consists of acquiring and demolishing 14 residential parcels.</td>
</tr>
<tr>
<td><strong>Recreation</strong></td>
<td>N/A This Project consists of acquiring and demolishing 14 residential parcels.</td>
</tr>
<tr>
<td><strong>Cultural Facilities</strong></td>
<td>N/A This Project consists of acquiring and demolishing 14 residential parcels.</td>
</tr>
<tr>
<td><strong>Transportation</strong></td>
<td>N/A This Project consists of acquiring and demolishing 14 residential parcels.</td>
</tr>
</tbody>
</table>

Choose from the following list, as applicable, to each Impact Category and enter the appropriate number in the boxes beside each category being evaluated:

1. - No impact is anticipated.
2. - Potentially beneficial.
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4. - Requires mitigation.
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**ENVIRONMENTAL ASSESSMENT**

<table>
<thead>
<tr>
<th>IMPACT CATEGORIES</th>
<th>Source Documentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conformance with Comprehensive Plans and Zoning</td>
<td>N/A This is the acquisition and demolition of flood damaged or nonflooded, residential units in the floodplain.</td>
</tr>
<tr>
<td>Compatibility and Urban Impact</td>
<td>N/A This is the demolition of flood damaged or nonflooded, residential units in the floodplain.</td>
</tr>
<tr>
<td>Slope</td>
<td>N/A This is the demolition of flood damaged or nonflooded, residential units in the floodplain.</td>
</tr>
<tr>
<td>Erosion</td>
<td>N/A This is the demolition of flood damaged or nonflooded, residential units in the floodplain.</td>
</tr>
<tr>
<td>Soil Suitability</td>
<td>N/A This is the demolition of flood damaged or nonflooded, residential units in the floodplain.</td>
</tr>
<tr>
<td>Hazards and Nuisances, including Site Safety</td>
<td>1 California Hazard Waste Substance List of 1994, per Steve Nish, Associate Planner on 1/9/98.</td>
</tr>
<tr>
<td>Energy Consumption</td>
<td>N/A This is acquisition and demolition of floodplain residential units - no anticipated impact.</td>
</tr>
</tbody>
</table>

**Air Quality**

| Effects of Ambient Air Quality on Project and Contribution to Community Air Pollution Levels | 1 This project will consist of the acquisition and demolition of residential units in the floodplain. |

**Environmental Design**

| Natural Quality- Conherence, Diversity, Compatible Use, and Scale | N/A This is an acquisition and demolition of residential units in the floodplain. |

Choose from the following list, as applicable, to each Impact Category and enter the appropriate number in the boxes beside each category being evaluated:
1. - No impact is anticipated.
2. - Potentially beneficial.
3. - Potentially adverse, requires documentation only.
4. - Requires mitigation.
5. - Requires project modification.
**ENVIRONMENTAL ASSESSMENT.**

**IMPACT CATEGORIES**

<table>
<thead>
<tr>
<th>Natural Features</th>
<th>Source Documentation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Water Resources</strong></td>
<td>Per Chapter IV-5 of the City of Modesto General Plan Master Environmental Impact Report on file at Strategic Planning Division. Per Steve Nish on 1/9/98.</td>
</tr>
<tr>
<td><strong>Surface Water</strong></td>
<td>Per Chapter IV-5 of the City of Modesto General Plan Master Environmental Impact Report on file at Strategic Planning Division. Per Steve Nish on 1/9/98.</td>
</tr>
<tr>
<td><strong>Unique Natural Features and Agricultural Lands</strong></td>
<td>Per Chapter IV-5 of the City of Modesto General Plan Master Environmental Impact Report on file at Strategic Planning Division. Per Steve Nish on 1/9/98.</td>
</tr>
<tr>
<td><strong>Vegetation and Wildlife</strong></td>
<td>Per Chapter IV-5 of the City of Modesto General Plan Master Environmental Impact Report on file at Strategic Planning Division. Per Steve Nish on 1/9/98.</td>
</tr>
</tbody>
</table>

**Other Factors to be Considered**

*NOTE: Other factors may include special conditions/situations affecting the project which have not been previously considered, such as historic resources of State or local significance, State-listed endangered species, traffic issues, etc.*

Choose from the following list, as applicable, to each Impact Category and enter the appropriate number in the boxes beside each category being evaluated:

1. - No impact is anticipated.
2. - Potentially beneficial.
3. - Potentially adverse, requires documentation only.
4. - Requires mitigation.
5. - Requires project modification.
ENVIRONMENTAL ASSESSMENT

ALTERNATIVES CONSIDERED: Provide an objective discussion of the environmental impacts of the proposed action and of alternatives to the proposed action (i.e., actions that were considered but rejected). Included in this discussion the benefits of each alternative, and the reason for eliminating any of the alternatives from further consideration (e.g., environmental impacts that could not be corrected with mitigation because of physical or economic constraints, concerns with health and safety, irreversible and/or irremediable damage to resources)

Proposed Action (Describe the reasons for choosing this course of action, which has been the focus of this Environmental Assessment, on the bases benefits to the human environment, identified impacts, and any proposed corrective measures to reduce adverse impacts.)

This project will assist the City of Modesto and Tuolumne River Regional Park with mitigating the impact of future floods, remove existing residential units from the unsafe floodplain, and provide the opportunity for occupants of properties located in the floodplain to find safer housing outside the floodplain. Also, because the loss of human life and property damage as a result of flooding is a great concern to the City of Modesto, The City feels this project will greatly reduce those possibilities.

Additionally, this project will contribute to minimizing flooding of the Tuolumne River Regional Park, while also eliminating the possibility for future flood damage to residential units in the floodplain. The acquisition of the 14 parcels will eliminate the possibility for rehabilitating or reconstructing properties in the flood. The City believes this project will help to preserve the values of the floodplain by turning the land in the floodplain over to the park for passive use while mitigating future flood damage.

No Action/Alternatives to Meeting Program Objectives (Discuss the benefits of meeting program objectives in a way other than the Proposed Action, as well as the consequences of implementing other means.)

Because the floodplain where the 14 parcels are located, is only approximately 600 feet from the current boundaries of the Tuolumne River Regional Park, and because they suffered significant flood damage, no other sites would be feasible for this project and were not considered.

Other Reasonable Course(s) of Action (Identify one or more alternatives to the Proposed Action that were considered and rejected, e.g., other sites considered, design modifications, other uses of the site. For each alternative, describe benefits to the human environment that would result from implementation, any adverse impacts, and the reasons for rejection.)

The City of Modesto has determined there is no practicable alternative to the implementation of this project because these properties are currently most severely affected by their location in the flood plain. Therefore their removal will do the most good for safety and for flood plain restoration.
EA RESOLUTION

1 Attorney
1 CDD - Construction Administration
1 Engineering & Transportation - Attention: Dean Phillips
3
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-625

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO CONFIRMING THE CANVASS OF THE SPECIAL
MUNICIPAL ELECTION WHICH WAS HELD IN THE CITY
OF MODESTO ON NOVEMBER 7, 2000, AND DECLARING
THE RESULTS OF SAID SPECIAL ELECTION.

WHEREAS, on Tuesday, November 7, 2000, a Special Municipal Election was
held in the City of Modesto (herein called “City”) of Stanislaus County to submit to the qualified
electors in the City of Modesto an advisory measure, as follows:

1. Measure “F” relating to a Transient Occupancy Tax Increase, and

WHEREAS, said election was held on Tuesday, November 7, 2000, in accordance
with law and the proceedings of this Council, and the votes thereat received and canvassed, and
the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said special municipal
election in accordance with law, and certified the results of the election to the Council by a
Certificate Of Canvass And Statement Of Vote dated December 4, 2000, a copy of which is
attached hereto marked Exhibit “A” and made a part hereof.

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

SECTION 1. Said canvass by the City Clerk as shown on said Certificate of
Canvass and Statement of Vote and the results of the election are hereby ratified, confirmed and
approved.

SECTION 2. That in accordance with Sections 15308 and 15309 of the
Elections Code, a copy of said Certificate of Canvass and Statement of Vote, which is attached hereto marked as Exhibit “A” and made a part hereof, shows a complete tabulation of the following:

(a) The whole number of votes cast in the City.

(b) The number of votes given in the City for Measure F.

SECTION 3. The following votes were cast for Measure F:

<table>
<thead>
<tr>
<th>Measure</th>
<th>Total Votes For</th>
<th>Total Votes Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measure F</td>
<td>25,963</td>
<td>29,340</td>
</tr>
</tbody>
</table>

**Measure F.** Less than a majority of all of the votes cast at the election on Measure F were in favor of said Voter Approval for a Transient Occupancy Tax Increase, and said Measure did not carry and was not approved and was not ratified by a majority of the qualified voters voting on Measure F.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahn, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

CITY OF MODESTO SPECIAL MUNICIPAL ELECTION
November 7, 2000

I, Jean Zahr, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on December 4, 2000, to publicly canvass the returns of the City of Modesto Special Municipal Election held on November 7, 2000, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

<table>
<thead>
<tr>
<th>MEASURES</th>
<th>NUMBER OF VOTES</th>
<th>PERCENTAGE OF VOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measure F</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transient Occupancy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tax Increase</td>
<td></td>
<td></td>
</tr>
<tr>
<td>From nine percent (9%) to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eleven percent (11%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25,963 YES</td>
<td>29,340 NO</td>
<td>46.9</td>
</tr>
</tbody>
</table>

VOTER TURNOUT:

<table>
<thead>
<tr>
<th></th>
<th>TOTAL REGISTERED VOTERS</th>
<th>TOTAL TURNOUT</th>
<th>TURNOUT PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measure F</td>
<td>87,822</td>
<td>58,437</td>
<td>66.5</td>
</tr>
</tbody>
</table>

December 4, 2000

Jean Zahr
City Clerk/Auditor
City of Modesto

EXHIBIT "A"
STATEMENT OF THE VOTE

OF

STANISLAUS COUNTY

STATE OF CALIFORNIA

-CAST AT THE-

CONSOLIDATED GENERAL ELECTION

-Held-

TUESDAY, NOVEMBER 7, 2000

State of California

County of Stanislaus

I, KAREN L. MATHEWS, County Clerk-Recorder, of the above named county,
do hereby certify that the within is a true and correct statement of result of the votes cast in
this county at the Consolidated General Election as determined by the official canvass of
the returns of the said election.

Witness my hand and seal, this 4th day of December, 2000.

KAREN L. MATHEWS
County Clerk-Recorder

BY

Joyce Goudie
Assistant Registrar of Voters
## Official Statement of Vote County of Stanislaus, Consolidated Presidential Election Nov 7, 2000
### City of Modesto - Measure F

<table>
<thead>
<tr>
<th>Measure F</th>
<th>Registered Voters</th>
<th>Turnout</th>
<th>Turnout Percentage</th>
<th>Yes Measure F</th>
<th>Yes Measure F Occupancy</th>
<th>For Measure F From</th>
<th>Against Measure F</th>
<th>For Measure F From 92%</th>
<th>Against Measure F 92%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Modesto 1</td>
<td>0</td>
<td>0.00%</td>
<td>41</td>
<td>0</td>
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<tr>
<td>Modesto 2</td>
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<tr>
<td>Modesto 3</td>
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<td>42</td>
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<td>0.0%</td>
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<tr>
<td>Modesto 4</td>
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<td>0</td>
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<tr>
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<td>Modesto 6</td>
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<tr>
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<td>Modesto 8</td>
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<tr>
<td>Modesto 9</td>
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<td>0</td>
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<td></td>
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<tr>
<td>Modesto 10</td>
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<td>48</td>
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<td>0.0%</td>
<td></td>
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Total: 0 registered voters, 0% turnout.
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**TOTALS**

- OFFICIAL STATEMENT OF VOTE COUNTY OF STANISLAUS: CONSOLIDATED PRESIDENTIAL ELECTION NOV 7, 2006
- CITY OF MODESTO - MEASURE F
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MODESTO CITY COUNCIL
RESOLUTION NO. 2000-626

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET TRANSFERRING FUNDS TO COVER THE COST OF OVERTIME TO PATROL PRESCOTT ESTATES

WHEREAS, the Council allocated $107,544 to the Police Department for overtime police patrol of Prescott Estates; and

WHEREAS, in order to continue the service to Prescott Estates, the Police Department will require overtime funds in the amount of $125,000 for the remaining seven months of the fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

From: #0100-800-8000-8003 $(125,000)
To: #0100-190-1961-0130 $ 125,000

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 12th day of December, 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 votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: STAN FEATHERS, Budget Officer
A RESOLUTION APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE HOUSING AUTHORITY OF STANISLAUS COUNTY FOR ACQUISITION, FINANCING, AND REHABILITATION OF PINE MEADOWS GARDEN APARTMENTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the cooperative agreement between the City of Modesto and the Housing Authority of Stanislaus County for the acquisition, financing, and rehabilitation of Pine Meadows Garden Apartments 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 12th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-628


BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Macias, Gini & Company for a financial program review and reconciliation of HUD funds received by the City of Modesto from 1997 through 2000 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 12th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: [Signature]

JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-629

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MODESTO CANVASSING THE RESULTS OF THE
DECEMBER 12, 2000 ELECTION HELD WITHIN
COMMUNITY FACILITIES DISTRICT NO. 2000-2 (COFFEE-
CLARATINA), AND ASSERTING COMPLIANCE WITH THE
PROVISIONS OF PROPOSITION 218

WHEREAS, this Council is conducting proceedings pertaining to the formation of
the City's Community Facilities District No. 2000-2 (the "District"), the establishment of an
appropriations limit within the District, and the levy of a special tax sufficient to pay all costs
necessary to finance certain Services as described in the City's Resolution No. 2000-616, adopted
December 5, 2000, and

WHEREAS, on December 12, 2000, an election was held within the District (the
"Election") relative to the foregoing, and

WHEREAS, the City Clerk has certified that at the Election the proposition of
levying the special tax and establishing an appropriations limit within the District was approved by
at least two-thirds (2/3) of the votes cast at the Election within the District, and

WHEREAS, the special tax may be levied without regard to property values or
benefit 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, the City of Modesto has determined that the special tax complies
with the provisions of Articles XIII C and XIII D of the California Constitution, and other laws
pertaining to the levy of such special taxes,
NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND, by the
City Council of the City of Modesto, that:

1. The Election was duly and validly conducted in conformity with all
applicable laws, rules and regulations pertaining thereto.

2. Based on the City Clerk’s certificate of election results, attached hereto as
EXHIBIT A, the ballot proposition presented to the qualified electors of the District at the
Election received at least two-thirds (2/3) of the votes cast at the Election.

3. The City Clerk of the City of Modesto is hereby directed to enter this
resolution on the minutes of this City Council, which shall constitute the official declaration of the
result of such election, and is hereby further authorized and directed to record a notice of special
tax lien in accordance with the provisions of Section 3114.5 of the California Streets and
Highways Code.

4. The levy and collection of the special tax within the District is herewith
ordered for the 2001/2002 fiscal year, and in each subsequent fiscal year in which the special tax
may validly be levied.

5. A certified copy of this resolution and any attached documentation shall be
delivered to the Auditor-Controller of the County of Stanislaus for placement of such taxes on the
1999/2000 Stanislaus County tax roll, and in each subsequent fiscal year in which the special tax
may validly be levied.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: _Jean Zahr_, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _Michael D. Milich_, City Attorney
EXHIBIT A

CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2000-616, the Resolution of Formation, adopted on December 5, 2000 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 2000-2 on December 12, 2000, and that the election was conducted by mail or in person at the City Hall of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

Proposition A. Shall an appropriations limit in the amount of $1,000,000 per fiscal year be established for Community Facilities District No. 2000-2 (the “District”) of the City of Modesto (“the City”), and shall a special tax with a maximum rate, method of apportionment, and manner of collection as provided in EXHIBIT B to the City’s Resolution No. 2000-616 (the “Resolution of Formation”) adopted by the City Council of the City of Modesto on December 5, 2000, which is incorporated herein by this reference, be levied within the District in order to finance certain public services as set forth in the Resolution of Formation, including any incidental expenses related thereto?

TOTAL VOTES CAST: 
YES 79
NO 0

Dated: December 12, 2000

JEAN ZAHR
City Clerk of the City of Modesto
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-630

A RESOLUTION ACCEPTING THE BID OF SUPER SECUR MANUFACTURING FOR FURNISHING PREFABRICATED RESTROOMS FOR VARIOUS PARK SITES

WHEREAS, Resolution 2000-545 called for the solicitation of bids for furnishing prefabricated restrooms for various park sites, and

WHEREAS, of the 68 companies solicited for bids for furnishing prefabricated restrooms for various park sites in accordance with Resolution 2000-545, only one company, Super Secur Manufacturing, responded and

WHEREAS, the Finance Director has recommended that the bid of Super Secur Manufacturing for a total amount of $153,041.58 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Super Secur Manufacturing 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 12th day of December, 2000, 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, Mayor Sabatino
NOES: Councilmembers: None
ABSENT: Councilmembers: Smith

ATTEST: [Signature]
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-631

A RESOLUTION FINDING CABLE ONE IN BREACH OF THE CABLE FRANCHISE AGREEMENT.

WHEREAS, on November 7, 2000, after a noticed public hearing, the City Council, by resolution, found that Cable One was in material breach of the terms of its franchise agreement, and

WHEREAS, in Resolution No. 2000-570 adopted on November 7, 2000, the City Council set December 12, 2000 for a continued public hearing on the issue of compliance and breach of the cable franchise to determine whether Cable One has developed a binding plan that is satisfactory to the City to bring the cable system into full compliance or otherwise cure any and all breaches of the franchise agreement, and

WHEREAS, Cable One has inspected and made some corrections and repairs to its cable system but has not remedied the compliance issues listed in Resolution No. 2000-570 nor has Cable One submitted an adequate plan for compliance, and

WHEREAS, on December 12, 2000, the City Council held the public hearing on whether Cable One was in material breach of the franchise agreement,

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

SECTION 1. The City Council hereby finds and declares that, based on the evidence and testimony submitted to it at its hearings of November 7 and December 12, 2000, Cable One is in material breach of the franchise agreement and has not submitted an adequate compliance plan.
SECTION 2. Further, the City Council finds and determines that the cable franchise agreement and ordinance provides for remedies including but not limited to: a penalty of $5,000 plus $100 per day per deficiency for each day the deficiency continues (Modesto Municipal Code § 11-4.13(g)). The City Council further finds that there are eight areas of deficiency; therefore, the daily penalty is $800 per day. The City Council hereby imposes a penalty under section 11-4.13(g) beginning on October 4, 2000, the date the breach notice was sent to Cable One, of $5000 plus $800 per day for each day non-compliance continues.

SECTION 3. The City Council also finds and determines that there is a performance bond securing Cable One’s performance of the franchise in the amount of $250,000 which amount secures the faithful performance of Cable One and which provides that, in the event that Cable One fails to comply with any one or more provisions of the cable franchise ordinance and franchise agreement that "there shall be recoverable jointly and severally from the principal and the surety of such bond any damages or loss suffered by the City as a result thereof, . . . " (Modesto Municipal Code § 11.4.20(a).) The City Manager or his designee are authorized to take steps necessary to notify Cable One’s surety that Cable One is in material breach and to make a demand on the Cable One’s performance bond.

SECTION 4. The City Council hereby directs the City Manager to determine the total amount of City damages for Cable One’s non-compliance and to determine a plan for bringing the system into compliance and authorize reimbursement of consultant costs from Cable One.
SECTION 5. The City Council hereby authorizes the City Manager or his
designee to take any and all actions necessary to bring the cable franchise system into
compliance with the franchise agreement and franchise ordinance, and to execute all breach
remedies including imposition of fines.

SECTION 6. The City Council directs City staff to report the status of
negotiations to the City Council in January 2001.

SECTION 7. The City Council hereby directs City staff to ignore the seven (7)
day notice rule imposed by Cable One.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2000, 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
CABLE RESOLUTION

2 - Clerk
1 - Attorney
1 - Finance
2 - City Manager's Office -
   Donna Hansen
   Cable Company
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-632

A RESOLUTION APPROVING A MANUAL OF DESIGN STANDARDS FOR DUAL USE FLOOD CONTROL/RECREATION FACILITIES THAT SETS FORTH CRITERIA FOR THE DEVELOPMENT, OPERATION AND MAINTENANCE OF SUCH DUAL-USE FACILITIES.

WHEREAS, in October 1999 a stormwater basin study process for preparation of a dual-use standards manual was initiated by the City Council Community Development and Housing Committee, and

WHEREAS, the Dual-Use Stormwater Study was guided by a Technical Advisory Committee comprised of City staff and other interested parties including representatives from local engineering firms, the Building Industry Association, Modesto Irrigation District and school districts, as well as affected City departments including Engineering & Transportation, Community Development, Recreation & Neighborhoods and Operations and Maintenance, and

WHEREAS, on February 16, 2000 the City directed Stantec, Inc. consultants to perform the Stormwater Basin Study, and

WHEREAS, the City of Modesto’s NPDES permit requires that standards for stormwater discharge be met and said standards are addressed in the design standards manual, and

WHEREAS, City staff has initiated a General Plan Amendment for Dual-Use Flood Control/Recreation Facilities to encourage the development of Dual-Use Flood
Control/Recreation Facilities and guide their development and operation by requiring
development pursuant to the Design Standards manual, and

WHEREAS, the extensive study of the development of dual-use flood
control/recreation facilities prepared by Stantec Inc. has resulted in a “Design Standards for
Dual Use Flood Control/Recreation Facilities” manual which contains standards and criteria
for the development, operation and maintenance of dual-use facilities, and

WHEREAS, on December 4, 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 adoption of “Design Standards for Dual-Use
Flood Control/Recreation Facilities” manual, and

WHEREAS, after said public hearing, the Modesto City Planning Commission
adopted Resolution No. 2000-60, recommending that the following revision be made to page
3-19 of the manual - the first and second bullets under Water Quality Storage Area would be
combined to read:

“Sediments accumulating within the low-flow path connecting the
inflow and outflow structures within the basin floor shall be
tested every three (3) years and scraped in accordance with the
criteria established for sediment basins if it is determined that
toxic levels are being approached for any pollutants. If scraping
is required, the top $\frac{1}{2}$” to 1” of materials should be removed
from the stormwater detention facility and replaced with clean,
native material. This material may be blended with other soils
and used as clean fill at other offsite locations, provided that concentrations of pollutants are adequately diluted.”

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m. on December 12, 2000, 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 adoption of the “Design Standards for Dual-Use Flood Control/Recreation Facilities” manual with the revision set forth in Planning Commission Resolution No. 2000-60 and quoted above, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed “Design Standards for Dual-Use Flood Control/Recreation Facilities” manual with the revision set forth in Planning Commission Resolution No. 2000-60 and quoted above is hereby adopted, a copy of which is on file in the City Clerk’s Office.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahnr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-633

A RESOLUTION APPROVING AN AMENDMENT TO THE
MODESTO URBAN AREA GENERAL PLAN COMMUNITY
FACILITIES OPEN SPACE AND PARKS AND STORM
WATER SECTIONS TO ALLOW THE DEVELOPMENT OF
DUAL USE FLOOD CONTROL/RECREATION FACILITIES
AND ADOPTION OF DESIGN STANDARDS FOR THEIR
DEVELOPMENT.

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, and 2000-303 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, City staff has initiated a General Plan Amendment for Dual-Use
Flood Control/Recreation Facilities to allow the development of Dual-Use Flood
Control/Recreation Facilities and the adoption of Design standards for their development, and
WHEREAS, the Adopted General Plan Community Services and Facilities Chapter Open Space and Parks and Storm Water Sections text, does not prohibit the development of dual use flood control/recreation facilities but does not contain any guidance for their development, and

WHEREAS, the City of Modesto has had an extensive study of the development of dual-use flood control/recreation facilities prepared which has resulted in a “Design Standards for Dual Use Flood Control/Recreation Facilities” manual which contains standards and criteria for the development, operation and maintenance of such facilities, and

WHEREAS, City staff proposes that the Adopted General Plan Community Services and Facilities Chapter Open Space and Parks and Storm Water sections text be amended to guide the development of dual use flood control/recreation facilities as set forth in Exhibit “A” attached hereto and incorporated herein by reference, and

WHEREAS, on December 4, 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 Community Services and Facilities Chapter Open Space and Parks and Storm Water Sections to allow the development of dual use flood control/recreation facilities and adoption of design standards for their development, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 2000-62, recommending to the City Council an amendment to the Modesto Urban General Plan Community Facilities Open Space and Parks and Storm Water
Sections to allow the development of dual use flood control/recreation facilities and adoption of design standards for their development, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 12, 2000, 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 Community Services and Facilities Chapter Open Space and Parks and Storm Water Sections to allow the development of dual use flood control/recreation facilities and adoption of design standards for their development, and

WHEREAS, after said public hearing, the Council agreed that the following revision be made to the proposed General Plan Amendment in order that all City stormwater drainage facilities are built as dual use facilities: the words “wherever feasible” should be removed to the proposed policy 3.e of the Community Services and Facilities Storm Water Drainage Policies,

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 Community Services and Facilities Chapter Open Space and Parks and Storm Water Sections to allow the development of dual use flood control/recreation facilities and adoption of design standards for their development 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.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
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 12th day of November, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: __________________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By __________________________
MICHAEL D. MILICH, City Attorney
EXHIBIT "A"
Urban Area General Plan Amendment Text Revisions
Dual Use Flood Control/Recreation Facilities

Description of the Amendment:
The requested amendment is to the Community Facilities – Open Space and Parks and Community Facilities – Storm Water components of the City of Modesto Urban Area General Plan. Additions are italicized, deletions are denoted by strikeouts.

3. Storm Water Drainage Policies – Planned Urbanizing Area (page V-17)
   e. Dual-use flood control/recreation facilities shall be developed wherever feasible (dual-use facilities) as part of the storm drainage system. Dual-use facilities maximize efficient use of land and funds by satisfying needs for water quality, flood control, recreation and aesthetics within a single consolidated facility.

f. Dual-use facilities shall be designed and constructed in accordance with the standards in the “Design Standards for Dual Use Flood Control/Recreation Facilities” manual.

3. Open Space and Parks Policies – Planned Urbanizing Area (pages V-21 & V-22)
   e) Dual-use flood control/recreation facilities shall be developed wherever feasible. Only acreage owned or otherwise controlled exclusively by the City in perpetuity and planned to be developed and operated for the express and primary purpose of providing recreation facilities as set forth in the Neighborhood and Community Park policies and standards outlined in the General Plan will count toward minimum acreage standards. Park acreage credit for dual-use facilities shall be calculated in accordance with the standards and criteria contained in the “Design Standards for Dual Use Flood Control/Recreation Facilities” manual. Acreage dedicated or developed for other purposes such as trails and drainage systems do not count toward minimum park acreage requirements. In contrast to the Baseline Developed area, School District open space does NOT count towards minimum park acreage requirements within the Planned Urbanizing Area.

The City recognizes the community benefits of dual use flood control/recreation facilities (dual-use facilities) in that these facilities:
   1) Reduce the total acreage purchased for stormwater detention.
   2) Allow and encourage maximum recreational uses of detention lands.
   3) Allow for periodic stormwater detention storage without significantly disrupting park uses.
   4) Augment park facilities available to the local community.
   5) Maximize public use of available open space.

f) Dual-use facilities shall be designed and constructed in accordance with the standards and criteria contained in the “Design Standards for Dual Use Flood Control/Recreation Facilities” manual.
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-634

A RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION (SCH #2000102031) FOR AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN TO ALLOW DUAL-USE FLOOD CONTROL/RECREATION FACILITIES IN THE MODESTO URBAN AREA AND ADOPTION OF DESIGN STANDARDS FOR THEIR DEVELOPMENT.

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 Adopted General Plan Community Services and Facilities Chapter Open Space and Parks and Storm Water Sections text does not prohibit the development of dual use flood control/recreation facilities but does not contain any guidance for their development, and

WHEREAS, City staff has proposed an amendment to the Modesto Urban Area General Plan revising the General Plan Community Services and Facilities Chapter Storm Water and Open Space and parks sections to encourage and provide guidance for the development of co-located dual-use flood control/recreation facilities in the Modesto urban Area and to allow them to count towards minimum open space and parks acreage standards, 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 prepared an Initial Study leading to a Mitigated Negative Declaration (SCH #2000102031 which reviewed the proposed subsequent project to the City’s General Plan Master EIR, the Initial Study identified an additional significant environmental effect that was not analyzed in the Master EIR in terms of Water Quality and Generation of Hazardous Materials, and

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

WHEREAS, Government Code Section 21175.5 permits the adoption of Mitigated Negative Declarations, and

WHEREAS, the City’s Community Development Department by Environmental Assessment Initial Study EA NO. CDD 2000-58, which determined that a Mitigated Negative Declaration should be adopted for the proposed project under the General Plan Master Environmental Impact Report (SCH #92052017),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study/Mitigated Negative Declaration prepared for the proposed project, a copy of which is on file in the City Clerk’s
Office, and based on the substantial evidence included in said Initial Study/Mitigated Negative Declaration makes the following findings:

1. An Initial Study, prepared pursuant to CEQA Section 21157.1, has identified an additional significant environmental effect that was not analyzed in the General Plan Master EIR. This additional significant effect is potential impacts to Water Quality and/or Generation of Hazardous Materials.

Impact:

Water Quality:

a. Violation of water quality standards or waste discharge requirements.

b. Otherwise, substantially degrade water quality.

Generation of Hazardous Materials:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

b. Emit hazardous emissions or handle hazardous acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

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

The City's Operation and Maintenance, Recreation and Neighborhoods, and Engineering and Transportation Departments reviewed the proposed project and determined the mitigation measures below will address the identified impacts and provide an acceptable level of service.
Following Public Review, suggested technical revisions were made to the mitigation document to clarify and amplify the efficiency of the mitigation. Therefore, the revised mitigation will avoid or mitigate the identified effects to a point where clearly no significant effects on the environment will occur.

Mitigation:

When a Dual-Use flood control/recreation facility is proposed for development, the following language shall be included in the Design and Development Report and Master Plan for the park or open space it is to be co-located with:

“This dual-use facility shall be developed, operated and maintained as set forth in the document titled "Design Standards for Dual-Use Flood Control/Recreation Facilities", as adopted by the Modesto City Council”.

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

4. Based on the above-referenced Initial Study and feasible mitigation measures incorporated to revise the proposed project in order to avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment will occur, staff finds that a Mitigated Negative Declaration should be adopted pursuant to CEQA Section 21157.5 et seq. for the proposed Dual-Use Flood Control/Recreation Facilities General Plan Amendment.

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

6. The cumulative impacts of this project are consistent with those set forth in the Master EIR for the Modesto Urban Area General Plan. This project proposes development of parks and open space uses generally consistent with that analyzed in the General Plan Master EIR and set forth in the Modesto Urban Area General Plan. Based on the incorporation of the “Design Standards for Dual Use Flood Control/Recreation Facilities” prepared for adoption with the General
Plan Amendment, the City's Operation and Maintenance, Recreation and Neighborhoods, and Engineering and Transportation Departments have determined that the impacts from this project with mitigation applied will achieve the level of service consistent with the Modesto Urban Area General Plan and Master EIR. As such, this project would generate no additional cumulative impacts that were not previously addressed in the Master EIR. All appropriate mitigation measures from the Master EIR have been incorporated into the project, and no further evaluation of cumulative impacts is required as this project generates no significant cumulative impact.

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

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.
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 12th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2000, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: ________________________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________________
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(544). (DON AND ANNETTE BAKER)

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by Don and Annette Baker on September 11, 2000, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(544), to allow for a professional office building and off-street parking areas, property located on the east side of Coffee Road south of East Orangeburg Avenue at 1332 Coffee Road, described as follows:

**R-1 to P-D(544)**

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:

Beginning at the Northwestern corner of said Lot 12; thence along the Northern line of said Lot 42, North 89° 54' East, 436.0 feet; thence South 0° 27' East, 30.0 feet, to a point on the Southerly line of East Orangeburg Avenue, also being the Northwesterly corner of Parcel B as shown on that map filed in the office of the Recorder of Stanislaus County, State of California, on January 21, 1974, in Book 18 of Parcel Maps at Page 49; thence continuing along the Northwesterly line of said Parcel B, South 0° 27' East, 229.2 feet; thence leaving said parcel line, South 89° 54' West, 80 feet to a point being the TRUE POINT of BEGINNING; thence continuing South 89° 54' West, 311 feet, to a point on the west line of 90 foot Coffee Road; thence North 0° 27' West, 79.2 feet, along said Coffee Road; thence leaving said Coffee Road, North 89° 54' East, 311 feet; thence South 0° 27' East, 79.2 feet, to the True Point of Beginning;

Including also the Easterly half of 90 foot Coffee Road, all being immediately adjacent to the above-described properties.
WHEREAS, after a public hearing held on November 6, 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. 2000-53, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the conditions of approval of the planned development zone will tend to ensure compatibility of this professional office development with surrounding residential and commercial land uses.

2. That the requested planned development zone is within an area designated by the General Plan for Mixed Use (MU) and that this development is in conformance with uses included within this designation.

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 12, 2000, 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 Don and Annette Baker 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. 2000-53 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3198-C.S. on the 12th day of December, 2000, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(544).
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(544), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Coffee Road Professional Building" as amended in red, stamped approved by the City Council on December 12, 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 that portion of the north and east property lines adjacent to residential uses. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. A six-foot-high, solid double-sided alternating board fence with decorative masonry pilasters at 16-foot on centers, or a stucco wall with masonry pilasters at 16-foot on centers, or a masonry wall adjacent to the residentially-zoned parcels is are to be provided along a portion of the north property line and along the entire east property line.

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

5. 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 south substantially as shown in red on the plot plan.

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.

8. 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 Public Works and Transportation Director.

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

10. 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(544):

The entire construction program be accomplished in one phase, construction to begin on or before November 6, 2002, and completion to be not later than November 6, 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(544), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

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
P-D RESOLUTION

1 Applicant
2 Attorney
1 CDD - George Osner
1 E&T - Engineering Services
1 CDD - Building Inspection
1 Recreation & Neighborhoods - NPU - Virginia M.
1 E&T - Traffic
1 E&T - Const. Admin.
1 Recreation & Neighborhoods - Fred Allen
10
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-636

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 22-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(544), PROPERTY LOCATED ON THE EAST SIDE OF COFFEE ROAD SOUTH OF EAST ORANGEBURG AVENUE AT 1332 COFFEE ROAD. (DON AND ANNETTE BAKER)

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, Don and Annette Baker have proposed that the zoning designation for the property located on the east side of Coffee Road south of East Orangeburg Avenue at 1332 Coffee Road, be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(544), in the City of Modesto ("the project"), to allow for a professional office building and off-street parking areas, 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 2000-67 reviewed the proposed amendment to the Zoning Map and rezone to P-D(544) 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(544) 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 12th day of December, 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, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST:______
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By______
MICHAEL D. MILICH, City Attorney
EXHIBIT "A"

Initial Study

EA/CDD 2000-67
I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of a proposed rezone from R-1 to P-D, property located on the east side of Coffee Road 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 Don and Annette Baker to Rezone From R-1 to P-D For Development of A Professional Office Building and Off-Street Parking Areas, Property Located on the East Side of Coffee Road South of East Orangeburg Avenue at 1332 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
1010 10th Street
Modesto, CA 95354
phone (209) 577-5282

D. Project Location:
County of Stanislaus, City of Modesto, on the east side of Coffee Road south of East Orangeburg Avenue, at 1332 Coffee Road

E. Project Sponsor:
Don and Annette Baker

F. General Plan Designation:
(MU) Mixed Use

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

H. Description of Proposed Project:
This is an application to rezone 0.57 of an acre, located on the east side of coffee road south of East Orangeburg Avenue, from R-1 to P-D for a professional office development. This project will including 5,698 square feet of building area and parking areas containing 21 parking spaces at build-out. The applicant proposes that the initial development of this project will include a 4,998 square foot one-story office building and parking lot areas. A second phase of development will provide a 700 square foot detached storage structure located to the rear of the property. This storage structure will adhere to minimum setbacks from the side and rear property lines. This property is bordered by commercial development to the north and residential use to the east. The property immediately to the south is zone R-1, however, the property immediately south of it is zoned for professional office uses. Properties to the west across Coffee Road are currently zoned R-1.

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 professional office building and parking areas 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 commercial 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 professional office building and parking areas are 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 professional office building and parking areas are adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of residential and 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 P-D zone and resulting professional office building and parking areas 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 R-1 for residential uses. However, this portion of Coffee Road has been trending towards office development. The proposed P-D zone and resulting professional office 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 professional office building and parking areas 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 resulting professional office building and parking areas 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 professional office building and parking areas 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 professional office building and parking areas 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 professional office building and parking areas 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 professional office building and parking areas 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 professional office building and parking areas 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 professional office building and parking areas will not impact the Modesto School system, as the low intensity commercial use will not increase enrollment in the public schools beyond that which is projected for this commercial 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 professional office building and parking areas 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 professional office building and parking areas 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 professional office building and parking areas 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 professional office building and parking areas 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 professional office building and parking areas 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 professional office building and parking areas 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.
CONCLUSIONS / DETERMINATIONS OF FINDINGS

A. The proposed planned development zone for a professional office development 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: [Signature]
A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET
ESTIMATING REVENUE AND APPROPRIATING FUNDS

WHEREAS, the Police Department acquired a grant award from the U.S. Department of Justice for the 2000 Local Law Enforcement Block Grant Program; and

WHEREAS, match for the Federal grant program is $29,942 and will be made from the Supplemental Law Enforcement Services Fund; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

Expense:
To:     #0400-190-2980-5904    $299,416
        #0400-800-8000-8003    $(29,942)

Revenue:
To:     #0400-190-2980-3506    $269,474

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 28th day of December, 2000, 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, Frohman, Friedman, Serpa, and Mayor Sabatino

NOES:  Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST:  

JEAN ZAHR, City Clerk

(stamp)

APPROVED AS TO SUFFICIENCY:

By:  

STAN FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-638

A RESOLUTION AMENDING THE FISCAL YEAR 2000-01 ANNUAL BUDGET
APPROPRIATING FUNDS FOR A FEDERAL GRANT MATCH

WHEREAS, the Police Department acquired a grant award from the U.S. Department of Justice for the 2000 Local Law Enforcement Block Grant Program; and

WHEREAS, $50,000 of the awarded grant will be transferred to the Fire Department account to be spent on Arson Task Force equipment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2000-01 Annual Budget is hereby amended as indicated below:

Expense:
To:        #0400-700-7000-7010        $50,000

Revenue:
To:        #0100-180-1822-3506        $50,000

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 28th day of December, 2000, 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, Frohman, Friedman, Serpa, and Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-639

A RESOLUTION ESTABLISHING PASSENGER FARES FOR
BUS SERVICE ON MODESTO AREA EXPRESS (MAX)
BART EXPRESS SERVICE.

WHEREAS, on June 9, 1998, by motion, the City Council approved schedules
and fares for Modesto Area Express (MAX) commuter services to connect Modesto with the
Dublin/Pleasanton BART station and the Lathrop Altamont Commuter Express train station,
and

WHEREAS, due to an increase in ridership and increasing costs of operation
City staff is recommending the addition of one round trip per day to the MAX BART Express
operating between Modesto and the Dublin/Pleasanton BART station and increasing fares for
this route, and

WHEREAS, the Transportation Policy Committee met on November 29, 2000,
and supported the recommendation of City staff, and

WHEREAS, by an agenda report to the City Council dated December 1, 2000,
from the Engineering and Transportation Director, City staff recommended to the Council
accepting staff's recommendation of adding one round trip per day to the MAX BART Express
operating between Modesto and the Dublin/Pleasanton BART station and increasing fares for
this route, and

WHEREAS, a duly noticed public hearing was held by the Council on
December 12, 2000, in the Tenth Street Place Chambers, located at 1010 Tenth Street,
Modesto, California, at which public hearing all interested persons were given an opportunity
be heard relative to the proposal to add one round trip per day to the MAX BART Express operating between Modesto and the Dublin/Pleasanton BART station and increase fares for this route,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the addition of one round trip per day to the MAX BART Express operating between Modesto and the Dublin/Pleasanton BART station is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the following fares are hereby established for passengers riding on the MAX BART Express operating between Modesto and the Dublin/Pleasanton Bart station:

1. One-fourth Month $26.00
2. One-half Month $50.00
3. Three-fourths Month $75.00
4. Full Month $98.00
5. One-way $8.00
6. Round-trip $10.00

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the above fees shall go into effect on and after February 1, 2001.

BE IT FURTHER RESOLVED that the addition of one round trip per day to the MAX BART Express operating between Modesto and the Dublin/Pleasanton BART station shall become effective on February 2, 2001.
BE IT FURTHER RESOLVED that the motion of June 9, 1998, approving fares for the MAX BART Express operating between Modesto and the Dublin/Pleasanton BART station is hereby rescinded effective January 31, 2001, and

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2000, 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,

NOES: Councilmembers: Mayor Sabatino

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
Fees Resolutions

2 - City Clerk
1 - Rosemarie, Attorney's Office
1 - Finance Department
1 - E & T - Fred Cavanah
MODESTO CITY COUNCIL
RESOLUTION NO. 2000-640

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EIP ASSOCIATES TO PREPARE A FOCUSED ENVIRONMENTAL IMPACT REPORT FOR THE NORTHWEST BUSINESS PARK SPECIFIC PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and EIP Associates to prepare a Focused Environmental Impact Report for the Northwest Business Park Specific Plan 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 12th day of December, 2000, 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, Serpa, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: Smith

ATTEST: JIAN ZAHR, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO CHAMBER OF COMMERCE FOR FUNDING TO CONVENTION & VISITORS BUREAU FOR A PERIOD NOT-TO-EXCEED SIX MONTHS AT $20,416.69 PER MONTH

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Modesto Chamber of Commerce for funding to Convention & Visitors Bureau for a period not-to-exceed six months at $20,416.69 per month 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 12th day of December, 2000, 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, Mayor Sabatino

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: Smith

ATTEST: [Signature]
JEAN ZAHR, City Clerk